

Status: Point in time view as at 03/03/2003.

Changes to legislation: Child Support Act 1991, SCHEDULE 5 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)

SCHEDULES

SCHEDULE 5

Section 58(13).

CONSEQUENTIAL AMENDMENTS

The Tribunals and Inquiries Act 1971 (c.62)

^{F1}1

Textual Amendments

F1 Sch. 5 para. 1 repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), s. 18(2), 19(2), [Sch. 4 Pt. I](#)

The Northern Ireland Constitution Act 1973 (c. 36)

^{F2}2

Textual Amendments

F2 Sch. 5 para. 2 repealed (2.12.1999) by [Northern Ireland Act 1998 \(c. 47\)](#), ss. 100(2), 101(3), [Sch. 15](#) (with s. 95, [Sch. 14](#)); [S.I. 1999/3209](#), art. 2, [Sch.](#)

The House of Commons Disqualification Act 1975 (c.24)

- 3 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In Part I [^{F3}of Schedule 1] (disqualifying judicial offices), the following entries shall be inserted at the appropriate places— “ Chief or other Child Support Commissioner (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991). ” “ Chief or other Child Support Commissioner for Northern Ireland (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991). ”

^{F4}(3)

Textual Amendments

F3 Words in Sch. 5 para. 3(2) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 19\(1\)](#); [S.I. 1995/2302](#), art. 2, [Sch. Pt. 1](#)

F4 Sch. 5 para. 3(3) repealed (1.6.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 8](#); [S.I. 1999/1510](#), art. 2(f)(iii)

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The Northern Ireland Assembly Disqualification Act 1975 (c.25)

- 4 (1) In Part I of [F5Schedule 1 to] the Northern Ireland Assembly Disqualification Act 1975 (disqualifying judicial offices), the following entries shall be inserted at the appropriate places— “ Chief or other Child Support Commissioner (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991). ”“ Chief or other Child Support Commissioner for Northern Ireland (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991). ”

Textual Amendments

- F5** Words in Sch. 5 para. 4(1) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 19\(3\)](#); S.I. 1995/2302, art. 2, Sch. Pt. 1

The Family Law (Scotland) Act 1985 (c.37)

- 5 In section 4 (amount of aliment) of the Family Law (Scotland) Act 1985, at the end there shall be added—

“(4) Where a court makes an award of aliment in an action brought by or on behalf of a child under the age of 16 years, it may include in that award such provision as it considers to be in all the circumstances reasonable in respect of the expenses incurred wholly or partly by the person having care of the child for the purpose of caring for the child.”

Bankruptcy (Scotland) Act 1985 (c.66)

- 6 (1) The Bankruptcy (Scotland) Act 1985 shall be amended as follows.
- (2) In section 32 (vesting of estate and dealings of debtor after sequestration)—
- (a) in subsection (3)—
- (i) after paragraph (b) there shall be inserted—
- “(c) any obligation of his to pay child support maintenance under the Child Support Act 1991.”;
- (ii) after “relevant obligations” where second occurring there shall be inserted “ referred to in paragraphs (a) and (b) above ”;
- (b) in subsection (5) after “Diligence” there shall be inserted “ (which, for the purposes of this section, includes the making of a deduction from earnings order under the Child Support Act 1991) ”.
- (3) In section 37 (effect of sequestration on diligence), in subsection (5A) for “or a conjoined arrestment order” there is substituted “ , a conjoined arrestment order or a deduction from earnings order under the Child Support Act 1991 ”.
- (4) In section 55 (effect of discharge under section 54), in subsection (2)(d)—
- (a) after “being” there shall be inserted “ (i) ”;
- (b) at the end there shall be inserted—

“or

(ii) child support maintenance within the meaning of the Child Support Act 1991 which was unpaid

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in respect of any period before the date of sequestration of—

- (aa) any person by whom it was due to be paid; or
- (bb) any employer by whom it was, or was due to be, deducted under section 31(5) of that Act.”.

The Insolvency Act 1986 (c.45)

- 7 In section 281(5)(b) of the Insolvency Act 1986 (effect of discharge of bankrupt), after “family proceedings” there shall be inserted “ or under a [^{F6}maintenance calculation] made under the Child Support Act 1991 ”.

Textual Amendments

- F6** 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.

The Debtors (Scotland) Act 1987 (c.18)

- 8 (1) The Debtors (Scotland) Act 1987 shall be amended as follows.
- (2) In section 1(5) (time to pay directions not competent in certain cases) after paragraph (c) there shall be inserted—
- “(cc) in connection with a liability order within the meaning of the Child Support Act 1991;”.
- (3) In section 15(3) (interpretation of Part I), in the definition of “decree or other document”, after “maintenance order” there shall be inserted “, a liability order within the meaning of the Child Support Act 1991 ”.
- (4) In section 54(1) (maintenance arrestment to be preceded by default) in paragraph (c) for “the aggregate of 3 instalments” there shall be substituted “ one instalment ”.
- (5) In section 72 (effect of sequestration on diligence against earnings)—
- (a) in subsection (2) after “order” there shall be inserted “ or deduction from earnings order under the Child Support Act 1991 ”;
 - (b) after subsection (3) there shall be inserted—
- “(3A) Any sum deducted by the employer under such a deduction from earnings order made before the date of sequestration shall be paid to the Secretary of State, notwithstanding that the date of payment will be after the date of sequestration.”;
- (c) after subsection (4) there shall be inserted—
- “(4A) A deduction from earnings order under the said Act shall not be competent after the date of sequestration to secure the payment of any amount due by the debtor under a [^{F6}maintenance calculation] within the meaning of that Act in respect of which a claim could be made in the sequestration.”.
- (6) In section 73(1) (interpretation of Part III), in the definition of “net earnings”,

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- (a) in paragraph (c) for “within the meaning of the Wages Councils Act 1979” there shall be substituted “, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—
- (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
 - (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,
- whether with or without any further or other benefit; ”; and
- (b) at the end there shall be added—
- “(d) any amount deductible by virtue of a deduction from earnings order which, in terms of regulations made under section 32(4)(c) of the Child Support Act 1991, is to have priority over diligences against earnings.”
- (7) In section 106 (interpretation) in the definition of “maintenance order”—
- (a) the word “or” where it appears after paragraph (g), shall be omitted; and
 - (b) at the end there shall be inserted “or
 - (j) a [^{F6}“maintenance calculation”] within the meaning of the Child Support Act 1991.”.

Textual Amendments

F6 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.

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