

Child Support (Enforcement) Bill

[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

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TO

Make provision about the enforcement of child support maintenance and other maintenance; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

“the 1991 Act” means the Child Support Act 1991;

“the 2008 Act” means the Child Maintenance and Other Payments Act 2008.

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2 Making of liability order

In section 32M of the 1991 Act (as inserted by section 25 of the 2008 Act) (liability orders), for subsection (1) substitute—

“(1) Where it appears to the Secretary of State that—

(a) a person has failed to pay an amount of child support maintenance, and

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(b) either—

(i) it is inappropriate to make a deduction from earnings order against the person (because, for example, the person is not employed), or

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(ii) although a deduction from earnings order has been made against the person, it has proved ineffective as a means of securing that payments are made in accordance with the maintenance calculation in question,

the Secretary of State may make an order in respect of that amount against the person.”

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3 Power to vary liability order

In section 32N of the 1991 Act (as inserted by section 25 of the 2008 Act) (regulations about liability orders), in subsection (2), after paragraph (b) insert—

“(ba) make provision for the variation of a liability order;”.

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4 Appeal of liability order

(1) The 1991 Act is amended in accordance with subsections (2) to (4).

(2) In section 32N (as inserted by section 25 of the 2008 Act) (regulations about liability orders), after subsection (2) insert—

“(3) The Secretary of State must by regulations make provision for a person against whom a liability order is made to have a right to appeal to a court against the making of the order.

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(4) On an appeal under regulations under subsection (3), the court must not question the maintenance calculation by reference to which the order was made.

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(5) Regulations under subsection (3) may include—

(a) provision with respect to the period within which a right of appeal under the regulations may be exercised;

(b) provision with respect to the powers of the court to which the appeal under the regulation lies.”

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(3) In section 32M (as inserted by section 25 of the 2008 Act) (liability orders), in subsection (3) for “section 20” in both places substitute “regulations under section 32N(3)”.

(4) In section 52 (regulations and orders), in subsection (2A), after paragraph (a) insert—

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“(aa) the first regulations under section 32N(3).”.

(5) In Schedule 7 to the 2008 Act (minor and consequential amendments), omit paragraph 1(3) to (6).

5 Consequential amendments

In section 59 of the 2008 Act (transition)—

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(a) in subsection (4), omit “20(5A),”;

(b) in subsection (5)—

(i) omit “20(7A),”;

(ii) after “32M,” insert “32N,”.

6 Extent, commencement and short title

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(1) This Act extends to England and Wales and Scotland.

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- (2) Section 1 and this section come into force on the day on which this Act is passed.
 - (3) Section 4(5) and section 5 come into force at the end of the period of two months beginning with the day on which this Act is passed.
 - (4) The rest of this Act comes into force—
 - (a) so far as extending to England and Wales, at the same time as section 25 of the 2008 Act comes into force so far as extending to England and Wales; 5
 - (b) so far as extending to Scotland, at the same time as section 25 of the 2008 Act comes into force so far as extending to Scotland. 10
 - (5) This Act may be cited as the Child Support (Enforcement) Act 2023.

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Make provision about the enforcement of child support maintenance and other maintenance; and for connected purposes.

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