



Child Support Act 1991

1991 CHAPTER 48

[^{F1}Variations]

[^{F1}28D Determination of applications.

- [^{F2}(1) Where an application for a variation has not failed, the Secretary of State shall, in accordance with the relevant provisions of, or made under, this Act—
- (a) either agree or not to a variation, and make a decision under section 11 or 12(1); or
 - (b) refer the application to an appeal tribunal for the tribunal to determine what variation, if any, is to be made.]
- (2) For the purposes of subsection (1), [^{F3}an application for a variation] has failed if—
- (a) it has ^{F4}... been withdrawn; or
 - (b) the Secretary of State has rejected it on completing a preliminary consideration under section 28B; [^{F5}or]
 - ^{F5}(c) [the Secretary of State has refused to consider it under section 28C(5).]
- (3) In dealing with [^{F3}an application for a variation] which has been referred to it under subsection (1)(b), [^{F6}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** S. 28D(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. 5(3)(a)**, 86(1)(a)(2) (with **ss. 28**, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F3** Words in s. 28D(2)(3) 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. 5(3)(b)**, 86(1)(a)(2) (with **ss. 28**, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Status: Point in time view as at 03/03/2003. This version of this provision has been superseded.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 31 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)

- F4** Words in s. 28D(2)(a) repealed (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), ss. 5(3)(c), 86(1)(a)(2), **Sch. 9 Pt. 1** (with s. 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F5** S. 28D(2)(c) and preceding word inserted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 5(3)(c)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F6** 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)

Modifications etc. (not altering text)

- C1** S. 28D modified (31.1.2001) by The Child Support (Variations) (Modification of Statutory Provisions) Regulations 2000 (S.I. 2000/3173), regs. 1(1), 2, **6(1)**

Status:

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