



Child Support Act 1991

1991 CHAPTER 48

The basic principles

7 Right of child in Scotland to apply for assessment.

- (1) A qualifying child who has attained the age of 12 years and who is habitually resident in Scotland may apply to the Secretary of State for a maintenance assessment to be made with respect to him if—
 - (a) no such application has been made by a person who is, with respect to that child, a person with care or an absent parent; or
 - (b) the Secretary of State has not been authorised under section 6 to take action under this Act to recover child support maintenance from the absent parent (other than in a case where he has waived any requirement that he should be so authorised).
- (2) An application made under subsection (1) shall authorise the Secretary of State to make a maintenance assessment with respect to any other children of the absent parent who are qualifying children in the care of the same person as the child making the application.
- (3) Where a maintenance assessment has been made in response to an application under this section the Secretary of State may, if the person with care, the absent parent with respect to whom the assessment was made or the child concerned applies to him under this subsection, arrange for—
 - (a) the collection of the child support maintenance payable in accordance with the assessment;
 - (b) the enforcement of the obligation to pay child support maintenance in accordance with the assessment.
- (4) Where an application under subsection (3) for the enforcement of the obligation mentioned in subsection (3)(b) authorises the Secretary of State to take steps to enforce that obligation whenever he considers it necessary to do so, the Secretary of State may act accordingly.

Status: Point in time view as at 04/09/1995. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 7 is up to date with all changes known to be in force on or before 21 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)

- (5) Where a child has asked the Secretary of State to proceed under this section, the person with care of the child, the absent parent and the child concerned shall, so far as they 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 (where that is necessary);
 - (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.
- (6) The child who has made the application (but not the person having care of him) may at any time request the Secretary of State to cease acting under this section.
- (7) It shall be the duty of the Secretary of State to comply with any request made under subsection (6) (but subject to any regulations made under subsection (9)).
- (8) The obligation to provide information which is imposed by subsection (5)—
- (a) shall not apply in such circumstances as may be prescribed by the Secretary of State; and
 - (b) may, in such circumstances as may be so prescribed, be waived by the Secretary of State.
- (9) The Secretary of State may by regulations make such incidental, supplemental or transitional provision as he thinks appropriate with respect to cases in which he is requested to cease to act under this section.
- [^{F1}(10) No application may be made at any time under this section by a qualifying child if there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order, in respect of that child and the person who is, at that time, the absent parent.]

Textual Amendments

- F1** S. 7(10) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 18\(2\), 30\(4\)](#); [S.I. 1995/2302, art. 2, Sch. Pt. 1](#)

Modifications etc. (not altering text)

- C1** S. 7(10): power to exclude conferred (4.9.1995) by [Child Support Act 1995 \(c. 34\), ss. 18\(7\), 30\(4\)](#); [S.I. 1995/2302, art. 2, Sch. Pt. 1](#)

Commencement Information

- I1** S. 7 wholly in force; s. 7 not in force at Royal Assent see s. 58(2); s. 7(5)(8)(9) in force at 17.6.1992 by [S.I. 1992/1431, art. 2, Sch.](#); s. 7 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644, art. 2](#)

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