



# Child Maintenance and Other Payments Act 2008

## 2008 CHAPTER 6

### PART 1

#### THE CHILD MAINTENANCE AND ENFORCEMENT COMMISSION

#### 6 Fees

- (1) The Secretary of State may by regulations make provision about the charging of fees by the [<sup>F1</sup>Secretary of State] in connection with the exercise of its functions.
  - (2) Regulations under subsection (1) may, in particular, make provision—
    - (a) about when a fee may be charged;
    - (b) about the amount which may be charged;
    - (c) for the supply of information needed for the purpose of determining the amount which may be charged;
    - (d) about who is liable to pay any fee charged [<sup>F2</sup>(including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment)];
    - (e) about when any fee charged is payable;
    - (f) about the recovery of fees charged;
    - (g) about <sup>F3</sup>..., reduction or repayment of fees.
    - [<sup>F4</sup>(h) about waiver of fees (including the matters to be taken into account in determining a waiver).]
  - (3) The power conferred by subsection (1) includes power to make provision for the charging of fees which are not related to costs.
- [<sup>F5</sup>(3A) The Secretary of State must review the effect of the first regulations made under subsection (1).
- (3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into force.

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*Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 6. (See end of Document for details)*

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- (3C) After the review, the Secretary of State must make and publish a report containing—
- (a) the conclusions of the review, and
  - (b) a statement as to what the Secretary of State proposes to do in view of those conclusions.
- (3D) The report must be laid before Parliament by the Secretary of State.]
- (4) The Secretary of State may by regulations provide that the provisions of the Child Support Act 1991 (c. 48) with respect to—
- (a) the collection of child support maintenance,
  - (b) the enforcement of any obligation to pay child support maintenance,
- shall apply equally (with any necessary modifications) to fees payable by virtue of regulations under subsection (1).
- (5) The Secretary of State may by regulations make provision for a person affected by a decision of the [<sup>F1</sup>Secretary of State] under regulations under subsection (1) to have a right of appeal against the decision to [<sup>F6</sup>the First-tier Tribunal].
- (6) Subsections (3) to (5), (7) and (8) of section 20 of the Child Support Act 1991 (appeals to [<sup>F7</sup>First-tier Tribunal]) apply to appeals under regulations under subsection (5) as they apply to appeals under that section.
- (7) The [<sup>F8</sup>Secretary of State] shall pay into the Consolidated Fund any amount which [<sup>F9</sup>the Secretary of State] receives in respect of fees charged by [<sup>F9</sup>the Secretary of State] under regulations under this section.

#### Textual Amendments

- F1** Words in s. 6(1)(5) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(2)**
- F2** Words in s. 6(2)(d) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(a)**, 150(3); S.I. 2013/2947, art. 6
- F3** Word in s. 6(2)(g) repealed (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(b)**, 150(3); S.I. 2013/2947, art. 6
- F4** S. 6(2)(h) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(c)**, 150(3); S.I. 2013/2947, art. 6
- F5** S. 6(3A)-(3D) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 141**, 150(3); S.I. 2013/2947, art. 6
- F6** Words in s. 6(5) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 225(a)**
- F7** Words in s. 6(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 225(b)**
- F8** Words in s. 6(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(3)**
- F9** Words in s. 6(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 6.