



# Child Support Act 1995

## 1995 CHAPTER 34

### *Application for a departure direction*

#### **5 Matters to be taken into account.**

In the 1991 Act, insert after section 28D—

**“28E Matters to be taken into account.**

- (1) In determining any application for a departure direction, the Secretary of State shall have regard both to the general principles set out in subsection (2) and to such other considerations as may be prescribed.
- (2) The general principles are that—
  - (a) parents should be responsible for maintaining their children whenever they can afford to do so;
  - (b) where a parent has more than one child, his obligation to maintain any one of them should be no less of an obligation than his obligation to maintain any other of them.
- (3) In determining any application for a departure direction, the Secretary of State shall take into account any representations made to him—
  - (a) by the person with care or absent parent concerned; or
  - (b) where the application for the current assessment was made under section 7, by either of them or the child concerned.
- (4) In determining any application for a departure direction, no account shall be taken of the fact that—
  - (a) any part of the income of the person with care concerned is, or would be if a departure direction were made, derived from any benefit; or
  - (b) some or all of any child support maintenance might be taken into account in any manner in relation to any entitlement to benefit.
- (5) In this section “benefit” has such meaning as may be prescribed.”

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**Status:** Point in time view as at 14/10/1996.

**Changes to legislation:** There are currently no known outstanding effects for the Child Support Act 1995, Section 5. (See end of Document for details)

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#### **Commencement Information**

- II** [S. 5](#) wholly in force at 2.12.1996; [s. 5](#) not in force at Royal Assent see [s. 30\(4\)](#); [s. 2](#) in force at 14.10.1996 for certain purposes by [S.I. 1996/2630, art. 2\(1\)](#), **Sch. Pt. I**; [S. 5](#) wholly in force at 2.12.1996 by 1996/2630, art. 2(2), Sch. Pt.II

**Status:**

Point in time view as at 14/10/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Child Support Act 1995, Section 5.