



# Child Support Act 1991

## 1991 CHAPTER 48

### *The basic principles*

#### **6 Applications by those receiving benefit**

- (1) Where income support, family credit 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 she shall, if—
  - (a) she is a person with care of the child; and
  - (b) she is required to do so by the Secretary of State,authorise the Secretary of State to take action under this Act to recover child support maintenance from the absent parent.
- (2) The Secretary of State shall not require a person (“the parent”) to give him the authorisation mentioned in subsection (1) if he considers that there are reasonable grounds for believing that—
  - (a) if the parent were to be required to give that authorisation; or
  - (b) if she were to give it,there would be a risk of her, or of any child living with her, suffering harm or undue distress as a result.
- (3) Subsection (2) shall not apply if the parent requests the Secretary of State to disregard it.
- (4) The authorisation mentioned in subsection (1) shall extend to all children of the absent parent in relation to whom the parent first mentioned in subsection (1) is a person with care.
- (5) That authorisation shall be given, without unreasonable delay, by completing and returning to the Secretary of State an application—
  - (a) for the making of a maintenance assessment with respect to the qualifying child or qualifying children; and
  - (b) for the Secretary of State to take action under this Act to recover, on her behalf, the amount of child support maintenance so assessed.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Such an application shall be made on a form (“a maintenance application form”) provided by the Secretary of State.
- (7) A maintenance application form shall indicate in general terms the effect of completing and returning it.
- (8) Subsection (1) has effect regardless of whether any of the benefits mentioned there is payable with respect to any qualifying child.
- (9) A person who is under the duty imposed by subsection (1) 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 or the child support officer being provided with the information which is required to enable—
  - (a) the absent parent to be traced;
  - (b) the amount of child support maintenance payable by the absent parent to be assessed; and
  - (c) that amount to be recovered from the absent parent.
- (10) The obligation to provide information which is imposed by subsection (9)—
  - (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 Secretary of State.
- (11) A person with care who has authorised the Secretary of State under subsection (1) but who subsequently ceases to fall within that subsection may request the Secretary of State to cease acting under this section.
- (12) It shall be the duty of the Secretary of State to comply with any request made under subsection (11) (but subject to any regulations made under subsection (13)).
- (13) 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 requested under subsection (11) to cease to act under this section.
- (14) The fact that a maintenance assessment is in force with respect to a person with care shall not prevent the making of a new maintenance assessment with respect to her in response to an application under this section.