



Child Support Act 1991

1991 CHAPTER 48

Miscellaneous and supplemental

52 Regulations and orders.

(1) Any power conferred on ^{F1}... the Lord Advocate or the Secretary of State by this Act to make regulations or orders (other than a deduction from earnings order) shall be exercisable by statutory instrument.

[^{F2}(2) No statutory instrument containing (whether alone or with other provisions) regulations made under—

- (a) section ^{F3}... 12(4) (so far as the regulations make provision for the default rate of child support maintenance mentioned in section 12(5)(b)) [^{F4}20(2A), 20(3A)], 28C(2)(b), 28F(2)(b), 30(5A), [^{F5}32A to 32C, 32E to 32J,] 41(2), 41A, 41B(6), [^{F6}41E(1)(a),] 43(1), 44(2A)(d) ^{F3}... or 47;
- (b) paragraph 3(2) or 10A(1) of Part I of Schedule 1; or
- (c) Schedule 4B,

or an order made under section 45(1) or (6), shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]

[^{F7}(2A) No statutory instrument containing (whether alone or with other provisions)—

- (a) the first regulations under section 17(2) to make provision of the kind mentioned in section 17(3)(a) or (b),
- (b) the first regulations under section 39F, 39M(4), 39P, 39Q, 41D(2), 41E(2) or 49A,
- (c) the first regulations under paragraph 5A(6)(b) of Schedule 1,
- (d) the first regulations under paragraph 9(1)(ba) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2) of that paragraph, or
- (e) the first regulations under paragraph 10(1) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2)(a) or (b) of that paragraph,

shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]

Status: Point in time view as at 29/04/2013. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 52 is up to date with all changes known to be in force on or before 03 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)

- [^{F8}(2B) No statutory instrument containing (whether alone or with other provisions) regulations which by virtue of section 51A are to have effect for a limited period shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (3) Any other statutory instrument made under this Act (except an order made under section 58(2)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any power of a kind mentioned in subsection (1) may be exercised—
- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition;
 - (c) so to provide for a person to exercise a discretion in dealing with any matter.

Textual Amendments

- F1** Words in s. 52(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 18 Pt. 2](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(b)
- F2** S. 52(2)(2A) substituted for s. 52(2) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 25, 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. 52(2) 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)
- F4** Words in s. 52(2)(a) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 11 para. 8](#); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F5** Words in s. 52(2)(a) inserted (1.6.2009 for specified purposes, 3.8.2009 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(22\)\(a\)](#); S.I. 2009/1314, art. 2(1)(c)(d)
- F6** Word in s. 52(2)(a) inserted (27.6.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(22\)\(b\)](#); S.I. 2012/1649, art. 2
- F7** S. 52(2A) substituted (27.6.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(23\)](#); S.I. 2012/1649, art. 2
- F8** S. 52(2B) inserted (8.10.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(24\)](#); S.I. 2012/2523, art. 2(1)(d)

Status:

Point in time view as at 29/04/2013. This version of this provision has been superseded.

Changes to legislation:

Child Support Act 1991, Section 52 is up to date with all changes known to be in force on or before 03 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.