



# Child Support Act 1991

## 1991 CHAPTER 48

### *Reviews and appeals*

#### **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 <sup>M1</sup>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 <sup>M2</sup>Family Law Act 1986 (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

*Status: Point in time view as at 05/04/1993. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 26 is up to date with all changes known to be in force on or before 02 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)*

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 <sup>M3</sup>Law Reform (Parent and Child) (Scotland) Act 1986 applies; and
- (c) the child has not subsequently been adopted.

CASE F

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 <sup>M4</sup>Civil Evidence Act 1968; 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 <sup>M5</sup>Adoption Act 1976 or, in relation to Scotland, Part IV of the <sup>M6</sup>Adoption (Scotland) Act 1978; and

“affiliation proceedings”, in relation to Scotland, means any action of affiliation and aliment.

#### Marginal Citations

- M1** 1990 c. 37.
- M2** 1986 c. 55.
- M3** 1986 c. 9.
- M4** 1968 c. 64.
- M5** 1976 c. 36.
- M6** 1978 c. 28.

**Status:**

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