



Child Support Act 1991

1991 CHAPTER 48

[^{F1}Variations]

[^{F1}28E Matters to be taken into account.

- (1) In determining [^{F2}whether to agree to a variation], the Secretary of State shall have regard both to the general principles set out in subsection (2) and to such other considerations as may be prescribed.
- (2) The general principles are that—
 - (a) parents should be responsible for maintaining their children whenever they can afford to do so;
 - (b) where a parent has more than one child, his obligation to maintain any one of them should be no less of an obligation than his obligation to maintain any other of them.
- (3) In determining [^{F2}whether to agree to a variation], the Secretary of State shall take into account any representations made to him—
 - (a) by the person with care or [^{F3}non-resident parent] concerned; or
 - (b) where the application for the current [^{F4}calculation] was made under section 7, by either of them or the child concerned.
- (4) In determining [^{F2}whether to agree to a variation], no account shall be taken of the fact that—
 - (a) any part of the income of the person with care concerned is, or would be if [^{F5}the Secretary of State agreed to a variation], derived from any benefit; or
 - (b) some or all of any child support maintenance might be taken into account in any manner in relation to any entitlement to benefit.
- (5) In this section “benefit” has such meaning as may be prescribed.]

Textual Amendments

- F1** S. 28E inserted (14.10.1996 for specified purposes, 2.12.1996 in so far as not already in force) by Child Support Act 1995 (c. 34), ss. 5, 30(4); S.I. 1996/2630, art. 2, Sch. Pts. 1, 2

Status: Point in time view as at 14/07/2008. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 28E is up to date with all changes known to be in force on or before 14 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)

- F2** Words in s. 28E(1)(3)(4) 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. 5(4)(a)**, 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.
- F3** 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.
- F4** 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.
- F5** Words in s. 28E(4)(a) 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. 5(4)(b)**, 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.

Modifications etc. (not altering text)

- C1** S. 28E modified (31.1.2001) by The Child Support (Variations) (Modification of Statutory Provisions) Regulations 2000 (S.I. 2000/3173), regs. 1(1), 2, **6(2)**

Status:

Point in time view as at 14/07/2008. This version of this provision has been superseded.

Changes to legislation:

Child Support Act 1991, Section 28E is up to date with all changes known to be in force on or before 14 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.