

Chapter D3: Deductions from benefit for child support maintenance UC, JSA & ESA

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Chapter D3: Deductions from benefit for child support maintenance UC, JSA & ESA

Introduction

D3001 Guidance within this section deals with deductions from specified benefits for CSM.

D3002 - D3004

Definitions

Meaning of Fee

D3005 Fee¹ means any collection fee under specified legislation² which is payable by the NRP.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 1; 2 Child Support Fees Regulations 2014, part 3

Meaning of Beneficiary

D3006 Beneficiary¹ means a person who has been awarded a specified benefit.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 1

Meaning of Maintenance

D3007 Maintenance, with the exception of D3041 to D3043, means¹ CSM which a NRP is liable to pay at a flat rate (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because the NRP falls within specified legislation².

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 1; 2 CS Act 91, Sch 1, para 4(1)(b), 4(1)(c) or 4(2), Child Support, Pensions and Social Security Act 2000, s 29(3)(A)

Meaning of non-resident parent

D3008 A parent of a child is a NRP¹ if, in relation to that child,

1. that parent is not living in the same household with the child **and**
2. the child has their home with a person who is, in relation to him, a PWC.

1 CS Act 91, s 3(2)

Meaning of Person with Care

D3009 A person is a PWC¹ in relation to any child, if that person is someone

1. with whom the child has his home **and**
2. who usually provides day to day care for the child (whether exclusively or in conjunction with another person) **and**

3. who does not fall within a prescribed category of person.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 1; CS Act 91, s 3(3)

Meaning of specified benefit

D3010 Specified benefit¹ means

1. UC or
2. new style JSA (hereafter referred to as JSA) or
3. new style ESA. (hereafter referred to as ESA)

Note: ADM chapter M1 contains guidance on the meaning of new style JSA and new style ESA.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 1

D3011 – D3020

Deductions from specified benefits

Deductions for current child support maintenance liability

D3021 Where it has been determined that a NRP is liable to pay CSM at a flat rate¹, a deduction of £8.40 may be made from one of the specified benefits in ADM D3010². £7.00 of that amount is paid to the PWC or PWCs and £1.40 is retained by the Secretary of State as a fee³.

1 Child Support Act 1991, Sch 1, para 4; 2 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(1); 3 para 2(1)

D3022 CSM deductions are not part of the third party deductions scheme. However, they are included within the list showing the priority order for certain types of debt (D2043). Therefore, where there is more than one deduction being made and there is insufficient UC in payment or all of the deductions, were they to be made, would exceed the maximum 40% deduction rate, the priority order¹ listed at D2043 should be followed.

Note: Although the legislation allows deductions from UC to be made up to a maximum of 40% of the standard allowance, the Secretary of State's current policy is to limit deductions to 30% of the standard allowance.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 6, para 5(h)

D3023 – D3030

Minimum to be left after a deduction

D3031 No amount may be deducted from the claimant's award of ESA or JSA, if it would reduce the amount of benefit payable to the claimant to less than 10 pence¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(3)

D3032 No amount may be deducted from any UC awarded to the claimant, if it would reduce the amount payable to the claimant to less than 1 penny¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(4)

Prevention of duplicate deductions

D3033 A deduction may only be made from one of the benefits in D3010 in respect of the same period¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(2)

D3034 Where a deduction from

1. new style ESA **or**
2. new style JSA **or**
3. UC

may be made, no deduction may be made from a specified benefit in DMG 08510 unless the amount of benefit in **1.**, **2.**, or **3.** is insufficient to meet the deduction¹.

1 SS (C&P) Regs, Sch 9B, para 2(2A)

D3035 – D3040

Deductions for arrears of child support maintenance

D3041 The Secretary of State may deduct £8.40 per week from any one of the specified benefits in ADM D3010 in respect of arrears of CSM¹. £7.00 of that amount is paid to the PWC or PWCs and £1.40 is retained as a fee.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 3(1)

D3042 No amount may be deducted for arrears from the claimant's award of ESA or JSA if it would reduce the amount of benefit payable to the claimant to less than 10 pence¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(3)

D3043 No amount may be deducted for arrears from any UC awarded to the claimant if it would reduce the amount payable to the claimant to less than 1 penny¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 2(4)

Apportionment where more than one person with care

D3044 Where maintenance is payable to more than one PWC¹, the amount deducted in respect of CSM must be apportioned between the PWCs in accordance with specified legislation².

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 4; 2 CS Act 91, Sch 1, paras 6, 7 & 8

Claimant and partner both liable to pay child support maintenance

D3045 Where a claimant is a member of a couple and

1. it has been determined that both partners are liable to pay CSM at a flat rate¹
and
2. either partner has been awarded UC (whether as a single claimant or joint claimants)

an amount not exceeding £8.40² may be deducted from such an award in respect of the total liability of both partners to pay maintenance in the proportions described in specified legislation³ and paid to the PWCs, in discharge of both partners' respective liabilities to pay maintenance (after the deduction of a fee).

*1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 5(1); 2 para 5(2);
3 CS (MCSC) Regs, reg 4(3); CSMC Regs, reg 44(3)*

D3046 – D3050

Notifications

D3051 When deductions for CSM or CSM arrears commence, the DM must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made. Further notice must be given when there is a change to any of the particulars specified in the notice¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 7, para 6

D3052 – D3999

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