



# Child Support Act 1991

## 1991 CHAPTER 48

*[<sup>F1</sup>Departure from usual rules for determining maintenance assessments]*

### **[<sup>F1</sup>28D Determination of applications.**

- (1) Where an application for a departure direction has not failed, the Secretary of State shall—
  - (a) determine the application in accordance with the relevant provisions of, or made under, this Act; or
  - (b) refer the application to [<sup>F2</sup>an appeal tribunal] for the tribunal to determine it in accordance with those provisions.
- (2) For the purposes of subsection (1), an application for a departure direction has failed if—
  - (a) it has lapsed or been withdrawn; or
  - (b) the Secretary of State has rejected it on completing a preliminary consideration under section 28B.
- (3) In dealing with an application for a departure direction which has been referred to it under subsection (1)(b), [<sup>F2</sup>an appeal tribunal] shall have the same powers, and be subject to the same duties, as would the Secretary of State if he were dealing with the application.]

#### **Textual Amendments**

- F1** S. 28D inserted (2.12.1996) by [Child Support Act 1995 \(c. 34\), ss. 4, 30\(4\)](#); S.I. 1996/2630, art. 2, Sch. Pt. 2
- F2** Words in s. 28D(1)(3) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 36](#); S.I. 1999/1510, art. 2(g)(iii)

**Status:**

Point in time view as at 01/06/1999. This version of this provision has been superseded.

**Changes to legislation:**

Child Support Act 1991, Section 28D is up to date with all changes known to be in force on or before 05 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.