



# Child Support Act 1991

## 1991 CHAPTER 48

### *The basic principles*

#### **4 Child support maintenance.**

- (1) A person who is, in relation to any qualifying child or any qualifying children, either the person with care or the [<sup>F1</sup>non-resident parent] may apply to the [<sup>F2</sup>Secretary of State] for a [<sup>F3</sup>maintenance calculation] to be made under this Act with respect to that child, or any of those children.
- (2) Where a [<sup>F3</sup>maintenance calculation] has been made in response to an application under this section the [<sup>F4</sup>Secretary of State] may, if the person with care or [<sup>F1</sup>non-resident parent] with respect to whom the [<sup>F5</sup>calculation] was made applies to [<sup>F4</sup>the Secretary of State] under this subsection, arrange for—
  - (a) the collection of the child support maintenance payable in accordance with the [<sup>F5</sup>calculation];
  - (b) the enforcement of the obligation to pay child support maintenance in accordance with the [<sup>F5</sup>calculation].
- (3) Where an application under subsection (2) for the enforcement of the obligation mentioned in subsection (2)(b) authorises the [<sup>F6</sup>Secretary of State] to take steps to enforce that obligation whenever [<sup>F6</sup>the Secretary of State] considers it necessary to do so, the [<sup>F6</sup>Secretary of State] may act accordingly.
- (4) A person who applies to the [<sup>F7</sup>Secretary of State] under this section shall, so far as that person reasonably can, comply with such regulations as may be made by the Secretary of State with a view to the [<sup>F7</sup>Secretary of State]<sup>F8</sup>... being provided with the information which is required to enable—
  - (a) the [<sup>F1</sup>non-resident parent] to be [<sup>F9</sup>identified or] traced (where that is necessary);
  - (b) the amount of child support maintenance payable by the [<sup>F1</sup>non-resident parent] to be assessed; and
  - (c) that amount to be recovered from the [<sup>F1</sup>non-resident parent].

*Status: Point in time view as at 22/04/2014. This version of this provision has been superseded.*

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- (5) Any person who has applied to the <sup>F10</sup>Secretary of State] under this section may at any time request <sup>F10</sup>the Secretary of State] to cease acting under this section.
- (6) It shall be the duty of the <sup>F11</sup>Secretary of State] to comply with any request made under subsection (5) (but subject to any regulations made under subsection (8)).
- (7) The obligation to provide information which is imposed by subsection (4)—
  - (a) shall not apply in such circumstances as may be prescribed; and
  - (b) may, in such circumstances as may be prescribed, be waived by the <sup>F12</sup>Secretary of State].
- (8) The Secretary of State may by regulations make such incidental, supplemental or transitional provision as he thinks appropriate with respect to cases in which he is requested to cease to act under this section.

<sup>F13</sup>(9) .....

<sup>F14</sup>(10) No application may be made at any time under this section with respect to a qualifying child or any qualifying children if—

- (a) there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order <sup>F15</sup>made before a prescribed date], in respect of that child or those children and the person who is, at that time, the <sup>F1</sup>non-resident parent]; or

<sup>F16</sup>(aa) [ a maintenance order made on or after the date prescribed for the purposes of paragraph (a) is in force in respect of them, but has been so for less than the period of one year beginning with the date on which it was made; or]

<sup>F17</sup>(ab) [ a maintenance agreement—  
(i) made on or after the date prescribed for the purposes of paragraph (a); and  
(ii) registered for execution in the Books of Council and Session or the sheriff court books,

is in force in respect of them, but has been so for less than the period of one year beginning with the date on which it was made;]<sup>F18</sup>...

<sup>F18</sup>(b) .....

<sup>F19</sup>(11) ..... ]

**Textual Amendments**

- F1** 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.
- F2** Words in s. 4(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 3(a)**
- F3** 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.
- F4** Words in s. 4(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 3(b)**
- F5** 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.

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- F6** Words in s. 4(3) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 3(c)**
- F7** Words in s. 4(4) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 3(d)**
- F8** Words in s. 4(4) repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 19, **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(iii)
- F9** Words in s. 4(4)(a) inserted (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(3)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F10** Words in s. 4(5) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 3(e)**
- F11** Words in s. 4(6) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 3(f)**
- F12** Words in s. 4(7)(b) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 3(f)**
- F13** S. 4(9) 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)
- F14** S. 4(10)(11) inserted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(1)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1
- F15** Words in s. 4(10)(a) inserted (4.2.2003 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 2(2)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, arts. 2(a), 3, Sch.
- F16** S. 4(10)(aa) inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 2(3)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.
- F17** S. 4(10)(ab) inserted (6.6.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 35(1)**, 62(2)
- F18** S. 4(10)(b) and preceding word repealed (14.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/1476, art. 2(3)(c)(4)(5); S.I. 2008/2548, art. 3(d)(i)
- F19** S. 4(11) 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)

#### **Modifications etc. (not altering text)**

- C1** S. 4(6) modified (5.4.1993) by The Child Support (Maintenance Assessment Procedure) Regulations 1992 (S.I. 1992/1813), **reg. 52(8)**
- C2** S. 4(10): power to exclude conferred (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(7)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

#### **Commencement Information**

- I1** S. 4 wholly in force; s. 4 not in force at Royal Assent see s. 58(2); s. 4(4)(7)(8) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 4 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

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