

Status: Point in time view as at 03/04/2006.

Changes to legislation: Child Support Act 1991, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 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)

SCHEDULES

SCHEDULE 4

Section 22(5).

CHILD SUPPORT COMMISSIONERS

Tenure of office

- 1 (1) Every Child Support Commissioner shall vacate his office [^{F1}on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)].
- ^{F2}(2)
- (3) A Child Support Commissioner may be removed from office by the Lord Chancellor on the ground of misbehaviour or incapacity.
- [^{F3}(3A) The Lord Chancellor may remove a Child Support Commissioner under sub-paragraph (3) only with the concurrence of the appropriate senior judge.
- (3B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the Commissioner exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.]

Textual Amendments

- F1** Words in Sch. 4 para. 1(1) substituted (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), [Sch. 6 para. 23\(2\)\(a\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, art. 2
- F2** Sch. 4 para. 1(2) repealed (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), [Sch. 6 para. 23\(2\)\(b\)](#), [Sch. 9](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, art. 2
- F3** [Sch. 4 para. 1\(3A\)\(3B\)](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 221\(2\)](#); S.I. 2006/1014, art. 2(a), [Sch. 1 para. 11\(u\)](#)

Commissioners' remuneration and their pensions

- 2 (1) The Lord Chancellor may pay, or make such payments towards the provision of such remuneration, pensions, allowances or gratuities to or in respect of persons appointed as Child Support Commissioners as, with the consent of the Treasury, he may determine.
- (2) The Lord Chancellor shall pay to a Child Support Commissioner such expenses incurred in connection with his work as such a Commissioner as may be determined by the Treasury.
- [^{F4}(3) Sub-paragraph (1), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]

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Textual Amendments

- F4** Sch. 4 para. 2(3) added (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), [Sch. 8 para. 21\(2\)](#); S.I. 1995/631, art. 2

[^{F5}Expenses of other persons

Textual Amendments

- F5** Sch. 4 para. 2A and cross-heading inserted (18.12.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 18\(1\)](#); S.I. 1995/3262, art. 2, Sch. Pt. 1

- 2A [^{F6}(1) The Lord Chancellor or, in Scotland, the Secretary of State may pay to any person who attends any proceedings before a Child Support Commissioner such travelling and other allowances as he may determine.]
- (2) In sub-paragraph (1), references to travelling and other allowances include references to compensation for loss of remunerative time.
- (3) No compensation for loss of remunerative time shall be paid to any person under this paragraph in respect of any time during which he is in receipt of other remuneration so paid.]

Textual Amendments

- F6** Sch. 4 para. 2A(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 51](#); S.I. 1999/1510, art. 2(g)(v)

Modifications etc. (not altering text)

- C1** Sch. 4 para. 2A: transfer of functions in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, [Sch. 1](#) (with art. 7)

Commissioners barred from legal practice

- 3 Section 75 of the ^{M1}Courts and Legal Services Act 1990 (judges etc. barred from legal practice) shall apply to any person appointed as a Child Support Commissioner as it applies to any person holding as a full-time appointment any of the offices listed in Schedule 11 to that Act.

Marginal Citations

- M1** 1990 c. 41.

Deputy Child Support Commissioners

- 4 (1) The Lord Chancellor may appoint persons to act as Child Support Commissioners (but to be known as deputy Child Support Commissioners) in order to facilitate the disposal of the business of Child Support Commissioners.

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- (2) A deputy Child Support Commissioner shall be appointed—
- (a) from among persons who have a 10 year general qualification or are advocates or solicitors in Scotland of 10 years' standing; and
 - (b) [^{F7}subject to sub-paragraph (2A)] for such period or on such occasions as the Lord Chancellor thinks fit.

[^{F8}(2A) No appointment of a person to be a deputy Child Support Commissioner shall be such as to extend beyond the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]

- (3) Paragraph 2 applies to deputy Child Support Commissioners as if the reference to pensions were omitted and paragraph 3 does not apply to them.

Textual Amendments

- F7** Words in Sch. 4 para. 4(2)(b) inserted (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\), s. 31\(2\), Sch. 6 para. 23\(3\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); [S.I. 1995/631, art. 2](#)
- F8** Sch. 4 para. 4(2A) inserted (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\), s. 31\(2\), Sch. 6 para. 23\(3\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); [S.I. 1995/631, art. 2](#)

[^{F9}Determination of questions by other officers

Textual Amendments

- F9** [Sch. 4 para. 4A](#) and cross-heading inserted (18.12.1995) by [Child Support Act 1995 \(c. 34\), ss. 17\(1\), 30\(4\)](#); [S.I. 1995/3262, art. 2, Sch. Pt. 1](#)

- 4A (1) The Lord Chancellor may by regulations provide—
- (a) for officers authorised—
 - (i) by the Lord Chancellor; or
 - (ii) in Scotland, by the Secretary of State,to determine any question which is determinable by a Child Support Commissioner and which does not involve the determination of any appeal, application for leave to appeal or reference;
 - (b) for the procedure to be followed by any such officer in determining any such question;
 - (c) for the manner in which determinations of such questions by such officers may be called in question.
- (2) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by a Child Support Commissioner is not a determination of the appeal, application or reference for the purposes of sub-paragraph (1).]

Tribunals of Commissioners

- 5 (1) If it appears to the Chief Child Support Commissioner (or, in the case of his inability to act, to such other of the Child Support Commissioners as he may have nominated to act for the purpose) [^{F10}that—

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- (a) an application for leave under section 24(6)(b); or
- (b) an appeal,] falling to be heard by one of the Child Support Commissioners involves a question of law of special difficulty, he may direct [^{F11}that the application or appeal] be dealt with by a tribunal consisting of any three [^{F12}or more] of the Child Support Commissioners.
- (2) If the decision of such a tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal^{F13}; and the presiding Child Support Commissioner shall have a casting vote if the votes are equally divided].
- ^{F14}(3) Where a direction is given under sub-paragraph (1)(a), section 24(6)(b) shall have effect as if the reference to a Child Support Commissioner were a reference to such a tribunal as is mentioned in sub-paragraph (1).]

Textual Amendments

- F10** Words in Sch. 4 para. 5(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 52\(1\)\(a\)](#); S.I. 1999/1510, art. 2(g)(v)
- F11** Words in Sch. 4 para. 5(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 52\(1\)\(b\)](#); S.I. 1999/1510, art. 2(g)(v)
- F12** Words in Sch. 4 para. 5(1) inserted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 52\(1\)\(c\)](#); S.I. 1999/1510, art. 2(g)(v)
- F13** Words in Sch. 4 para. 5(2) inserted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 52\(2\)](#); S.I. 1999/1510, art. 2(g)(v)
- F14** Sch. 4 para. 5(3) inserted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 52\(3\)](#); S.I. 1999/1510, art. 2(g)(v)

Finality of decisions

- 6 (1) Subject to section 25, the decision of any Child Support Commissioner shall be final.
- ^{F15}(2) If and to the extent that regulations so provide, any finding of fact or other determination which is embodied in or necessary to a decision, or on which a decision is based, shall be conclusive for the purposes of any further decision.]

Textual Amendments

- F15** Sch. 4 para. 6(2) substituted (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. 52\(4\)](#); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1510, art. 2(g)(v)

Consultation with Lord Advocate

- 7 Before exercising any of his powers under [^{F16}paragraph 1(3)], [^{F17}4(1) or (2)(b) or 4A(1)], the Lord Chancellor shall consult the Lord Advocate.

Textual Amendments

- F16** Words in Sch. 4 para. 7 substituted (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\), s. 31\(2\), Sch. 6 para. 23\(4\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, art. 2

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F17 Words in Sch. 4 para. 7 substituted (18.12.1995) by [Child Support Act 1995 \(c. 34\)](#), **ss. 17(2), 30(4)**; [S.I. 1995/3262](#), art. 2, Sch. Pt. 1

Modifications etc. (not altering text)

C2 Sch. 4 para. 7: 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.**

C3 Sch. 4 para. 7 functions treated as exercisable in Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 12**

C4 Sch. 4 para. 7: transfer of functions in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7)

Northern Ireland

- 8 In its application to Northern Ireland this Schedule shall have effect as if—
- (a) for any reference to a Child Support Commissioner (however expressed) there were substituted a corresponding reference to a Child Support Commissioner for Northern Ireland;
 - (b) in paragraph 2(1), the word “pensions” were omitted;
 - [^{F18}(aa) paragraph 1(3) were omitted;]
 - [^{F19}(ab) paragraph 1(3A) and (3B) were omitted;]
 - [^{F20}(bb) paragraph 2A were omitted;]
 - (c) for paragraph 3, there were substituted—
 - “3 A Child Support Commissioner for Northern Ireland, so long as he holds office as such, shall not practise as a barrister or act for any remuneration to himself as arbitrator or referee or be directly or indirectly concerned in any matter as a conveyancer, notary public or solicitor.”;
 - (d) in paragraph 4—
 - (i) for paragraph (a) of sub-paragraph (2) there were substituted—
 - “(a) from among persons who are barristers or solicitors of not less than 10 years’ standing; and”;
 - (ii) for sub-paragraph (3) there were substituted—
 - “(3) Paragraph 2 applies to deputy Child Support Commissioners for Northern Ireland, but paragraph 3 does not apply to them.”; and
 - (e) [^{F21}paragraphs 4A] to 7 were omitted.

Textual Amendments

F18 Sch. 4 para. 8(aa) inserted (3.4.2006) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 12 para. 47**; [S.R. 2006/124](#), art. 2, Sch. para. 10(a)

F19 Sch. 4 para. 8(ab) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 221(3)**; [S.I. 2006/1014](#), art. 2(a), Sch. 1 para. 11(u)

F20 Sch. 4 para. 8(bb) inserted (18.12.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), **Sch. 3 para. 18(2)**; [S.I. 1995/3262](#), art. 2, Sch. Pt. 1

F21 Words in Sch. 4 para. 8(e) substituted (18.12.1995) by [Child Support Act 1995 \(c. 34\)](#), **ss. 17(3), 30(4)**; [S.I. 1995/3262](#), art. 2, Sch. Pt. 1

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