



Child Support Act 1991

1991 CHAPTER 48

The basic principles

7 Right of child in Scotland to apply for [F¹ calculation].

(1) A qualifying child who has attained the age of 12 years and who is habitually resident in Scotland may apply to the [F²Secretary of State] for a [F³maintenance calculation] 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 [F⁴a non-resident parent]; F⁵ ...

F⁵(b)

(2) An application made under subsection (1) shall authorise the [F²Secretary of State] to make a [F³maintenance calculation] with respect to any other children of the [F⁴non-resident parent] who are qualifying children in the care of the same person as the child making the application.

(3) Where a [F³maintenance calculation] has been made in response to an application under this section the [F⁶Secretary of State] may, if the [F⁷person with care or] the child concerned applies to [F⁶the Secretary of State] under this subsection, arrange for—

(a) the collection of the child support maintenance payable in accordance with the [F¹calculation];

(b) the enforcement of the obligation to pay child support maintenance in accordance with the [F¹calculation].

[F⁸(3A) The [F⁹Secretary of State] may only make arrangements under subsection (3)(a) if—

(a) the non-resident parent agrees to the arrangements, or

(b) the [F⁹Secretary of State] is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation.]

(4) Where an application under subsection (3) for the enforcement of the obligation mentioned in subsection (3)(b) authorises the [F¹⁰Secretary of State] to take steps to enforce that obligation whenever [F¹⁰the Secretary of State] considers it necessary to do so, the [F¹⁰Secretary of State] may act accordingly.

Status: Point in time view as at 08/06/2015.

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- (5) Where a child has asked the ^{F11}[Secretary of State] to proceed under this section, the person with care of the child, the ^{F4}[non-resident 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 ^{F11}[Secretary of State]^{F12}... being provided with the information which is required to enable—
- (a) the ^{F4}[non-resident parent] to be traced (where that is necessary);
 - (b) the amount of child support maintenance payable by the ^{F4}[non-resident parent] to be assessed; and
 - (c) that amount to be recovered from the ^{F4}[non-resident parent].
- (6) The child who has made the application (but not the person having care of him) may at any time request the ^{F13}[Secretary of State] to cease acting under this section.
- (7) It shall be the duty of the ^{F13}[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 ^{F14}[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.
- ^{F15}(10) No application may be made at any time under this section by a qualifying child if
- ^{F16}(a) ^{F16}[
 - there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order ^{F17}made before a prescribed date], in respect of that child and the person who is, at that time, the ^{F4}[non-resident parent]^{F18} or
 - (b) a maintenance order made on or after the date prescribed for the purposes of paragraph (a) is in force in respect of them, but has been so for less than the period of one year beginning with the date on which it was made^{F19}; or
 - (c) a maintenance agreement—
 - (i) made on or after the date prescribed for the purposes of paragraph (a); and
 - (ii) registered for execution in the Books of Council and Session or the sheriff court books,
 is in force in respect of them, but has been so for less than the period of one year beginning with the date on which it was made.]]

Textual Amendments

- F1** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 1\(2\)\(b\)](#), 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.
- F2** Words in s. 7(1)(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 4(a)**
- F3** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 1\(2\)\(a\)](#), 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

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- F4** Words in Act substituted (31.1.2001 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(2)** (with s. 83(6)); S.I. 2000/3354, art. 2(1)(b); S.I. 2003/192, art. 3, Sch.
- F5** S. 7(1)(b) and preceding word repealed (14.7.2008 for specified purposes, 1.6.2009 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/1476, art. 2(3)(c)(4)(5); S.I. 2009/1314, art. 2(2)(c)(i)
- F6** Words in s. 7(3) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 4(b)**
- F7** Words in s. 7(3) substituted (30.6.2014) by Welfare Reform Act 2012 (c. 5), **ss. 137(3)(a)**, 150(3); S.I. 2014/1635, art. 4 (with art. 5)
- F8** S. 7(3A) inserted (30.6.2014) by Welfare Reform Act 2012 (c. 5), **ss. 137(3)(b)**, 150(3); S.I. 2014/1635, art. 4 (with art. 5)
- F9** Words in s. 7(3A) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 106(3)**
- F10** Words in s. 7(4) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 4(c)**
- F11** Words in s. 7(5) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 4(d)**
- F12** Words in s. 7(5) repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 21, **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(iii)
- F13** Words in s. 7(6)(7) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 4(e)**
- F14** Words in s. 7(8)(b) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 4(e)**
- F15** 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
- F16** Word in s. 7(10) inserted (4.2.2003 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(4)(b)(i)** (with s. 83(6)); S.I. 2003/192, arts. 2(b), 3, Sch.
- F17** Words in s. 7(10) inserted (4.2.2003 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(4)(b)(ii)** (with s. 83(6)); S.I. 2003/192, arts. 2(b), 3, Sch.
- F18** S. 7(10)(b) and preceding word inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(4)(b)(iii)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F19** S. 7(10)(c) and preceding word inserted (6.6.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 35(2)**, 62(2)

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

- II** 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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