



Child Support Act 1995

1995 CHAPTER 34

Miscellaneous

23 Repayment of overpaid child support maintenance.

In the 1991 Act, insert after section 41A—

“41B Repayment of overpaid child support maintenance.

- (1) This section applies where it appears to the Secretary of State that an absent parent has made a payment by way of child support maintenance which amounts to an overpayment by him of that maintenance and that—
 - (a) it would not be possible for the absent parent to recover the amount of the overpayment by way of an adjustment of the amount payable under a maintenance assessment; or
 - (b) it would be inappropriate to rely on an adjustment of the amount payable under a maintenance assessment as the means of enabling the absent parent to recover the amount of the overpayment.
- (2) The Secretary of State may make such payment to the absent parent by way of reimbursement, or partial reimbursement, of the overpayment as the Secretary of State considers appropriate.
- (3) Where the Secretary of State has made a payment under this section he may, in such circumstances as may be prescribed, require the relevant person to pay to him the whole, or a specified proportion, of the amount of that payment.
- (4) Any such requirement shall be imposed by giving the relevant person a written demand for the amount which the Secretary of State wishes to recover from him.
- (5) Any sum which a person is required to pay to the Secretary of State under this section shall be recoverable from him by the Secretary of State as a debt due to the Crown.

Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Section 23. (See end of Document for details)

- (6) The Secretary of State may by regulations make provision in relation to any case in which—
- (a) one or more overpayments of child support maintenance are being reimbursed to the Secretary of State by the relevant person; and
 - (b) child support maintenance has continued to be payable by the absent parent concerned to the person with care concerned, or again becomes so payable.
- (7) For the purposes of this section any payments made by a person under a maintenance assessment which was not validly made shall be treated as overpayments of child support maintenance made by an absent parent.
- (8) In this section “relevant person”, in relation to an overpayment, means the person with care to whom the overpayment was made.
- (9) Any sum recovered by the Secretary of State under this section shall be paid by him into the Consolidated Fund.”

Commencement Information

- II** [S. 23](#) wholly in force at 1.10.1995; [s. 23](#) not in force at Royal Assent; [s. 23](#) in force for certain purposes at 4.9.1995 and in so far as not already in force at 1.10.1995 by [S.I. 1995/2302](#), [art. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Child Support Act 1995, Section 23.