



Child Support Act 1991

1991 CHAPTER 48

Miscellaneous and supplemental

[^{F1}46 Reduced benefit decisions.

- (1) This section applies where any person (“the parent”)—
 - (a) has made a request under section 6(5);
 - (b) fails to comply with any regulation made under section 6(7); or
 - (c) having been treated as having applied for a maintenance calculation under section 6, refuses to take a scientific test (within the meaning of section 27A).
- (2) The Secretary of State may serve written notice on the parent requiring her, before the end of a specified period—
 - (a) in a subsection (1)(a) case, to give him her reasons for making the request;
 - (b) in a subsection (1)(b) case, to give him her reasons for failing to do so; or
 - (c) in a subsection (1)(c) case, to give him her reasons for her refusal.
- (3) When the specified period has expired, the Secretary of State shall consider whether, having regard to any reasons given by the parent, there are reasonable grounds for believing that—
 - (a) in a subsection (1)(a) case, if the Secretary of State were to do what is mentioned in section 6(3);
 - (b) in a subsection (1)(b) case, if she were to be required to comply; or
 - (c) in a subsection (1)(c) case, if she took the scientific test,there would be a risk of her, or of any children living with her, suffering harm or undue distress as a result of his taking such action, or her complying or taking the test.
- (4) If the Secretary of State considers that there are such reasonable grounds, he shall—
 - (a) take no further action under this section in relation to the request, the failure or the refusal in question; and
 - (b) notify the parent, in writing, accordingly.

Status: Point in time view as at 10/06/2008. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 46 is up to date with all changes known to be in force on or before 31 May 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)

- (5) If the Secretary of State considers that there are no such reasonable grounds, he may, except in prescribed circumstances, make a reduced benefit decision with respect to the parent.
- (6) In a subsection (1)(a) case, the Secretary of State may from time to time serve written notice on the parent requiring her, before the end of a specified period—
- (a) to state whether her request under section 6(5) still stands; and
 - (b) if so, to give him her reasons for maintaining her request,
- and subsections (3) to (5) have effect in relation to such a notice and any response to it as they have effect in relation to a notice under subsection (2)(a) and any response to it.
- (7) Where the Secretary of State makes a reduced benefit decision he must send a copy of it to the parent.
- (8) A reduced benefit decision is to take effect on such date as may be specified in the decision.
- (9) Reasons given in response to a notice under subsection (2) or (6) need not be given in writing unless the Secretary of State directs in any case that they must.
- (10) In this section—
- (a) “comply” means to comply with the requirement or with the regulation in question; and “complied” and “complying” are to be construed accordingly;
 - (b) “reduced benefit decision” means a decision that the amount payable by way of any relevant benefit to, or in respect of, the parent concerned be reduced by such amount, and for such period, as may be prescribed;
 - (c) “relevant benefit” means income support or an income-based jobseeker’s allowance or any other benefit of a kind prescribed for the purposes of section 6; and
 - (d) “specified”, in relation to a notice served under this section, means specified in the notice; and the period to be specified is to be determined in accordance with regulations made by the Secretary of State.]

Textual Amendments

- F1** S. 46 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. 19**, 86(1)(a)(2) (with **ss. 28**, 83(6)); [S.I. 2000/2994](#), art. 2, Sch. Pt. 1; [S.I. 2003/192](#), art. 4

Modifications etc. (not altering text)

- C1** S. 46: power to modify conferred (10.6.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **ss. 59(3)**, 62(3); [S.I. 2008/1476](#), art. 2(6)

Status:

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