

Status: Point in time view as at 12/04/2010.

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SCHEDULES

SCHEDULE 1

Section 11.

MAINTENANCE [F1CALCULATIONS]

Textual Amendments

- F1** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 1(2)(b)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

[F2PART I

CALCULATION OF WEEKLY AMOUNT OF CHILD SUPPORT MAINTENANCE

Textual Amendments

- F2** Sch. 1 Pt. 1 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. 1(3)**, 86(1)(a)(2), **Sch. 1** (with ss. 28, 83(6)); S.I. 2000/2994, art. 2(1), Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 5 (as originally enacted) amended (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 7(8)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- C2** Sch. 1 para. 6 (as originally enacted) amended (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 paras. 4, 5**; S.I. 2005/3175, art. 2(1), Sch. 1

General rule

- 1 (1) The weekly rate of child support maintenance is the basic rate unless a reduced rate, a flat rate or the nil rate applies.
- (2) Unless the nil rate applies, the amount payable weekly to a person with care is—
- the applicable rate, if paragraph 6 does not apply; or
 - if paragraph 6 does apply, that rate as apportioned between the persons with care in accordance with paragraph 6,
- as adjusted, in either case, by applying the rules about shared care in paragraph 7 or 8.

Basic rate

- 2 (1) The basic rate is the following percentage of the non-resident parent's net weekly income—
- 15% where he has one qualifying child;

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- 20% where he has two qualifying children;
- 25% where he has three or more qualifying children.

- (2) If the non-resident parent also has one or more relevant other children, the appropriate percentage referred to in sub-paragraph (1) is to be applied instead to his net weekly income less—
- 15% where he has one relevant other child;
 - 20% where he has two relevant other children;
 - 25% where he has three or more relevant other children.

Reduced rate

- 3 (1) A reduced rate is payable if—
- (a) neither a flat rate nor the nil rate applies; and
 - (b) the non-resident parent's net weekly income is less than £200 but more than £100.
- (2) The reduced rate payable shall be prescribed in, or determined in accordance with, regulations.
- (3) The regulations may not prescribe, or result in, a rate of less than £5.

Flat rate

- 4 (1) Except in a case falling within sub-paragraph (2), a flat rate of £5 is payable if the nil rate does not apply and—
- (a) the non-resident parent's net weekly income is £100 or less; or
 - (b) he receives any benefit, pension or allowance prescribed for the purposes of this paragraph of this sub-paragraph; or
 - (c) he or his partner (if any) receives any benefit prescribed for the purposes of this paragraph of this sub-paragraph.
- (2) A flat rate of a prescribed amount is payable if the nil rate does not apply and—
- (a) the non-resident parent has a partner who is also a non-resident parent;
 - (b) the partner is a person with respect to whom a maintenance calculation is in force; and
 - (c) the non-resident parent or his partner receives any benefit prescribed under sub-paragraph (1)(c).
- (3) The benefits, pensions and allowances which may be prescribed for the purposes of sub-paragraph (1)(b) include ones paid to the non-resident parent under the law of a place outside the United Kingdom.

Nil rate

- 5 The rate payable is nil if the non-resident parent—
- (a) is of a prescribed description; or
 - (b) has a net weekly income of below £5.

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Apportionment

- 6 (1) If the non-resident parent has more than one qualifying child and in relation to them there is more than one person with care, the amount of child support maintenance payable is (subject to paragraph 7 or 8) to be determined by apportioning the rate between the persons with care.
- (2) The rate of maintenance liability is to be divided by the number of qualifying children, and shared among the persons with care according to the number of qualifying children in relation to whom each is a person with care.

Shared care—basic and reduced rate

- 7 (1) This paragraph applies only if the rate of child support maintenance payable is the basic rate or a reduced rate.
- (2) If the care of a qualifying child is shared between the non-resident parent and the person with care, so that the non-resident parent from time to time has care of the child overnight, the amount of child support maintenance which he would otherwise have been liable to pay the person with care, as calculated in accordance with the preceding paragraphs of this Part of this Schedule, is to be decreased in accordance with this paragraph.
- (3) First, there is to be a decrease according to the number of such nights which the [F³Commission] determines there to have been, or expects there to be, or both during a prescribed twelve-month period.
- (4) The amount of that decrease for one child is set out in the following Table—

Number of nights	Fraction to subtract
52 to 103	One-seventh
104 to 155	Two-sevenths
156 to 174	Three-sevenths
175 or more	One-half

- (5) If the person with care is caring for more than one qualifying child of the non-resident parent, the applicable decrease is the sum of the appropriate fractions in the Table divided by the number of such qualifying children.
- (6) If the applicable fraction is one-half in relation to any qualifying child in the care of the person with care, the total amount payable to the person with care is then to be further decreased by £7 for each such child.
- (7) If the application of the preceding provisions of this paragraph would decrease the weekly amount of child support maintenance (or the aggregate of all such amounts) payable by the non-resident parent to the person with care (or all of them) to less than £5, he is instead liable to pay child support maintenance at the rate of £5 a week, apportioned (if appropriate) in accordance with paragraph 6.

Textual Amendments

F3 Word in Sch. 1 para. 7(3) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008](#) (c. 6), s. 62(3), [Sch. 3 para. 52\(2\)](#); S.I. 2008/2675, art. 3(b)

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Modifications etc. (not altering text)

- C3** Sch. 1 para. 7 modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\)](#), regs. 1(4), **11(4)**; S.I. 2003/192, art. 3(1), Sch.
- C4** Sch. 1 para. 7(4) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\)](#), regs. 1(4), **7(4)**; S.I. 2003/192, art. 3(1), Sch.

Shared care—flat rate

- 8 (1) This paragraph applies only if—
- (a) the rate of child support maintenance payable is a flat rate; and
 - (b) that rate applies because the non-resident parent falls within paragraph 4(1) (b) or (c) or 4(2).
- (2) If the care of a qualifying child is shared as mentioned in paragraph 7(2) for at least 52 nights during a prescribed 12-month period, the amount of child support maintenance payable by the non-resident parent to the person with care of that child is nil.

Modifications etc. (not altering text)

- C5** Sch. 1 para. 8(2) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\)](#), regs. 1(4), **7(4)**; S.I. 2003/192, art. 3(1), Sch.

Regulations about shared care

- 9 The Secretary of State may by regulations provide—
- (a) for which nights are to count for the purposes of shared care under paragraphs 7 and 8, or for how it is to be determined whether a night counts;
 - (b) for what counts, or does not count, as “care” for those purposes; and
 - (c) for paragraph 7(3) or 8(2) to have effect, in prescribed circumstances, as if the period mentioned there were other than 12 months, and in such circumstances for the Table in paragraph 7(4) (or that Table as modified pursuant to regulations made under paragraph 10A(2)(a)), or the period mentioned in paragraph 8(2), to have effect with prescribed adjustments.

Net weekly income

- 10 (1) For the purposes of this Schedule, net weekly income is to be determined in such manner as is provided for in regulations.
- (2) The regulations may, in particular, provide for the [^{F4}Commission] to estimate any income or make an assumption as to any fact where, in [^{F5}its] view, the information at [^{F5}its] disposal is unreliable, insufficient, or relates to an atypical period in the life of the non-resident parent.
- (3) Any amount of net weekly income (calculated as above) over £2,000 is to be ignored for the purposes of this Schedule.

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Textual Amendments

- F4** Word in Sch. 1 para. 10(2) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 3 para. 52\(3\)\(a\)](#); S.I. 2008/2675, art. 3(b)
- F5** Word in Sch. 1 para. 10(2) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 3 para. 52\(3\)\(b\)](#); S.I. 2008/2675, art. 3(b)

Regulations about rates, figures, etc.

- 10A (1) The Secretary of State may by regulations provide that—
- (a) paragraph 2 is to have effect as if different percentages were substituted for those set out there;
 - (b) paragraph 3(1) or (3), 4(1), 5, 7(7) or 10(3) is to have effect as if different amounts were substituted for those set out there.
- (2) The Secretary of State may by regulations provide that—
- (a) the Table in paragraph 7(4) is to have effect as if different numbers of nights were set out in the first column and different fractions were substituted for those set out in the second column;
 - (b) paragraph 7(6) is to have effect as if a different amount were substituted for that mentioned there, or as if the amount were an aggregate amount and not an amount for each qualifying child, or both.

Regulations about income

- 10B The Secretary of State may by regulations provide that, in such circumstances and to such extent as may be prescribed—
- (a) where the [^{F6}Commission] is satisfied that a person has intentionally deprived himself of a source of income with a view to reducing the amount of his net weekly income, his net weekly income shall be taken to include income from that source of an amount estimated by the [^{F6}Commission];
 - (b) a person is to be treated as possessing income which he does not possess;
 - (c) income which a person does possess is to be disregarded.

Textual Amendments

- F6** Word in Sch. 1 para. 10B(a) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 3 para. 52\(4\)](#); S.I. 2008/2675, art. 3(b)

References to various terms

- 10C (1) References in this Part of this Schedule to “qualifying children” are to those qualifying children with respect to whom the maintenance calculation falls to be made.
- (2) References in this Part of this Schedule to “relevant other children” are to—
- (a) children other than qualifying children in respect of whom the non-resident parent or his partner receives child benefit under Part IX of the Social Security Contributions and Benefits Act 1992; and
 - (b) such other description of children as may be prescribed.

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- (3) In this Part of this Schedule, a person “receives” a benefit, pension, or allowance for any week if it is paid or due to be paid to him in respect of that week.
- (4) In this Part of this Schedule, a person’s “partner” is—
- (a) if they are a couple, the other member of that couple;
 - (b) if the person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, another party to the marriage who is of the opposite sex and is a member of the same household.
- [^{F7}(5) In sub-paragraph (4)(a), “couple” means—
- (a) a man and a woman who are married to each other and are members of the same household,
 - (b) a man and a woman who are not married to each other but are living together as husband and wife,
 - (c) two people of the same sex who are civil partners of each other and are members of the same household, or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.]
- [^{F7}(6) For the purposes of this paragraph, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]]

Textual Amendments

- F7** Sch. 1 para. 10C(5)(6) substituted for Sch. 1 para. 10C(5) (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(8)(d), [Sch. 24 para. 6](#); S.I. 2005/3175, art. 2(1), Sch. 1

PART II

GENERAL PROVISIONS ABOUT MAINTENANCE [^{F1}CALCULATIONS]

Effective date of [^{F1}calculation]

- 11 (1) A [^{F8}maintenance calculation] shall take effect on such date as may be determined in accordance with regulations made by the Secretary of State.
- (2) That date may be earlier than the date on which the [^{F1}calculation] is made.

Textual Amendments

- F8** 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.

Form of [^{F1}calculation]

- 12 Every [^{F8}maintenance calculation] shall be made in such form and contain such information as the [^{F9}Commission] may direct.

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Textual Amendments

- F8** 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.
- F9** Word in **Sch. 1 para. 12** substituted (1.11.2008) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 3 para. 52(5)**; S.I. 2008/2675, art. 3(b)

Assessments where amount of child support is nil

^{F10}13

Textual Amendments

- F10** Sch. 1 para. 13 repealed (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(22)(a), Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

- C6** Sch. 1 para. 13 (as originally enacted) amended (1.11.2008) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 3 para. 52(5)**; S.I. 2008/2675, art. 3(b)

Consolidated applications and ^{F1}calculations

- ^{F11}14 The Secretary of State may by regulations provide—
- (a) for two or more applications for maintenance calculations to be treated, in prescribed circumstances, as a single application; and
 - (b) for the replacement, in prescribed circumstances, of a maintenance calculation made on the application of one person by a later maintenance calculation made on the application of that or any other person.]

Textual Amendments

- F11** Sch. 1 para. 14 substituted (1.6.2009) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 7 para. 1(32)**; S.I. 2009/1314, art. 2(2)(b)(i)

Separate ^{F1}calculations] for different periods

- 15 Where ^{F12}the ^{F13}Commission]] is satisfied that the circumstances of a case require different amounts of child support maintenance to be assessed in respect of different periods, ^{F14}it] may make separate maintenance ^{F1}calculations] each expressed to have effect in relation to a different specified period.

Textual Amendments

- F12** Words in Sch. 1 para. 15 substituted (1.6.1999) by **Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(4)**; S.I. 1999/1510, art. 2(g)(v)
- F13** Word in **Sch. 1 para. 15** substituted (1.11.2008) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 3 para. 52(6)(a)**; S.I. 2008/2675, art. 3(b)

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F14 Word in Sch. 1 para. 15 substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 3 para. 52(6)(b); S.I. 2008/2675, art. 3(b)

Termination of [F1] calculations]

- 16 (1) A [F8 maintenance calculation] shall cease to have effect—
 - (a) on the death of the [F15 non-resident parent], or of the person with care, with respect to whom it was made;
 - (b) on there no longer being any qualifying child with respect to whom it would have effect;
 - (c) on the [F15 non-resident parent] with respect to whom it was made ceasing to be a parent of—
 - (i) the qualifying child with respect to whom it was made; or
 - (ii) where it was made with respect to more than one qualifying child, all of the qualifying children with respect to whom it was made;
 - F16(d)
 - F16(e)
 - F17(2)
 - F17(3)
 - F17(4)
 - F17(4A)
 - F17(5)
 - F17(6)
 - F17(7)
 - F17(8)
 - F17(9)
- (10) A person with care with respect to whom a [F8 maintenance calculation] is in force shall provide the [F18 Commission] with such information, in such circumstances, as may be prescribed, with a view to assisting the [F18 Commission]^{F19}... in determining whether the [F1 calculation] has ceased to have effect^{F20}...
- (11) The Secretary of State may by regulations make such supplemental, incidental or transitional provision as he thinks necessary or expedient in consequence of the provisions of this paragraph.

Textual Amendments

- F8** 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.
- F15** 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.

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- F16** Sch. 1 para. 16(1)(d)(e) repealed (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(22)(c)(i), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F17** Sch. 1 para. 16(2)-(9) repealed (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(22)(c)(ii), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F18** Word in Sch. 1 para. 16(10) substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 3 para. 52(7)**; S.I. 2008/2675, art. 3(b)
- F19** Words in Sch. 1 para. 16(10) repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(5)(d), **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(v)
- F20** Words in Sch. 1 para. 16(10) repealed (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(22)(c)(iii), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

- C7** Sch. 1 para. 16(3) (as originally enacted) repealed (14.7.2008 for specified purposes, 1.6.2009 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(34)(b)**; S.I. 2008/1476, art. 2(3)(b)(4)(5); S.I. 2009/1314, art. 2(2)(b)(i)
- C8** Sch. 1 para. 16(4A) (as originally enacted) amended (14.7.2008 for specified purposes, 1.6.2009 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(34)(b)**; S.I. 2008/1476, art. 2(3)(b)(4)(5); S.I. 2009/1314, art. 2(2)(b)(i)

Commencement Information

- I1** Sch. 1 para. 16 wholly in force; para. 16 not in force at Royal Assent see s. 58(2); para. 16(5)(10)(11) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; para. 16 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

F21 SCHEDULE 2

Section 14(4).

Textual Amendments

- F21** Sch. 2 repealed (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 7 para. 1(33), **Sch. 8**; S.I. 2008/2675, art. 3(f)(g)(i)

F22 SCHEDULE 3

Section 21(4).

Textual Amendments

- F22** Sch. 3 repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 50, **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(v)

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SCHEDULE 4

Section 22(5).

CHILD SUPPORT COMMISSIONERS [^{F23}FOR NORTHERN IRELAND]

Textual Amendments

F23 Words in Sch. 4 heading inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(2)**

Tenure of office

- 1 (1) Every Child Support Commissioner [^{F24}for Northern Ireland] shall vacate his office [^{F25}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)].

^{F26}(2)

^{F27}(3)

^{F27}(3A)

^{F27}(3B)

Textual Amendments

F24 Words in Sch. 4 para. 1(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(3)(a)**

F25 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

F26 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

F27 Sch. 4 para. 1(3)-(3B) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(3)(b)**

Commissioners' remuneration and their pensions

- 2 (1) The [^{F28}Department of Justice shall] pay, or make such payments towards the provision of such remuneration, ^{F29}... allowances or gratuities to or in respect of persons appointed as Child Support Commissioners [^{F30}for Northern Ireland] as, with the consent of the Treasury, [^{F31}the Lord Chancellor] may determine.
- (2) The [^{F32}Department of Justice] shall pay to a Child Support Commissioner [^{F33}for Northern Ireland] such expenses incurred in connection with his work as such a Commissioner as may be determined by the Treasury.
- ^{F34}(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

- F28** Words in Sch. 4 para. 2(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 42(a)(i)** (with arts. 28-31)
- F29** Word in Sch. 4 para. 2(1) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(4)(a)(i)**
- F30** Words in Sch. 4 para. 2(1) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(4)(a)(ii)**
- F31** Words in Sch. 4 para. 2(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 42(a)(ii)** (with arts. 28-31)
- F32** Words in Sch. 4 para. 2(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 42(b)** (with arts. 28-31)
- F33** Words in Sch. 4 para. 2(2) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(4)(b)**
- F34** 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

[^{F35}Expenses of other persons]

Textual Amendments

- F35** 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

^{F36}2A

Textual Amendments

- F36** Sch. 4 para. 2A omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(5)**

Commissioners barred from legal practice

[^{F37}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.]

Textual Amendments

- F37** Sch. 4 para. 3 substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(6)**

Status: Point in time view as at 12/04/2010.

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

Deputy Child Support Commissioners

- 4 ^{F38}(1) The Northern Ireland Judicial Appointments Commission may appoint persons to act as Child Support Commissioners for Northern Ireland (but to be known as deputy Child Support Commissioners for Northern Ireland) in order to facilitate the disposal of the business of Child Support Commissioners for Northern Ireland.]
- ^{F38}(2) A deputy Child Support Commissioner for Northern Ireland shall be appointed—
- (a) from among persons who are barristers or solicitors of not less than the number of years' standing specified in section 23(2), and
 - (b) subject to sub-paragraph (2A), for such period or on such occasions as the Commission determines with the agreement of the ^{F39}Department of Justice].]

^{F40}(2A) No appointment of a person to be a deputy Child Support Commissioner ^{F41}for Northern Ireland] 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).]

^{F42}(3) Paragraph 2 applies to deputy Child Support Commissioners for Northern Ireland, but paragraph 3 does not apply to them.]

Textual Amendments

- F38** Sch. 4 para. 4(1)(2) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 23** (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F39** Words in Sch. 4 para. 4(2)(b) substituted (N.I.) (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 7**; S.R. 2010/147, **art. 2(2)**
- F40** 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
- F41** Words in Sch. 4 para. 4(2A) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(7)(e)**
- F42** Sch. 4 para. 4(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(7)(f)**

^{F43}Determination of questions by other officers]

Textual Amendments

- F43** 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

^{F44}4A

Textual Amendments

- F44** Sch. 4 paras. 4A-8 omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 97(8)**

Status: Point in time view as at 12/04/2010.

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Tribunals of Commissioners

F44⁵

Textual Amendments

F44 Sch. 4 paras. 4A-8 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(8)**

Finality of decisions

F44⁶

Textual Amendments

F44 Sch. 4 paras. 4A-8 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(8)**

Consultation with Lord Advocate

F44⁷

Textual Amendments

F44 Sch. 4 paras. 4A-8 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(8)**

Northern Ireland

F44⁸

Textual Amendments

F44 Sch. 4 paras. 4A-8 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 97(8)**

[^{F45}SCHEDULE 4A

APPLICATIONS FOR A VARIATION

Textual Amendments

F45 Sch. 4A 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. 6(1), 86(1)(a)(2), **Sch. 2 Pt. I** (with ss. 28, 83(6)); S.I. 2000/2994, art. 2(1), Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Status: Point in time view as at 12/04/2010.

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Modifications etc. (not altering text)

- C9** Sch. 4A (as originally enacted) amended (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 98**
- C10** Sch. 4A modified (31.1.2001) by [The Child Support \(Variations\) \(Modification of Statutory Provisions\) Regulations 2000 \(S.I. 2000/3173\)](#), regs. 1(1), 2, **8(1)**

Interpretation

1 In this Schedule, “regulations” means regulations made by the Secretary of State.

Applications for a variation

- 2 Regulations may make provision—
- (a) as to the procedure to be followed in considering an application for a variation;
 - ^{F46}(b)

Textual Amendments

- F46** Sch. 4A para. 2(b) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 99**

Completion of preliminary consideration

3 Regulations may provide for determining when the preliminary consideration of an application for a variation is to be taken to have been completed.

Information

4 If any information which is required (by regulations under this Act) to be furnished to the [^{F47}Commission] in connection with an application for a variation has not been furnished within such period as may be prescribed, the [^{F47}Commission] may nevertheless proceed to consider the application.

Textual Amendments

- F47** Word in Sch. 4A para. 4 substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 3 para. 53**; S.I. 2008/2675, art. 3(b)

Joint consideration of applications for a variation and appeals

5 (1) Regulations may provide for two or more applications for a variation with respect to the same application for a maintenance calculation to be considered together.

^{F48}(2)

^{F49}(3)]

Status: Point in time view as at 12/04/2010.

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Textual Amendments

- F48** Sch. 4A para. 5(2) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F49** Sch. 4A para. 5(3) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 99](#)

[^{F50}SCHEDULE 4B

APPLICATIONS FOR A VARIATION: THE CASES AND CONTROLS

Textual Amendments

- F50** Sch. 4B 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. 6(2), 86(1)(a)(2), [Sch. 2 Pt. II](#) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2(1), Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

- C11** Sch. 4B modified (31.1.2001) by [The Child Support \(Variations\) \(Modification of Statutory Provisions\) Regulations 2000 \(S.I. 2000/3173\)](#), regs. 1(1), 2, [8\(2\)–\(5\)](#)

PART I

THE CASES

General

- 1 (1) The cases in which a variation may be agreed are those set out in this Part of this Schedule or in regulations made under this Part.
- (2) In this Schedule “applicant” means the person whose application for a variation is being considered.

Special expenses

- 2 (1) A variation applied for by a non-resident parent may be agreed with respect to his special expenses.
- (2) In this paragraph “special expenses” means the whole, or any amount above a prescribed amount, or any prescribed part, of expenses which fall within a prescribed description of expenses.
- (3) In prescribing descriptions of expenses for the purposes of this paragraph, the Secretary of State may, in particular, make provision with respect to—
- (a) costs incurred by a non-resident parent in maintaining contact with the child, or with any of the children, with respect to whom the application for a maintenance calculation has been made ^{F51}... ;

Status: Point in time view as at 12/04/2010.

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- (b) costs attributable to a long-term illness or disability of a relevant other child (within the meaning of paragraph 10C(2) of Schedule 1);
 - (c) debts of a prescribed description incurred, before the non-resident parent became a non-resident parent in relation to a child with respect to whom the maintenance calculation has been applied for ^{F52}... —
 - (i) for the joint benefit of both parents;
 - (ii) for the benefit of any such child; or
 - (iii) for the benefit of any other child falling within a prescribed category;
 - (d) boarding school fees for a child in relation to whom the application for a maintenance calculation has been made ^{F53}... ;
 - (e) the cost to the non-resident parent of making payments in relation to a mortgage on the home he and the person with care shared, if he no longer has an interest in it, and she and a child in relation to whom the application for a maintenance calculation has been made ^{F54}... still live there.
- (4) For the purposes of sub-paragraph (3)(b)—
- (a) “disability” and “illness” have such meaning as may be prescribed; and
 - (b) the question whether an illness or disability is long-term shall be determined in accordance with regulations made by the Secretary of State.
- (5) For the purposes of sub-paragraph (3)(d), the Secretary of State may prescribe—
- (a) the meaning of “boarding school fees”; and
 - (b) components of such fees (whether or not itemised as such) which are, or are not, to be taken into account,
- and may provide for estimating any such component.

Textual Amendments

- F51** Words in Sch. 4B para. 2(3)(a) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F52** Words in Sch. 4B para. 2(3)(c) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F53** Words in Sch. 4B para. 2(3)(d) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F54** Words in Sch. 4B para. 2(3)(e) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)

Property or capital transfers

- 3 (1) A variation may be agreed in the circumstances set out in sub-paragraph (2) if before 5th April 1993—
- (a) a court order of a prescribed kind was in force with respect to the non-resident parent and either the person with care with respect to the application for the maintenance calculation or the child, or any of the children, with respect to whom that application was made; or
 - (b) an agreement of a prescribed kind between the non-resident parent and any of those persons was in force.

Status: Point in time view as at 12/04/2010.

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- (2) The circumstances are that in consequence of one or more transfers of property of a prescribed kind and exceeding (singly or in aggregate) a prescribed minimum value—
 - (a) the amount payable by the non-resident parent by way of maintenance was less than would have been the case had that transfer or those transfers not been made; or
 - (b) no amount was payable by the non-resident parent by way of maintenance.
- (3) For the purposes of sub-paragraph (2), “maintenance” means periodical payments of maintenance made (otherwise than under this Act) with respect to the child, or any of the children, with respect to whom the application for a maintenance calculation has been made.

Additional cases

- 4 (1) The Secretary of State may by regulations prescribe other cases in which a variation may be agreed.
- (2) Regulations under this paragraph may, for example, make provision with respect to cases where—
 - (a) the non-resident parent has assets which exceed a prescribed value;
 - (b) a person’s lifestyle is inconsistent with his income for the purposes of a calculation made under Part I of Schedule 1;
 - (c) a person has income which is not taken into account in such a calculation;
 - (d) a person has unreasonably reduced the income which is taken into account in such a calculation.

PART II

REGULATORY CONTROLS

- 5 (1) The Secretary of State may by regulations make provision with respect to the variations from the usual rules for calculating maintenance which may be allowed when a variation is agreed.
- (2) No variations may be made other than those which are permitted by the regulations.
- (3) Regulations under this paragraph may, in particular, make provision for a variation to result in—
 - (a) a person’s being treated as having more, or less, income than would be taken into account without the variation in a calculation under Part I of Schedule 1;
 - (b) a person’s being treated as liable to pay a higher, or a lower, amount of child support maintenance than would result without the variation from a calculation under that Part.
- (4) Regulations may provide for the amount of any special expenses to be taken into account in a case falling within paragraph 2, for the purposes of a variation, not to exceed such amount as may be prescribed or as may be determined in accordance with the regulations.
- (5) Any regulations under this paragraph may in particular make different provision with respect to different levels of income.

Status: Point in time view as at 12/04/2010.

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6 The Secretary of State may by regulations provide for the application, in connection with child support maintenance payable following a variation, of paragraph 7(2) to (7) of Schedule 1 (subject to any prescribed modifications).]

F55 SCHEDULE 4C

Section 83.

Textual Amendments

F55 Sch. 4C repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

C12 Sch. 4C (as originally enacted) amended (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 100**

C13 Sch. 4C (as originally enacted) amended (14.7.2008 for specified purposes, 1.6.2009 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 7 para. 1(34)(e)**; S.I. 2008/1476, art. 2(3)(b)(4)(5); S.I. 2009/1314, art. 2(2)(b)(i)

SCHEDULE 5

Section 58(13).

CONSEQUENTIAL AMENDMENTS

The Tribunals and Inquiries Act 1971 (c.62)

F56₁

Textual Amendments

F56 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)

F57₂

Textual Amendments

F57 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.

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- (2) In Part I [^{F58}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). ”

^{F59}(3)

Textual Amendments

- F58** 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](#)
- F59** 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\(f\)\(iii\)](#)

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

- 4 (1) In Part I of [^{F60}Schedule 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

- F60** 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.”;

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- (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 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 [^{F8}maintenance calculation] made under the Child Support Act 1991 ”.

Textual Amendments

- F8** 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 ”.

Status: Point in time view as at 12/04/2010.

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- (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 [^{F8}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”,
- (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 [^{F8}maintenance calculation] within the meaning of the Child Support Act 1991.”.

Textual Amendments

F8 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.

Status:

Point in time view as at 12/04/2010.

Changes to legislation:

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