



# Child Support Act 1991

## 1991 CHAPTER 48

### *Miscellaneous and supplemental*

#### **[<sup>F1</sup>46 Reduced benefit decisions.**

- (1) This section applies where any person (“the parent”)—
  - (a) has made a request under section 6(5);
  - (b) fails to comply with any regulation made under section 6(7); or
  - (c) having been treated as having applied for a maintenance calculation under section 6, refuses to take a scientific test (within the meaning of section 27A).
- (2) The Secretary of State may serve written notice on the parent requiring her, before the end of a specified period—
  - (a) in a subsection (1)(a) case, to give him her reasons for making the request;
  - (b) in a subsection (1)(b) case, to give him her reasons for failing to do so; or
  - (c) in a subsection (1)(c) case, to give him her reasons for her refusal.
- (3) When the specified period has expired, the Secretary of State shall consider whether, having regard to any reasons given by the parent, there are reasonable grounds for believing that—
  - (a) in a subsection (1)(a) case, if the Secretary of State were to do what is mentioned in section 6(3);
  - (b) in a subsection (1)(b) case, if she were to be required to comply; or
  - (c) in a subsection (1)(c) case, if she took the scientific test,there would be a risk of her, or of any children living with her, suffering harm or undue distress as a result of his taking such action, or her complying or taking the test.
- (4) If the Secretary of State considers that there are such reasonable grounds, he shall—
  - (a) take no further action under this section in relation to the request, the failure or the refusal in question; and
  - (b) notify the parent, in writing, accordingly.

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- (5) If the Secretary of State considers that there are no such reasonable grounds, he may, except in prescribed circumstances, make a reduced benefit decision with respect to the parent.
- (6) In a subsection (1)(a) case, the Secretary of State may from time to time serve written notice on the parent requiring her, before the end of a specified period—
  - (a) to state whether her request under section 6(5) still stands; and
  - (b) if so, to give him her reasons for maintaining her request,
 and subsections (3) to (5) have effect in relation to such a notice and any response to it as they have effect in relation to a notice under subsection (2)(a) and any response to it.
- (7) Where the Secretary of State makes a reduced benefit decision he must send a copy of it to the parent.
- (8) A reduced benefit decision is to take effect on such date as may be specified in the decision.
- (9) Reasons given in response to a notice under subsection (2) or (6) need not be given in writing unless the Secretary of State directs in any case that they must.
- (10) In this section—
  - (a) “comply” means to comply with the requirement or with the regulation in question; and “complied” and “complying” are to be construed accordingly;
  - (b) “reduced benefit decision” means a decision that the amount payable by way of any relevant benefit to, or in respect of, the parent concerned be reduced by such amount, and for such period, as may be prescribed;
  - (c) “relevant benefit” means income support or an income-based jobseeker’s allowance or any other benefit of a kind prescribed for the purposes of section 6; and
  - (d) “specified”, in relation to a notice served under this section, means specified in the notice; and the period to be specified is to be determined in accordance with regulations made by the Secretary of State.]

#### Textual Amendments

- F1** S. 46 substituted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 19**, 86(1)(a)(2) (with **ss. 28**, 83(6)); [S.I. 2000/2994](#), art. 2, Sch. Pt. 1; [S.I. 2003/192](#), art. 4

#### [<sup>F2</sup>46A Finality of decisions

- (1) Subject to the provisions of this Act, any decision of the Secretary of State or an appeal tribunal made in accordance with the foregoing provisions of this Act shall be final.
- (2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of—
  - (a) further such decisions;
  - (b) decisions made in accordance with sections 8 to 16 of the Social Security Act 1998, or with regulations under section 11 of that Act; and
  - (c) decisions made under the Vaccine Damage Payments Act 1979.

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#### Textual Amendments

- F2** Ss. 46A, 46B inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 44**; S.I. 1999/528, art. 2(a), **Sch.**; S.I. 1999/1510, **art. 2(g)(iii)**

### 46B Matters arising as respects decisions

- (1) Regulations may make provision as respects matters arising pending—
  - (a) any decision of the Secretary of State under section 11, 12 or 17;
  - (b) any decision of an appeal tribunal under section 20; or
  - (c) any decision of a Child Support Commissioner under section 24.
- (2) Regulations may also make provision as respects matters arising out of the revision under section 16, or on appeal, of any such decision as is mentioned in subsection (1).

<sup>F3</sup>(3) . . . . . ]

#### Textual Amendments

- F2** Ss. 46A, 46B inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 44**; S.I. 1999/528, art. 2(a), **Sch.**; S.I. 1999/1510, **art. 2(g)(iii)**
- F3** S. 46B(3) repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(e)(2), **Sch. 9 Pt. 1** (with s. 83(6)); S.I. 2003/192, art. 3, **Sch.**

### 47 Fees.

- (1) The Secretary of State may by regulations provide for the payment, by the [<sup>F4</sup>non-resident parent] or the person with care (or by both), of such fees as may be prescribed in cases where the Secretary of State takes any action under section 4 or 6.
- (2) The Secretary of State may by regulations provide for the payment, by the [<sup>F4</sup>non-resident parent], the person with care or the child concerned (or by any or all of them), of such fees as may be prescribed in cases where the Secretary of State takes any action under section 7.
- (3) Regulations made under this section—
  - (a) may require any information which is needed for the purpose of determining the amount of any such fee to be furnished, in accordance with the regulations, by such person as may be prescribed;
  - (b) shall provide that no such fees shall be payable by any person to or in respect of whom income support, [<sup>F5</sup>an income-based jobseeker's allowance,][<sup>F6</sup>any element of child tax credit other than the family element, working tax credit] or any other benefit of a prescribed kind is paid; and
  - (c) may, in particular, make provision with respect to the recovery by the Secretary of State of any fees payable under the regulations.

[<sup>F7</sup>(4) The provisions of this Act with respect to—

- (a) the collection of child support maintenance;
- (b) the enforcement of any obligation to pay child support maintenance,

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shall apply equally (with any necessary modifications) to fees payable by virtue of regulations made under this section.]

#### Textual Amendments

- F4** Words in Act substituted (31.1.2001 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(2\)](#) (with s. 83(6)); S.I. 2000/3354, art. 2(1)(b); S.I. 2003/192, art. 3, Sch.
- F5** Words in s. 47(3) inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 20\(5\)](#); S.I. 1996/2208, art. 2(b)
- F6** Words in s. 47(3)(b) substituted (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 3 para. 22](#); S.I. 2003/962, art. 2(3)(d)(iii)
- F7** S. 47(4) inserted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(18\)](#) (with s. 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

#### Commencement Information

- I1** S. 47 wholly in force at 17.6.1992 see s. 58(2) and S.I. 1992/1431, art. 2, [Sch.](#)

## 48 Right of audience.

- (1) Any [<sup>F8</sup>officer of the Secretary of State who is authorised] by the Secretary of State for the purposes of this section shall have, in relation to any proceedings under this Act before a magistrates' court, a right of audience and the right to conduct litigation.
- (2) In this section “right of audience” and “right to conduct litigation” have the same meaning as in section 119 of the <sup>M1</sup>Courts and Legal Services Act 1990.

#### Textual Amendments

- F8** Words in s. 48(1) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 14](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

#### Marginal Citations

- M1** 1990 c. 41.

## 49 Right of audience: Scotland.

In relation to any proceedings before the sheriff under any provision of this Act, the power conferred on the Court of Session by section 32 of the <sup>M2</sup>Sheriff Courts (Scotland) Act 1971 (power of Court of Session to regulate civil procedure in sheriff court) shall extend to the making of rules permitting a party to such proceedings, in such circumstances as may be specified in the rules, to be represented by a person who is neither an advocate nor a solicitor.

#### Marginal Citations

- M2** 1971 c. 58.

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## **50 Unauthorised disclosure of information.**

- (1) Any person who is, or has been, employed in employment to which this section applies is guilty of an offence if, without lawful authority, he discloses any information which—
  - (a) was acquired by him in the course of that employment; and
  - (b) relates to a particular person.
- (2) It is not an offence under this section—
  - (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
  - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—
  - (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
  - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (5) This section applies to employment as—
  - (a) the Chief Child Support Officer;
  - (b) any other child support officer;
  - (c) any clerk to, or other officer of, [<sup>F9</sup>an appeal tribunal or] a child support appeal tribunal;
  - (d) any member of the staff of such a tribunal;
  - (e) a civil servant in connection with the carrying out of any functions under this Act,and to employment of any other kind which is prescribed for the purposes of this section.
- (6) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
  - (a) by a civil servant in accordance with his official duty; or
  - (b) by any other person either—
    - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the responsible person; or
    - (ii) to, or in accordance with an authorisation duly given by, the responsible person;
  - (c) in accordance with any enactment or order of a court;

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- (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person mentioned in this Act; or
  - (e) with the consent of the appropriate person.
- (7) “The responsible person” means—
- (a) the Lord Chancellor;
  - (b) the Secretary of State;
  - (c) any person authorised by the Lord Chancellor, or Secretary of State, for the purposes of this subsection; or
  - (d) any other prescribed person, or person falling within a prescribed category.
- (8) “The appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney;
  - (b) by a receiver appointed under section 99 of the <sup>M3</sup>Mental Health Act 1983;
  - (c) by a Scottish mental health custodian, that is to say [<sup>F10</sup>a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000 (asp 4)]; or
  - (d) by a mental health appointee, that is to say—
    - (i) a person directed or authorised as mentioned in sub-paragraph (a) of rule 41(1) of the <sup>M4</sup>Court of Protection Rules 1984; or
    - (ii) a receiver ad interim appointed under sub-paragraph (b) of that rule;
 the appropriate person is the attorney, receiver, custodian or appointee (as the case may be) or, in a case falling within paragraph (a), the person to whom the information relates.

#### Textual Amendments

- F9** Words in s. 50(5)(c) inserted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 45](#); [S.I. 1999/1510, art. 2\(g\)\(iii\)](#)
- F10** Words in s. 50(8)(c) substituted (S.) (2.4.2001 for specified purposes, 1.4.2002 in so far as not already in force) by [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\), s. 89\(2\), Sch. 5 para. 22](#); [S.S.I. 2001/81, arts. 2, 3, Schs. 1, 2](#); substituted (E.W.) (30.6.2005) by [The Adults with Incapacity \(Scotland\) Act 2000 \(Consequential Modifications\) \(England, Wales and Northern Ireland\) Order 2005 \(S.I. 2005/1790\), arts. 1\(1\), 2](#)

#### Commencement Information

- I2** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 58(2); s. 50(5)(7)(d) in force at 17.6.1992 by [S.I. 1992/1431, art. 2, Sch.](#); s. 50 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644, art. 2](#)

#### Marginal Citations

- M3** 1983 c. 20.
- M4** [S.I. 1984/2035](#).

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## 51 Supplementary powers to make regulations.

- (1) The Secretary of State may by regulations make such incidental, supplemental and transitional provision as he considers appropriate in connection with any provision made by or under this Act.
- (2) The regulations may, in particular, make provision—
  - (a) as to the procedure to be followed with respect to—
    - (i) the making of applications for maintenance [<sup>F11</sup>calculations];
    - [<sup>F12</sup>(ii) the making of decisions under section 11;]
    - [<sup>F12</sup>(iii) the making of decisions under section 16 or 17;]
  - [<sup>F13</sup>(b) extending the categories of case to which section 16, 17 or 20 applies;]
  - (c) as to the date on which an application for a [<sup>F14</sup>maintenance calculation] is to be treated as having been made;
  - (d) for attributing payments made under maintenance [<sup>F11</sup>calculations] to the payment of arrears;
  - (e) for the adjustment, for the purpose of taking account of the retrospective effect of a [<sup>F14</sup>maintenance calculation], of amounts payable under the [<sup>F11</sup>calculation];
  - (f) for the adjustment, for the purpose of taking account of over-payments or under-payments of child support maintenance, of amounts payable under a [<sup>F14</sup>maintenance calculation];
  - (g) as to the evidence which is to be required in connection with such matters as may be prescribed;
  - (h) as to the circumstances in which any official record or certificate is to be conclusive (or in Scotland, sufficient) evidence;
  - (i) with respect to the giving of notices or other documents;
  - (j) for the rounding up or down of any amounts calculated, estimated or otherwise arrived at in applying any provision made by or under this Act.
- (3) No power to make regulations conferred by any other provision of this Act shall be taken to limit the powers given to the Secretary of State by this section.

### Textual Amendments

- F11** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 1(2)(b)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.
- F12** S. 51(2)(ii)(iii) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(19)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F13** S. 51(2)(b) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(19)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F14** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 1(2)(a)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

## 52 Regulations and orders.

- (1) Any power conferred on <sup>F15</sup>... the Lord Advocate or the Secretary of State by this Act to make regulations or orders (other than a deduction from earnings order) shall be exercisable by statutory instrument.

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- [<sup>F16</sup>(2) No statutory instrument containing (whether alone or with other provisions) regulations made under—
- (a) section 6(1), 12(4) (so far as the regulations make provision for the default rate of child support maintenance mentioned in section 12(5)(b)), 28C(2)(b), 28F(2)(b), 30(5A), 41(2), 41A, 41B(6), 43(1), 44(2A)(d), 46 or 47;
  - (b) paragraph 3(2) or 10A(1) of Part I of Schedule 1; or
  - (c) Schedule 4B,
- or an order made under section 45(1) or (6), shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.
- (2A) No statutory instrument containing (whether alone or with other provisions) the first set of regulations made under paragraph 10(1) of Part I of Schedule 1 as substituted by section 1(3) of the Child Support, Pensions and Social Security Act 2000 shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (3) Any other statutory instrument made under this Act (except an order made under section 58(2)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any power of a kind mentioned in subsection (1) may be exercised—
- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
    - (iii) provision which is either unconditional or is subject to any specified condition;
  - (c) so to provide for a person to exercise a discretion in dealing with any matter.

#### Textual Amendments

- F15** Words in s. 52(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(b)
- F16** S. 52(2)(2A) substituted for s. 52(2) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 25, 86(1)(a)(2)** (with **ss. 28, 83(6)**); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

#### 53 Financial provisions.

Any expenses of the Lord Chancellor or the Secretary of State under this Act shall be payable out of money provided by Parliament.

#### 54 Interpretation.

In this Act—



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“<sup>F4</sup>non-resident parent”], has the meaning given in section 3(2);  
<sup>F17</sup>  
.....

<sup>F18</sup>“appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998;]

<sup>F19</sup>“application for a <sup>F20</sup>variation” means an application under section 28A <sup>F21</sup>or 28G];]  
<sup>F22</sup>  
.....

“benefit Acts” means the <sup>F23</sup>Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992];  
<sup>F17</sup>  
.....  
<sup>F17</sup>  
.....

“child benefit” has the same meaning as in the <sup>M5</sup>Child Benefit Act 1975;  
<sup>F17</sup>  
.....

“child support maintenance” has the meaning given in section 3(6);  
<sup>F17</sup>  
.....  
<sup>F22</sup>  
.....

“deduction from earnings order” has the meaning given in section 31(2);  
<sup>F24</sup>“default maintenance decision” has the meaning given in section 12;]  
<sup>F22</sup>  
.....

“disability living allowance” has the same meaning as in the <sup>F23</sup>benefit Acts];  
<sup>F25</sup>  
.....

“general qualification” shall be construed in accordance with section 71 of the <sup>M6</sup>Courts and Legal Services Act 1990 (qualification for judicial appointments);

<sup>F26</sup>“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]

“income support” has the same meaning as in the benefit Acts;

“interim maintenance <sup>F27</sup>decision”] has the meaning given in section 12;

“liability order” has the meaning given in section 33(2);

“maintenance agreement” has the meaning given in section 9(1);

<sup>F28</sup>“maintenance calculation” means a calculation of maintenance made under this Act and, except in prescribed circumstances, includes a default maintenance decision and an interim maintenance decision;]

“maintenance order” has the meaning given in section 8(11);  
<sup>F22</sup>  
.....

“parent”, in relation to any child, means any person who is in law the mother or father of the child;

<sup>F19</sup>“parent with care” means a person who is, in relation to a child, both a parent and a person with care.]

<sup>F29</sup>“parental responsibility”, in the application of this Act—

(a) to England and Wales, has the same meaning as in the Children Act 1989; and

(b) to Scotland, shall be construed as a reference to “parental responsibilities” within the meaning given by section 1(3) of the Children (Scotland) Act 1995;]

<sup>F30</sup>  
.....

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“person with care” has the meaning given in section 3(3);  
 “prescribed” means prescribed by regulations made by the Secretary of State;  
 “qualifying child” has the meaning given in section 3(1);  
 [F31“voluntary payment” has the meaning given in section 28J.]

### Textual Amendments

- F4** Words in Act substituted (31.1.2001 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(2)** (with s. 83(6)); S.I. 2000/3354, art. 2(1)(b); S.I. 2003/192, art. 3, Sch.
- F17** Words in s. 54 repealed (1.6.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 47(b), **Sch. 8**; S.I. 1999/1510, art. 2(g)(iv); S.I. 1999/3178, art. 2, Sch. 1 (with arts. 2(2), 4)
- F18** Words in s. 54 inserted (1.6.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 47(a)**; S.I. 1999/1510, art. 2(g)(iv)
- F19** Words in s. 54 inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), **Sch. 3 para. 16**; S.I. 1995/2302, art. 2, Sch. Pt. 1
- F20** Word in s. 54 substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F21** Words in s. 54 inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F22** Words in s. 54 omitted (3.3.2003 for specified purposes) by virtue of [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(e)(2), Sch. 3 para. 11(20)(e), **Sch 9 Pt. 1** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F23** Words in s. 54 substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), s. 4, **Sch. 2 para. 114(a)(b)**
- F24** Words in s. 54 inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F25** Words in s. 54 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F26** Words in s. 54 inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 20(6)**; S.I. 1996/2208, art. 2(b)
- F27** Word in s. 54 substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(c)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F28** Words in s. 54 substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(d)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F29** Words in s. 54 substituted (1.11.1996) by [Children \(Scotland\) Act 1995 \(c. 36\)](#), s. 105(1)(b), **Sch. 4 para. 52(4)(a)**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)
- F30** Words in s. 54 repealed (1.11.1996) by [Children \(Scotland\) Act 1995 \(c. 36\)](#), s. 105(1)(b), Sch. 4 para. 52(4)(b), **Sch. 5**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)
- F31** Words in s. 54 inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(f)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

### Marginal Citations

- M5** 1975 c. 61.

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Child Support Act 1991, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 15 July 2024. 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)*

**M6** 1990 c. 41.

## 55 Meaning of “child”.

- (1) For the purposes of this Act a person is a child if—
  - (a) he is under the age of 16;
  - (b) he is under the age of 19 and receiving full-time education (which is not advanced education)—
    - (i) by attendance at a recognised educational establishment; or
    - (ii) elsewhere, if the education is recognised by the Secretary of State; or
  - (c) he does not fall within paragraph (a) or (b) but—
    - (i) he is under the age of 18, and
    - (ii) prescribed conditions are satisfied with respect to him.
- (2) A person is not a child for the purposes of this Act if he—
  - (a) is or has been married [<sup>F32</sup>or a civil partner];
  - (b) has celebrated a marriage [<sup>F33</sup>, or been a party to a civil partnership,] which is void; or
  - (c) has celebrated a marriage in respect of which a decree of nullity has been granted [<sup>F34</sup>or has been a party to a civil partnership in respect of which a nullity order has been made].
- (3) In this section—

“advanced education” means education of a prescribed description; and

“recognised educational establishment” means an establishment recognised by the Secretary of State for the purposes of this section as being, or as comparable to, a university, college or school.
- (4) Where a person has reached the age of 16, the Secretary of State may recognise education provided for him otherwise than at a recognised educational establishment only if the Secretary of State is satisfied that education was being so provided for him immediately before he reached the age of 16.
- (5) The Secretary of State may provide that in prescribed circumstances education is or is not to be treated for the purposes of this section as being full-time.
- (6) In determining whether a person falls within subsection (1)(b), no account shall be taken of such interruptions in his education as may be prescribed.
- (7) The Secretary of State may by regulations provide that a person who ceases to fall within subsection (1) shall be treated as continuing to fall within that subsection for a prescribed period.
- (8) No person shall be treated as continuing to fall within subsection (1) by virtue of regulations made under subsection (7) after the end of the week in which he reaches the age of 19.

### Textual Amendments

**F32** Words in s. 55(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 3\(a\)](#); S.I. 2005/3175, art. 2(1), Sch. 1

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Child Support Act 1991, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 15 July 2024. 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)*

- F33** Words in s. 55(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 3(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F34** Words in s. 55(2)(c) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 3(c)**; S.I. 2005/3175, art. 2(1), Sch. 1

## 56 Corresponding provision for and co-ordination with Northern Ireland.

- (1) An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the <sup>M7</sup>Northern Ireland Act 1974 which contains a statement that it is made only for purposes corresponding to those of the provisions of this Act, other than provisions which relate to the appointment of Child Support Commissioners for Northern Ireland—
- (a) shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule (affirmative resolution of both Houses of Parliament); but
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F35</sup>(2) .....

<sup>F35</sup>(3) .....

<sup>F35</sup>(4) .....

### Extent Information

**E1** S. 56 with the exception of s. 56(1) does not extend to Northern Ireland see s. 58(11)

### Textual Amendments

**F35** S. 56(2)-(4) repealed (2.12.1999) by Northern Ireland Act 1998 (c. 47), ss. 87(8)(c), 101(3), **Sch. 15** (with s. 95, Sch. 14); S.I. 1999/3209, art. 2, Sch.

### Commencement Information

**I3** S. 56 wholly in force; s. 56(1) in force at Royal Assent see s. 58(2); s. 56(2)-(4) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**

### Marginal Citations

**M7** 1974 c. 28.

## 57 Application to Crown.

- (1) The power of the Secretary of State to make regulations under section 14 requiring prescribed persons to furnish information may be exercised so as to require information to be furnished by persons employed in the service of the Crown or otherwise in the discharge of Crown functions.
- (2) In such circumstances, and subject to such conditions, as may be prescribed, an inspector appointed under section 15 may enter any Crown premises for the purpose of exercising any powers conferred on him by that section.
- (3) Where such an inspector duly enters any Crown premises for those purposes, section 15 shall apply in relation to persons employed in the service of the Crown or otherwise in the discharge of Crown functions as it applies in relation to other persons.

*Status: Point in time view as at 03/04/2006.*

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- (4) Where a liable person is in the employment of the Crown, a deduction from earnings order may be made under section 31 in relation to that person; but in such a case subsection (8) of section 32 shall apply only in relation to the failure of that person to comply with any requirement imposed on him by regulations made under section 32.

## **58 Short title, commencement and extent, etc.**

- (1) This Act may be cited as the Child Support Act 1991.
- (2) Section 56(1) and subsections (1) to (11) and (14) of this section shall come into force on the passing of this Act but otherwise this Act shall come into force on such date as may be appointed by order made by the Lord Chancellor, the Secretary of State or Lord Advocate, or by any of them acting jointly.
- (3) Different dates may be appointed for different provisions of this Act and for different purposes (including, in particular, for different cases or categories of case).
- (4) An order under subsection (2) may make such supplemental, incidental or transitional provision as appears to the person making the order to be necessary or expedient in connection with the provisions brought into force by the order, including such adaptations or modifications of—
- (a) the provisions so brought into force;
  - (b) any provisions of this Act then in force; or
  - (c) any provision of any other enactment,
- as appear to him to be necessary or expedient.
- (5) Different provision may be made by virtue of subsection (4) with respect to different periods.
- (6) Any provision made by virtue of subsection (4) may, in particular, include provision for—
- (a) the enforcement of a [<sup>F14</sup> maintenance calculation] (including the collection of sums payable under the [<sup>F11</sup> calculation]) as if the [<sup>F11</sup> calculation] were a court order of a prescribed kind;
  - (b) the registration of maintenance [<sup>F11</sup> calculations] with the appropriate court in connection with any provision of a kind mentioned in paragraph (a);
  - (c) the variation, on application made to a court, of the provisions of a [<sup>F14</sup> maintenance calculation] relating to the method of making payments fixed by the [<sup>F11</sup> calculation] or the intervals at which such payments are to be made;
  - (d) a [<sup>F14</sup> maintenance calculation], or an order of a prescribed kind relating to one or more children, to be deemed, in prescribed circumstances, to have been validly made for all purposes or for such purposes as may be prescribed.

In paragraph (c) “court” includes a single justice.

- (7) The Lord Chancellor, the Secretary of State or the Lord Advocate may by order make such amendments or repeals in, or such modifications of, such enactments as may be specified in the order, as appear to him to be necessary or expedient in consequence of any provision made by or under this Act (including any provision made by virtue of subsection (4)).

*Status: Point in time view as at 03/04/2006.*

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- (8) This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Secretary of State may by order prescribe.
- (9) Sections 27, 35<sup>F36</sup>, 40] and 48 and paragraph 7 of Schedule 5 do not extend to Scotland.
- (10) Sections 7, 28<sup>F37</sup>, 40A] and 49 extend only to Scotland.
- (11) With the exception of sections 23 and 56(1), subsections (1) to (3) of this section and Schedules 2 and 4, and (in so far as it amends any enactment extending to Northern Ireland) Schedule 5, this Act does not extend to Northern Ireland.
- (12) Until Schedule 1 to the <sup>M8</sup>Disability Living Allowance and Disability Working Allowance Act 1991 comes into force, paragraph 1(1) of Schedule 3 shall have effect with the omission of the words “and disability appeal tribunals” and the insertion, after “social security appeal tribunals”, of the word “ and ”.
- (13) The consequential amendments set out in Schedule 5 shall have effect.
- (14) In Schedule 1 to the <sup>M9</sup>Children Act 1989 (financial provision for children), paragraph 2(6)(b) (which is spent) is hereby repealed.

#### Subordinate Legislation Made

- P1** S. 58(2): 17.6.1992 appointed for specified provisions and purposes by [S.I. 1992/1431, art. 2, Sch.](#)  
S. 58: 1.9.1992 appointed for specified provisions by [S.I. 1992/1938, art. 2](#)  
S. 58(2)-(6): 5.4.1993 appointed for specified provisions by [S.I. 1992/2644, art. 2](#) (with transitional provisions in [art. 3, Sch.](#))

#### Textual Amendments

- F11** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 1\(2\)\(b\), 86\(1\)\(a\)\(2\)](#) (with [ss. 28, 83\(6\)](#)); [S.I. 2003/192, art. 3, Sch.](#)
- F14** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 1\(2\)\(a\), 86\(1\)\(a\)\(2\)](#) (with [ss. 28, 83\(6\)](#)); [S.I. 2003/192, art. 3, Sch.](#)
- F36** Word in s. 58(9) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86\(1\)\(a\)\(2\), Sch. 3 para. 11\(21\)\(a\)](#) (with [s. 83\(6\)](#)); [S.I. 2003/192, art. 3, Sch.](#)
- F37** Word in s. 58(10) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86\(1\)\(a\)\(2\), Sch. 3 para. 11\(21\)\(b\)](#) (with [s. 83\(6\)](#)); [S.I. 2003/192, art. 3, Sch.](#)

#### Commencement Information

- I4** S. 58 partly in force; s. 58(1)-(11)(14) wholly in force at Royal Assent see s. 58(2); s. 58(13) so far as it relates to Sch. 5 paras. 1-4 in force at 1.9.1992 by [S.I. 1992/1938, art. 2](#); s. 58(13) in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644, art. 2](#)

#### Marginal Citations

- M8** 1991 c. 21.  
**M9** 1989 c. 41.

**Status:**

Point in time view as at 03/04/2006.

**Changes to legislation:**

Child Support Act 1991, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 15 July 2024. 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.