



# Childcare Payments Act 2014

## 2014 CHAPTER 28

### *Penalties*

#### **46 Penalties for dishonestly obtaining top-up payments, etc**

- (1) A person (“P”) is liable to a penalty under this section if—
  - (a) for the purpose of obtaining a relevant payment for P or another (see subsection (2)), P does, or omits to do, any act, and
  - (b) P's conduct involves dishonesty.
- (2) The following payments are “relevant payments”—
  - (a) a top-up payment;
  - (b) a payment from a childcare account.
- (3) The amount of the penalty may not exceed—
  - (a) £3,000, or
  - (b) the sum of any relevant amounts obtained as mentioned in subsection (1), whichever is greater.
- (4) In subsection (3) “relevant amount” means—
  - (a) in the case of a top-up payment, the amount of the payment, and
  - (b) in the case of a payment from a childcare account, an amount equal to the top-up element of the payment.

(For provision about calculating the top-up element of a payment, see section 21.)

- (5) Regulations may amend subsection (3)(a) so as to substitute a different amount for the amount for the time being specified there.
- (6) Where—
  - (a) a body corporate is liable to a penalty under this section, and
  - (b) the liability is attributable (wholly or partly) to the dishonesty of a person falling within subsection (7),that person (as well as the body corporate) is liable to a penalty under this section.

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*Changes to legislation: There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 46. (See end of Document for details)*

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- (7) The persons are—
- (a) a director, manager, secretary or similar officer of the body corporate;
  - (b) any person who was purporting to act in such a capacity.
- (8) Where the affairs of a body corporate are managed by its members, subsection (6) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.
- (9) Where—
- (a) a Scottish firm is liable to a penalty under this section, and
  - (b) the liability is attributable (wholly or partly) to the dishonesty of a partner of the firm or a person purporting to act as such a partner,
- that person (as well as the firm) is liable to a penalty under this section.

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**Commencement Information**

- I1** S. 46 partly in force at Royal Assent; s. 46 in force for specified purposes at Royal Assent, see s. 75(1)(c)
- I2** S. 46 in force at 14.11.2016 for the purposes of the trial by S.I. 2016/1083, reg. 2(g)
- I3** S. 46 in force at 21.4.2017 in so far as not already in force by S.I. 2017/578, reg. 3(e)

**Changes to legislation:**

There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 46.