



# Child Support, Pensions and Social Security Act 2000

## 2000 CHAPTER 19

### PART I

#### CHILD SUPPORT

##### *Miscellaneous*

#### **20 Voluntary payments.**

(1) After section 28I of the 1991 Act there shall be inserted—

*“ Voluntary payments*

#### **28J Voluntary payments.**

- (1) This section applies where—
- (a) a person has applied for a maintenance calculation under section 4(1) or 7(1), or is treated as having applied for one by virtue of section 6;
  - (b) the Secretary of State has neither made a decision under section 11 or 12 on the application, nor decided not to make a maintenance calculation; and
  - (c) the non-resident parent makes a voluntary payment.
- (2) A “voluntary payment” is a payment—
- (a) on account of child support maintenance which the non-resident parent expects to become liable to pay following the determination of the application (whether or not the amount of the payment is based on any estimate of his potential liability which the Secretary of State has agreed to give); and

---

**Changes to legislation:** *Child Support, Pensions and Social Security Act 2000, Section 20 is up to date with all changes known to be in force on or before 18 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (b) made before the maintenance calculation has been notified to the non-resident parent or (as the case may be) before the Secretary of State has notified the non-resident parent that he has decided not to make a maintenance calculation.
- (3) In such circumstances and to such extent as may be prescribed—
- (a) the voluntary payment may be set off against arrears of child support maintenance which accrued by virtue of the maintenance calculation taking effect on a date earlier than that on which it was notified to the non-resident parent;
  - (b) the amount payable under a maintenance calculation may be adjusted to take account of the voluntary payment.
- (4) A voluntary payment shall be made to the Secretary of State unless he agrees, on such conditions as he may specify, that it may be made to the person with care, or to or through another person.
- (5) The Secretary of State may by regulations make provision as to voluntary payments, and the regulations may in particular—
- (a) prescribe what payments or descriptions of payment are, or are not, to count as “voluntary payments”;
  - (b) prescribe the extent to which and circumstances in which a payment, or a payment of a prescribed description, counts.”
- (2) Section 41B of the 1991 Act (repayment of overpaid child support maintenance) shall be amended as follows.
- (3) After subsection (1) there shall be inserted—
- “(1A) This section also applies where the non-resident parent has made a voluntary payment and it appears to the Secretary of State—
- (a) that he is not liable to pay child support maintenance; or
  - (b) that he is liable, but some or all of the payment amounts to an overpayment,
- and, in a case falling within paragraph (b), it also appears to him that subsection (1)(a) or (b) applies.”
- (4) For subsection (7) there shall be substituted—
- “(7) For the purposes of this section—
- (a) a payment made by a person under a maintenance calculation which was not validly made; and
  - (b) a voluntary payment made in the circumstances set out in subsection (1A)(a),
- shall be treated as an overpayment of child support maintenance made by a non-resident parent.”

---

#### Commencement Information

- II** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 86(2); s. 20 in force for certain purposes at 10.11.2000 by S.I. 2000/2994, art. 2(1), Sch. Pt. I; s. 20 in force for certain further purposes at 3.3.2003 by S.I. 2003/192, art. 5

**Changes to legislation:**

Child Support, Pensions and Social Security Act 2000, Section 20 is up to date with all changes known to be in force on or before 18 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70A inserted by [2012 c. 5 Sch. 3 para. 13](#)
- Sch. 7 para. 1(2)(c) inserted by [2007 c. 5 Sch. 5 para. 13](#)
- Sch. 7 para. 6(5A)(5B) inserted by [2012 c. 5 Sch. 11 para. 13\(3\)](#)
- Sch. 7 para. 6(8)(b) inserted by [2012 c. 5 Sch. 11 para. 13\(4\)\(b\)](#)
- Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by [2012 c. 5 Sch. 11 para. 13\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/346 art. 2](#) amendment to earlier commencing [SI 2003/192 art. 6](#)