



# Child Support Act 1991

## 1991 CHAPTER 48

### *Jurisdiction*

#### **45 Jurisdiction of courts in certain proceedings under this Act.**

- (1) The Lord Chancellor or, in relation to Scotland, the Lord Advocate may by order make such provision as he considers necessary to secure that appeals, or such class of appeals as may be specified in the order—
  - (a) shall be made to a court instead of being made to a child support appeal tribunal; or
  - (b) shall be so made in such circumstances as may be so specified.
- (2) In subsection (1), “court” means—
  - (a) in relation to England and Wales and subject to any provision made under Schedule 11 to the <sup>M1</sup>Children Act 1989 (jurisdiction of courts with respect to certain proceedings relating to children) the High Court, a county court or a magistrates’ court; and
  - (b) in relation to Scotland, the Court of Session or the sheriff.
- (3) Schedule 11 to the Act of 1989 shall be amended in accordance with subsections (4) and (5).
- (4) The following sub-paragraph shall be inserted in paragraph 1, after sub-paragraph (2)  
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“(2A) Sub-paragraphs (1) and (2) shall also apply in relation to proceedings—

  - (a) under section 27 of the Child Support Act 1991 (reference to court for declaration of parentage); or
  - (b) which are to be dealt with in accordance with an order made under section 45 of that Act (jurisdiction of courts in certain proceedings under that Act)”.
- (5) In paragraphs 1(3) and 2(3), the following shall be inserted after “Act 1976”—

“(bb) section 20 (appeals) or 27 (reference to court for declaration of parentage) of the Child Support Act 1991;”.

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*Status: Point in time view as at 19/05/1999. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 45 is up to date with all changes known to be in force on or before 04 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)*

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- (6) Where the effect of any order under subsection (1) is that there are no longer any appeals which fall to be dealt with by child support appeal tribunals, the Lord Chancellor after consultation with the Lord Advocate may by order provide for the abolition of those tribunals.
- (7) Any order under subsection (1) or (6) may make—
- (a) such modifications of any provision of this Act or of any other enactment; and
  - (b) such transitional provision,
- as the Minister making the order considers appropriate in consequence of any provision made by the order.

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

- C1** S. 45: transfer of functions (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
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**Marginal Citations**

- M1** 1989 c. 41.

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