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**Matt Rodda MP**  
House of Commons  
London SW1A 0AA

17<sup>th</sup> May 2023

Dear Matt,

### **PRIVATE MEMBER'S BILL – CHILD SUPPORT (ENFORCEMENT) BILL**

I first want to thank you for your contribution to the debate on the Child Support (Enforcement) Bill which took place on 9<sup>th</sup> December 2022. You raised some important questions about the Bill and the Minister for Social Mobility, Youth and Progression, Mims Davies, agreed to write to you, however as I am the Minister responsible for the policy on this area, I am responding on her behalf.

You noted the purpose of the Bill is to make changes to powers introduced in the Child Maintenance and Other Payments Act 2008 (2008 Act). You pointed out some of the powers – those allowing the Secretary of State or Department to make an order without having to go to the courts, have not been used by the Government.

The Bill will make amendments to the un-commenced powers within the 2008 Act to allow the Secretary of State to make an administrative liability order without having to apply to the courts. Following the amendments detailed in the Bill, those powers will be brought into force once the necessary secondary legislation is developed.

You also noted the wording of the Bill which you felt gave the Secretary of State a great deal of power to limit the grounds on which appeals can be made and the opportunity to appeal. You asked why these powers were being sought?

The appeal provisions sought through this Bill will be reflective of powers already in use for other Child Maintenance enforcement measures. For example, s.32C of the Child Support Act 1991 sets out the Secretary of State's powers to make regulations in respect of orders for regular deductions for child maintenance directly from a parent's bank account. These powers include:

- Preventing the court from questioning a maintenance calculation to which the deduction order refers;
- Stating the period in which an appeal can be made; and
- The powers of the court to which the appeal lies.

It is also currently the case with court issued liability orders – the magistrate or sheriff cannot question the underlying maintenance calculation. The quantum of the debt is dealt with via the Appeals Tribunal - a paying parent can ask the Child Maintenance Service to reconsider any calculation, within 30 days of the calculation decision being made, through the mandatory reconsideration process or report a new change of circumstances which could lead to their calculation being amended at any time. The current role of the court when considering a liability order is to satisfy itself the debt is properly owed, and owed by the individual named in the order.

The provisions will prevent court time being used to consider day to day CMS business which can be completed operationally, and aim to strike a balance between giving a paying parent a reasonable window to appeal and the CMS moving swiftly to enforcement measures. It is intended the provisions will therefore not place any additional or unreasonable constraints on a parent's ability to seek an appeal.

The first Regulations relating to appeals against administrative liability orders will be subject to the affirmative procedure, thereby ensuring enhanced scrutiny by both houses.

If you continue to have concerns, I would be happy to offer further clarification around this particular issue in advance of the next stage of the Bill.

I trust this clarifies the points you raised during the debate. A copy of this letter will be deposited in the House Library.

*With kind regards,  
James Younger*

**VISCOUNT YOUNGER OF LECKIE**

**PARLIAMENTARY UNDER SECRETARY OF STATE**