



# Child Support Act 1991

## 1991 CHAPTER 48

### *The basic principles*

#### **[F16 Applications by those claiming or receiving benefit.**

- (1) This section applies where income support, an income-based jobseeker's allowance or any other benefit of a prescribed kind is claimed by or in respect of, or paid to or in respect of, the parent of a qualifying child who is also a person with care of the child.
- (2) In this section, that person is referred to as "the parent".
- (3) The Secretary of State may—
  - (a) treat the parent as having applied for a maintenance calculation with respect to the qualifying child and all other children of the non-resident parent in relation to whom the parent is also a person with care; and
  - (b) take action under this Act to recover from the non-resident parent, on the parent's behalf, the child support maintenance so determined.
- (4) Before doing what is mentioned in subsection (3), the Secretary of State must notify the parent in writing of the effect of subsections (3) and (5) and section 46.
- (5) The Secretary of State may not act under subsection (3) if the parent asks him not to (a request which need not be in writing).
- (6) Subsection (1) has effect regardless of whether any of the benefits mentioned there is payable with respect to any qualifying child.
- (7) Unless she has made a request under subsection (5), the parent shall, so far as she reasonably can, comply with such regulations as may be made by the Secretary of State with a view to the Secretary of State's being provided with the information which is required to enable—
  - (a) the non-resident parent to be identified or traced;
  - (b) the amount of child support maintenance payable by him to be calculated; and
  - (c) that amount to be recovered from him.
- (8) The obligation to provide information which is imposed by subsection (7)—

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*Status: Point in time view as at 10/06/2008. This version of this provision has been superseded.*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 6 is up to date with all changes known to be in force on or before 10 August 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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- (a) does not apply in such circumstances as may be prescribed; and
  - (b) may, in such circumstances as may be prescribed, be waived by the Secretary of State.
- (9) If the parent ceases to fall within subsection (1), she may ask the Secretary of State to cease acting under this section, but until then he may continue to do so.
- (10) The Secretary of State must comply with any request under subsection (9) (but subject to any regulations made under subsection (11)).
- (11) The Secretary of State may by regulations make such incidental or transitional provision as he thinks appropriate with respect to cases in which he is asked under subsection (9) to cease to act under this section.
- (12) The fact that a maintenance calculation is in force with respect to a person with care does not prevent the making of a new maintenance calculation with respect to her as a result of the Secretary of State's acting under subsection (3).]

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**Textual Amendments**

- F1** S. 6 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. 3**, 86(1)(a)(2) (with **ss. 28**, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 4

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

- C1** S. 6: 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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