



Child Support Act 1991

1991 CHAPTER 48

Reviews and appeals

[^{F1}16 Revision of decisions

- (1) Any decision of the Secretary of State under section 11, 12 or 17 may be revised by the Secretary of State—
 - (a) either within the prescribed period or in prescribed cases or circumstances; and
 - (b) either on an application made for the purpose or on his own initiative;and regulations may prescribe the procedure by which a decision of the Secretary of State may be so revised.
- (2) In making a decision under subsection (1), the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause him to act on his own initiative.
- (3) Subject to subsections (4) and (5) and section 28ZC, a revision under this section shall take effect as from the date on which the original decision took (or was to take) effect.
- (4) Regulations may provide that, in prescribed cases or circumstances, a revision under this section shall take effect as from such other date as may be prescribed.
- (5) Where a decision is revised under this section, for the purpose of any rule as to the time allowed for bringing an appeal, the decision shall be regarded as made on the date on which it is so revised.
- (6) Except in prescribed circumstances, an appeal against a decision of the Secretary of State shall lapse if the decision is revised under this section before the appeal is determined.]

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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 S. 16 substituted (16.11.1998 for specified purposes, 7.12.1998 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 40, 87(2)**; [S.I. 1998/2780](#), **art. 2** (with art. 3) (as amended (2.4.2001) by 2000 c. 19, Sch. 9 Pt. 1; [S.I. 2001/1252](#), art. 2(1)(d)(iii))

[^{F2}17 Decisions superseding earlier decisions

- (1) Subject to subsection (2), the following, namely—
 - (a) any decision of the Secretary of State under section 11 or 12 or this section, whether as originally made or as revised under section 16;
 - (b) any decision of an appeal tribunal under section 20; and
 - (c) any decision of a Child Support Commissioner on an appeal from such a decision as is mentioned in paragraph (b),
 may be superseded by a decision made by the Secretary of State, either on an application made for the purpose or on his own initiative.
- (2) In making a decision under subsection (1), the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause him to act on his own initiative.
- (3) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this section.
- (4) Subject to subsection (5) and section 28ZC, a decision under this section shall take effect as from the date on which it is made or, where applicable, the date on which the application was made.
- (5) Regulations may provide that, in prescribed cases or circumstances, a decision under this section shall take effect as from such other date as may be prescribed.]

Textual Amendments

F2 S. 17 substituted for ss. 17–19 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 41, 87(2)**; [S.I. 1999/528](#), **art. 2(a)**, Sch.; [S.I. 1999/1510](#), **art. 2(d)** (for a transitional provision see [S.I. 1999/1510](#), art. 48(2))

[^{F2}18 Reviews of decisions of child support officers.

.....

Textual Amendments

F2 S. 17 substituted for ss. 17–19 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 41, 87(2)**; [S.I. 1999/528](#), **art. 2(a)**, Sch.; [S.I. 1999/1510](#), **art. 2(d)** (for a transitional provision see [S.I. 1999/1510](#), art. 48(2))

[^{F2}19 Reviews at instigation of child support officers.

.....

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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

- F2** S. 17 substituted for ss. 17–19 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 41**, 87(2); [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#); [S.I. 1999/1510](#), [art. 2\(d\)](#) (for a transitional provision see [S.I. 1999/1510](#), [art. 48\(2\)](#))

[^{F3}20 Appeals to appeal tribunals

- (1) Where an application for a maintenance assessment is refused, the person who made that application shall have a right of appeal to an appeal tribunal against the refusal.
- (2) Where a maintenance assessment is in force—
 - (a) the absent parent or person with care with respect to whom it was made; or
 - (b) where the application for the assessment was made under section 7, either of them or the child concerned,shall have a right of appeal to an appeal tribunal against the amount of the assessment or the date from which the assessment takes effect.
- (3) Where a maintenance assessment is cancelled, or an application for the cancellation of a maintenance assessment is refused—
 - (a) the absent parent or person with care with respect to whom the maintenance assessment in question was, or remains, in force; or
 - (b) where the application for that assessment was made under section 7, either of them or the child concerned,shall have a right of appeal to an appeal tribunal against the cancellation or refusal.
- (4) A person with a right of appeal under this section shall be given such notice of that right and, in the case of a right conferred by subsection (1) or (3), such notice of the decision as may be prescribed.
- (5) Regulations may make—
 - (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
 - (b) such provision with respect to proceedings before appeal tribunals as the Secretary of State considers appropriate.
- (6) The regulations may in particular make any provision of a kind mentioned in Schedule 5 to the Social Security Act 1998.
- (7) In deciding an appeal under this section, an appeal tribunal—
 - (a) need not consider any issue that is not raised by the appeal; and
 - (b) shall not take into account any circumstances not obtaining at the time when the decision or assessment appealed against was made.]

Textual Amendments

- F3** S. 20 substituted for ss. 20–21 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 42**, 87(2); [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#); [S.I. 1999/1510](#), [art. 2\(d\)](#)

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

F³20A Lapse of appeals.

.....

Textual Amendments

- F3** S. 20 substituted for ss. 20–21 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 42, 87(2)**; [S.I. 1999/528, art. 2\(a\)](#), **Sch.**; [S.I. 1999/1510, art. 2\(d\)](#)

F³21 Child support appeal tribunals.

.....

Textual Amendments

- F3** S. 20 substituted for ss. 20–21 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 42, 87(2)**; [S.I. 1999/528, art. 2\(a\)](#), **Sch.**; [S.I. 1999/1510, art. 2\(d\)](#)

22 Child Support Commissioners.

- (1) Her Majesty may from time to time appoint a Chief Child Support Commissioner and such number of other Child Support Commissioners as she may think fit.
- (2) The Chief Child Support Commissioner and the other Child Support Commissioners shall be appointed from among persons who—
 - (a) have a 10 year general qualification; or
 - (b) are advocates or solicitors in Scotland of 10 years' standing.
- (3) The Lord Chancellor, after consulting the Lord Advocate, may make such regulations with respect to proceedings before Child Support Commissioners as he considers appropriate.
- (4) The regulations—
 - (a) may, in particular, make any provision of a kind mentioned in section 21(3); and
 - (b) shall provide that any hearing before a Child Support Commissioner shall be in public except in so far as the Commissioner for special reasons directs otherwise.
- (5) Schedule 4 shall have effect with respect to Child Support Commissioners.

Modifications etc. (not altering text)

- C1** [S. 22](#): transfer of functions (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), **arts. 1, 2(1)**, **Sch.**

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

Commencement Information

- II** S. 22 wholly in force; s. 22 not in force at Royal Assent see s. 58(2); s. 22(3)(4) in force at 17.6.1992 by S.I. 1992/1431, art. 2, Sch.; s. 22(1)(2)(5) in force at 1.9.1992 by S.I. 1992/1938, art. 2; s. 22 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

23 Child Support Commissioners for Northern Ireland.

- (1) Her Majesty may from time to time appoint a Chief Child Support Commissioner for Northern Ireland and such number of other Child Support Commissioners for Northern Ireland as she may think fit.
- (2) The Chief Child Support Commissioner for Northern Ireland and the other Child Support Commissioners for Northern Ireland shall be appointed from among persons who are barristers or solicitors of not less than 10 years' standing.
- (3) Schedule 4 shall have effect with respect to Child Support Commissioners for Northern Ireland, subject to the modifications set out in paragraph 8.
- (4) Subject to any Order made after the passing of this Act by virtue of subsection (1) (a) of section 3 of the ^{M1}Northern Ireland Constitution Act 1973, the matters to which this subsection applies shall not be transferred matters for the purposes of that Act but shall for the purposes of subsection (2) of that section be treated as specified in Schedule 3 to that Act.
- (5) Subsection (4) applies to all matters relating to Child Support Commissioners, including procedure and appeals, other than those specified in paragraph 9 of Schedule 2 to the Northern Ireland Constitution Act 1973.

Modifications etc. (not altering text)

- C2** S. 23 applied (18.6.1992) by S.I. 1991/2628, art. 2; S.R. 1992/278, art.2, Sch.

Marginal Citations

- M1** 1973 c. 36.

24 Appeal to Child Support Commissioner.

- (1) Any person who is aggrieved by a decision of a child support appeal tribunal, and any child support officer, may appeal to a Child Support Commissioner on a question of law.
- [^{F4}(1A) The Secretary of State may appeal to a Child Support Commissioner on a question of law in relation to any decision of a child support appeal tribunal made in connection with an application for a departure direction.]
- (2) Where, on an appeal under this section, a Child Support Commissioner holds that the decision appealed against was wrong in law he shall set it aside.
- (3) Where a decision is set aside under subsection (2), the Child Support Commissioner may—
 - (a) if he can do so without making fresh or further findings of fact, give the decision which he considers should have been given by the child support appeal tribunal;

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

- (b) if he considers it expedient, make such findings and give such decision as he considers appropriate in the light of those findings; or
 - [^{F5}(c) on an appeal by the Secretary of State, refer the case to a child support appeal tribunal with directions for its determination; or
 - (d) on any other appeal, refer the case to a child support officer or, if he considers it appropriate, to a child support appeal tribunal with directions for its determination.]
- (4) Any reference under subsection (3) to a child support officer shall, subject to any direction of the Child Support Commissioner, be to a child support officer who has taken no part in the decision originally appealed against.
- (5) On a reference under subsection (3) to a child support appeal tribunal, the tribunal shall, subject to any direction of the Child Support Commissioner, consist of persons who were not members of the tribunal which gave the decision which has been appealed against.
- (6) No appeal lies under this section without the leave—
- (a) of the person who was the chairman of the child support appeal tribunal when the decision appealed against was given or of such other chairman of a child support appeal tribunal as may be determined in accordance with regulations made by the Lord Chancellor; or
 - (b) subject to and in accordance with regulations so made, of a Child Support Commissioner.
- (7) The Lord Chancellor may by regulations make provision as to the manner in which, and the time within which, appeals under this section are to be brought and applications for leave under this section are to be made.
- (8) Where a question which would otherwise fall to be determined by a child support officer first arises in the course of an appeal to a Child Support Commissioner, he may, if he thinks fit, determine it even though it has not been considered by a child support officer.
- (9) Before making any regulations under subsection (6) or (7), the Lord Chancellor shall consult the Lord Advocate.

Textual Amendments

- F4** S. 24(1A) inserted (2.12.1996) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 7\(2\)](#); S.I. 1996/2630, art. 2, Sch. Pt. 2
- F5** S. 24(3)(c)(d) substituted for s. 24(3)(c) (2.12.1996) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 7\(3\)](#); S.I. 1996/2630, art. 2, Sch. Pt. 2

Modifications etc. (not altering text)

- C3** S. 24: transfer of functions (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), [Sch.](#)

Commencement Information

- I2** S. 24 wholly in force; s. 24 not in force at Royal Assent see s. 58(2); s. 24(6)(7) in force at 17.6.1992 by [S.I. 1992/1431](#), art. 2, [Sch.](#); s. 24(9) in force at 1.9.1992 by [S.I. 1992/1938](#), art. 2; s. 24 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), art. 2

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

25 Appeal from Child Support Commissioner on question of law.

- (1) An appeal on a question of law shall lie to the appropriate court from any decision of a Child Support Commissioner.
 - (2) No such appeal may be brought except—
 - (a) with leave of the Child Support Commissioner who gave the decision or, where regulations made by the Lord Chancellor so provide, of a Child Support Commissioner selected in accordance with the regulations; or
 - (b) if the Child Support Commissioner refuses leave, with the leave of the appropriate court.
 - (3) An application for leave to appeal under this section against a decision of a Child Support Commissioner (“the appeal decision”) may only be made by—
 - (a) a person who was a party to the proceedings in which the original decision, or appeal decision, was given;
 - (b) the Secretary of State; or
 - (c) any other person who is authorised to do so by regulations made by the Lord Chancellor.
- [^{F6}(3A) The Child Support Commissioner to whom an application for leave to appeal under this section is made shall specify as the appropriate court either the Court of Appeal or the Court of Session.
- (3B) In determining the appropriate court, the Child Support Commissioner shall have regard to the circumstances of the case, and in particular the convenience of the persons who may be parties to the appeal.]
- (4) In this section—

“appropriate court”[^{F7}, except in subsections (3A) and (3B), means the court specified in accordance with those subsections]; and

“original decision” means the decision to which the appeal decision in question relates.
 - (5) The Lord Chancellor may by regulations make provision with respect to—
 - (a) the manner in which and the time within which applications must be made to a Child Support Commissioner for leave under this section; and
 - (b) the procedure for dealing with such applications.
 - (6) Before making any regulations under subsection (2), (3) or (5), the Lord Chancellor shall consult the Lord Advocate.

Textual Amendments

F6 S. 25(3A)(3B) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\), s. 30\(4\), Sch. 3 para. 8\(1\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

F7 Words in s. 25(4) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\), s. 30\(4\), Sch. 3 para. 8\(2\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

Modifications etc. (not altering text)

C4 S. 25: transfer of functions (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\), arts. 1, 2\(1\), Sch.](#)

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

Commencement Information

- I3** S. 25 wholly in force; s. 25 not in force at Royal Assent see s. 58(2); s. 25(2)(a)(3)(c)(5)(6) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#); s. 25 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), [art. 2](#)

26 Disputes about parentage.

- (1) Where a person who is alleged to be a parent of the child with respect to whom an application for a maintenance assessment has been made (“the alleged parent”) denies that he is one of the child’s parents, the child support officer concerned shall not make a maintenance assessment on the assumption that the alleged parent is one of the child’s parents unless the case falls within one of those set out in subsection (2).

- (2) The Cases are —

CASE A

Where the alleged parent is a parent of the child in question by virtue of having adopted him.

CASE B

Where the alleged parent is a parent of the child in question by virtue of an order under section 30 of the ^{M2}Human Fertilisation and Embryology Act 1990 (parental orders in favour of gamete donors).

CASE C

Where—

- (a) either—

- (i) a declaration that the alleged parent is a parent of the child in question (or a declaration which has that effect) is in force under section 56 of the ^{M3}Family Law Act 1986 [^{F8}or Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989] (declarations of parentage); or
- (ii) a declarator by a court in Scotland that the alleged parent is a parent of the child in question (or a declarator which has that effect) is in force; and

- (b) the child has not subsequently been adopted.

CASE D

Where—

- (a) a declaration to the effect that the alleged parent is one of the parents of the child in question has been made under section 27; and

- (b) the child has not subsequently been adopted.

CASE E

Where—

- (a) the child is habitually resident in Scotland;
- (b) the child support officer is satisfied that one or other of the presumptions set out in section 5(1) of the ^{M4}Law Reform (Parent and Child) (Scotland) Act 1986 applies; and

- (c) the child has not subsequently been adopted.

CASE F

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

Where—

- (a) the alleged parent has been found, or adjudged, to be the father of the child in question—
 - (i) in proceedings before any court in England and Wales which are relevant proceedings for the purposes of section 12 of the ^{M5}Civil Evidence Act 1968 [^{F9} or in proceedings before any court in Northern Ireland which are relevant proceedings for the purposes of section 8 of the Civil Evidence Act (Northern Ireland) 1971]; or
 - (ii) in affiliation proceedings before any court in the United Kingdom,
(whether or not he offered any defence to the allegation of paternity) and that finding or adjudication still subsists; and
 - (b) the child has not subsequently been adopted.
- (3) In this section—
- “adopted” means adopted within the meaning of Part IV of the ^{M6}Adoption Act 1976 or, in relation to Scotland, Part IV of the ^{M7}Adoption (Scotland) Act 1978; and
 - “affiliation proceedings”, in relation to Scotland, means any action of affiliation and aliment.

Textual Amendments

- F8** Words in s. 26(2) inserted (4.11.1996) by [The Children \(Northern Ireland Consequential Amendments\) Order 1995 \(S.I. 1995/756\)](#), arts. 1(2), **13(a)** (with art. 16); S.R. 1996/297, art. 3
- F9** Words in s. 26(2) inserted (4.11.1996) by [The Children \(Northern Ireland Consequential Amendments\) Order 1995 \(S.I. 1995/756\)](#), arts. 1(2), **13(b)** (with art. 16); S.R. 1996/297, art. 3

Marginal Citations

- M2** 1990 c. 37.
- M3** 1986 c. 55.
- M4** 1986 c. 9.
- M5** 1968 c. 64.
- M6** 1976 c. 36.
- M7** 1978 c. 28.

27 Reference to court for declaration of parentage.

[^{F10}(1) Subsection (1A) applies in any case where—

- (a) an application for a maintenance assessment has been made, or a maintenance assessment is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application or assessment was made; and
- (b) a child support officer to whom the case is referred is not satisfied that the case falls within one of those set out in section 26(2).

(1A) In any case where this subsection applies, the Secretary of State or the person with care may apply to the court for a declaration as to whether or not the alleged parent is one of the child’s parents.]

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

(2) If, on hearing any application under subsection [F11(1A)], the court is satisfied that the alleged parent is, or is not, a parent of the child in question it shall make a declaration to that effect.

[F12(3) A declaration under this section shall have effect only for the purposes of—

- (a) this Act; and
- (b) proceedings in which a court is considering whether to make a maintenance order in the circumstances mentioned in subsection (6), (7) or (8) of section 8.]

(4) In this section “court” means, subject to any provision made under Schedule 11 to the M8 Children Act 1989 (jurisdiction of courts with respect to certain proceedings relating to children) the High Court, a county court or a magistrates’ court.

(5) In the definition of “relevant proceedings” in section 12(5) of the Civil Evidence Act 1968 (findings of paternity etc. as evidence in civil proceedings) the following paragraph shall be added at the end—

“(d) section 27 of the Child Support Act 1991.”

(6) This section does not apply to Scotland.

Textual Amendments

- F10** S. 27(1)(1A) substituted for s. 27(1) (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 20\(2\), 30\(4\); S.I. 1995/2302, art. 2, Sch. Pt. 1](#)
- F11** Word in s. 27(2) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 20\(3\), 30\(4\); S.I. 1995/2302, art. 2, Sch. Pt. 1](#)
- F12** S. 27(3) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 20\(4\), 30\(4\); S.I. 1995/2302, art. 2, Sch. Pt. 1](#)

Marginal Citations

- M8** 1989 c. 41.

[F13] 27A Recovery of fees for scientific tests.

(1) This section applies in any case where—

- (a) an application for a maintenance assessment has been made or a maintenance assessment is in force;
- (b) scientific tests have been carried out (otherwise than under a direction or in response to a request) in relation to bodily samples obtained from a person who is alleged to be a parent of a child with respect to whom the application or assessment is made;
- (c) the results of the tests do not exclude the alleged parent from being one of the child’s parents; and
- (d) one of the conditions set out in subsection (2) is satisfied.

(2) The conditions are that—

- (a) the alleged parent does not deny that he is one of the child’s parents;
- (b) in proceedings under section 27, a court has made a declaration that the alleged parent is a parent of the child in question; or
- (c) in an action under section 7 of the Law Reform (Parent and Child) (Scotland) Act 1986, brought by the Secretary of State by virtue of section 28, a court

Status: Point in time view as at 19/05/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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)

has granted a decree of declarator of parentage to the effect that the alleged parent is a parent of the child in question.

(3) In any case to which this section applies, any fee paid by the Secretary of State in connection with scientific tests may be recovered by him from the alleged parent as a debt due to the Crown.

(4) In this section—

“bodily sample” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;

“direction” means a direction given by a court under section 20 of the Family Law Reform Act 1969 (tests to determine paternity);

“request” means a request made by a court under section 70 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (blood and other samples in civil proceedings); and

“scientific tests” means scientific tests made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue.

(5) Any sum recovered by the Secretary of State under this section shall be paid by him into the Consolidated Fund.]

Textual Amendments

F13 S. 27A inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 21, 30\(4\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

28 Power of Secretary of State to initiate or defend actions of declarator: Scotland.

[^{F14}(1) Subsection (1A) applies in any case where—

- (a) an application for a maintenance assessment has been made, or a maintenance assessment is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application or assessment was made; and
- (b) a child support officer to whom the case is referred is not satisfied that the case falls within one of those set out in section 26(2).

(1A) In any case where this subsection applies, the Secretary of State may bring an action for declarator of parentage under section 7 of the Law Reform (Parent and Child) (Scotland) Act 1986.]

(2) The Secretary of State may defend an action for declarator of non-parentage or illegitimacy brought by a person named as the alleged parent in an application for a maintenance assessment [^{F15}or in a maintenance assessment which is in force].

(3) This section applies to Scotland only.

Textual Amendments

F14 S. 28(1)(1A) substituted for s. 28(1) (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 20\(6\), 30\(4\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

F15 Words in s. 28(2) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 20\(7\), 30\(4\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

Status:

Point in time view as at 19/05/1999.

Changes to legislation:

Child Support Act 1991, Cross Heading: Reviews and appeals is up to date with all changes known to be in force on or before 29 May 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.