



Child Support Act 1991

1991 CHAPTER 48

The basic principles

3 Meaning of certain terms used in this Act.

- (1) A child is a “qualifying child” if—
 - (a) one of his parents is, in relation to him, [^{F1}a non-resident parent]; or
 - (b) both of his parents are, in relation to him, [^{F1}non-resident parents].
- (2) The parent of any child is [^{F1}a “non-resident parent”], in relation to him, if—
 - (a) that parent is not living in the same household with the child; and
 - (b) the child has his home with a person who is, in relation to him, a person with care.
- (3) A person is a “person with care”, in relation to any child, if he is a person—
 - (a) with whom the child has his home;
 - (b) who usually provides day to day care for the child (whether exclusively or in conjunction with any other person); and
 - (c) who does not fall within a prescribed category of person.
- (4) The Secretary of State shall not, under subsection (3)(c), prescribe as a category—
 - (a) parents;
 - (b) guardians;
 - (c) persons in whose favour residence orders under section 8 of the ^{M1}Children Act 1989 are in force;
 - (d) in Scotland, persons [^{F2}with whom a child is to live by virtue of a residence order under section 11 of the Children (Scotland) Act 1995.]
- (5) For the purposes of this Act there may be more than one person with care in relation to the same qualifying child.
- (6) Periodical payments which are required to be paid in accordance with a [^{F3}maintenance calculation] are referred to in this Act as “child support maintenance”.
- (7) Expressions are defined in this section only for the purposes of this Act.

Status: Point in time view as at 25/02/2013. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 3 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)

Textual Amendments

- F1** 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.
- F2** Words in s. 3(4)(d) substituted (1.11.1996) by [Children \(Scotland\) Act 1995 \(c. 36\)](#), s. 105(1)(b), [Sch. 4 para. 52\(2\)](#); S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)
- F3** 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.

Modifications etc. (not altering text)

- C1** S. 3(3)(b) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 2001 \(S.I. 2001/155\)](#), regs. 1(4), [12\(2\)](#); S.I. 2003/192, art. 3(1), Sch.
- C2** S. 3(3)(b) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 2001 \(S.I. 2001/155\)](#), regs. 1(4), [13\(2\)](#); S.I. 2003/192, art. 3(1), Sch.
- C3** S. 3(3)(b) modified (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, [51\(2\)](#)
- C4** S. 3(3)(b) modified (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, [55\(2\)](#)

Commencement Information

- I1** S. 3 wholly in force; s. 3 not in force at Royal Assent see s. 58(2); s. 3(3)(c) in force at 17.6.1992 by S.I. 1992/1431, art. 2, [Sch.](#); s. 3 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

Marginal Citations

- M1** 1989 c. 41.

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