



# Child Support Act 1991

## 1991 CHAPTER 48

### *Special cases*

#### **42 Special cases.**

- (1) The Secretary of State may by regulations provide that in prescribed circumstances a case is to be treated as a special case for the purposes of this Act.
- (2) Those regulations may, for example, provide for the following to be special cases—
  - (a) each parent of a child is [<sup>F1</sup>a non-resident parent] in relation to the child;
  - (b) there is more than one person who is a person with care in relation to the same child;
  - (c) there is more than one qualifying child in relation to the same [<sup>F1</sup>non-resident parent] but the person who is the person with care in relation to one of those children is not the person who is the person with care in relation to all of them;
  - (d) a person is [<sup>F1</sup>a non-resident parent] in relation to more than one child and the other parent of each of those children is not the same person;
  - (e) the person with care has care of more than one qualifying child and there is more than one [<sup>F1</sup>non-resident parent] in relation to those children;
  - (f) a qualifying child has his home in two or more separate households.
- (3) The Secretary of State may by regulations make provision with respect to special cases.
- (4) Regulations made under subsection (3) may, in particular—
  - (a) modify any provision made by or under this Act, in its application to any special case or any special case falling within a prescribed category;
  - (b) make new provision for any such case; or
  - (c) provide for any prescribed provision made by or under this Act not to apply to any such case.

*Status: Point in time view as at 27/10/2008.*

*Changes to legislation: Child Support Act 1991, Cross Heading: Special cases 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.

#### [<sup>F2</sup>43 Recovery of child support maintenance by deduction from benefit.

- (1) This section applies where—
- (a) a non-resident parent is liable to pay a flat rate of child support maintenance (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because he falls within paragraph 4(1)(b) or (c) or 4(2) of Schedule 1; and
  - (b) such conditions as may be prescribed for the purposes of this section are satisfied.
- (2) The power of the Secretary of State to make regulations under section 5 of the Social Security Administration Act 1992 by virtue of subsection (1)(p) (deductions from benefits) may be exercised in relation to cases to which this section applies with a view to securing that payments in respect of child support maintenance are made or that arrears of child support maintenance are recovered.
- (3) For the purposes of this section, the benefits to which section 5 of the 1992 Act applies are to be taken as including war disablement pensions and war widows' pensions (within the meaning of section 150 of the Social Security Contributions and Benefits Act 1992 (interpretation)).]

#### Textual Amendments

- F2** S. 43 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. 21](#), 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.

**Status:**

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**Changes to legislation:**

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