Child Support Act 1991

1991 CHAPTER 48

The basic principles

1 The duty to maintain.

(1) For the purposes of this Act, each parent of a qualifying child is responsible for maintaining him.

(2) For the purposes of this Act, **[**[F1]a non-resident parent**]** shall be taken to have met his responsibility to maintain any qualifying child of his by making periodical payments of maintenance with respect to the child of such amount, and at such intervals, as may be determined in accordance with the provisions of this Act.

(3) Where a **[**[F2]maintenance calculation**]** made under this Act requires the making of periodical payments, it shall be the duty of the **[**[F1]non-resident parent**]** with respect to whom the **[**[F3]calculation**]** was made to make those payments.

Textual Amendments

F1 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.

F2 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.

F3 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.

Modifications etc. (not altering text)

C1 S. 1 amended (5.4.1993) by The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 (S.I. 1993/584), reg. 2(2), **Sch.2**

Changes to legislation: *Child Support Act 1991, Cross Heading: The basic principles is up to date with all changes known to be in force on or before 18 May 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) View outstanding changes*

2 Welfare of children: the general principle.

Where, in any case which falls to be dealt with under this Act, the **[**[F4]Secretary of State**]**[F5]... is considering the exercise of any discretionary power conferred by this Act, **[**[F6]the Secretary of State**]** shall have regard to the welfare of any child likely to be affected by **[**[F7]the**]** decision.

Textual Amendments

F4 Words in s. 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. 2(a)**

F5 Words in s. 2 repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 18, **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(iii)

F6 Words in s. 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. 2(b)**

F7 Word in s. 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. 2(c)**

Modifications etc. (not altering text)

C2 S. 2 amended (5.4.1993) by The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 (S.I. 1993/584), reg. 2(2), **Sch.2**

3 Meaning of certain terms used in this Act.

(1) A child is a "qualifying child" if—

(a) one of his parents is, in relation to him, **[**[F1]a non-resident parent**]**; or

(b) both of his parents are, in relation to him, **[**[F1]non-resident parents**]**.

(2) The parent of any child is **[**[F1]a "non-resident parent"**]**, in relation to him, if—

(a) that parent is not living in the same household with the child; and

(b) the child has his home with a person who is, in relation to him, a person with care.

(3) A person is a "person with care", in relation to any child, if he is a person—

(a) with whom the child has his home;

(b) who usually provides day to day care for the child (whether exclusively or in conjunction with any other person); and

(c) who does not fall within a prescribed category of person.

(4) The Secretary of State shall not, under subsection (3)(c), prescribe as a category—

(a) parents;

(b) guardians;

[[F8](c) persons named, in a child arrangements order under section 8 of the Children Act 1989, as persons with whom a child is to live;**]**

(d) in Scotland, persons **[**[F9]with whom a child is to live by virtue of a residence order under section 11 of the Children (Scotland) Act 1995.**]**

(5) For the purposes of this Act there may be more than one person with care in relation to the same qualifying child.

(6) Periodical payments which are required to be paid in accordance with a **[**[F2]maintenance calculation**]** are referred to in this Act as "child support maintenance".

(7) Expressions are defined in this section only for the purposes of this Act.

Textual Amendments

F1 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.

F2 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.

F8 S. 3(4)(c) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 52**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 610)

F9 Words in s. 3(4)(d) substituted (1.11.1996) by Children (Scotland) Act 1995 (c. 36), s. 105(1)(b), **Sch. 4 para. 52(2)**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)

Modifications etc. (not altering text)

C3 S. 3(3)(b) modified (3.3.2003 for specified purposes) by The Child Support (Maintenance Calculations and Special Cases) Regulations 2000 2001 (S.I. 2001/155), regs. 1(4), **12(2)**; S.I. 2003/192, art. 3(1), Sch

C4 S. 3(3)(b) modified (3.3.2003 for specified purposes) by The Child Support (Maintenance Calculations and Special Cases) Regulations 2000 2001 (S.I. 2001/155), regs. 1(4), **13(2)**; S.I. 2003/192, art. 3(1), Sch

C5 S. 3(3)(b) modified (10.12.2012 for specified purposes) by The Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677), regs. 1, **51(2)**

C6 S. 3(3)(b) modified (10.12.2012 for specified purposes) by The Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677), regs. 1, **55(2)**

Commencement Information

I1 S. 3 wholly in force; s. 3 not in force at Royal Assent see s. 58(2); s. 3(3)(c) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 3 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, **art. 2**

4 Child support maintenance.

(1) A person who is, in relation to any qualifying child or any qualifying children, either the person with care or the **[**[F1]non-resident parent**]** may apply to the **[**[F10]Secretary of State**]** for a **[**[F2]maintenance calculation**]** to be made under this Act with respect to that child, or any of those children.

(2) Where a **[**[F2]maintenance calculation**]** has been made in response to an application under this section the **[**[F11]Secretary of State**]** may, if the person with care [F12]... applies to **[**[F11]the Secretary of State**]** under this subsection, arrange for—

(a) the collection of the child support maintenance payable in accordance with the **[**[F3]calculation**]**;

(b) the enforcement of the obligation to pay child support maintenance in accordance with the **[**[F3]calculation**]**.

[[F13](2A) The **[**[F14]Secretary of State**]** may only make arrangements under subsection (2)(a) if—

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

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(b) the **[**[F14]Secretary of State**]** is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation.**]**

(3) Where an application under subsection (2) for the enforcement of the obligation mentioned in subsection (2)(b) authorises the **[**[F15]Secretary of State**]** to take steps to enforce that obligation whenever **[**[F15]the Secretary of State**]** considers it necessary to do so, the **[**[F15]Secretary of State**]** may act accordingly.

(4) A person who applies to the **[**[F16]Secretary of State**]** under this section shall, so far as that person reasonably can, comply with such regulations as may be made by the Secretary of State with a view to the **[**[F16]Secretary of State**]**[F17]... being provided with the information which is required to enable—

(a) the **[**[F1]non-resident parent**]** to be **[**[F18]identified or**]** traced (where that is necessary);

(b) the amount of child support maintenance payable by the **[**[F1]non-resident parent**]** to be assessed; and

(c) that amount to be recovered from the **[**[F1]non-resident parent**]**.

(5) Any person who has applied to the **[**[F19]Secretary of State**]** under this section may at any time request **[**[F19]the Secretary of State**]** to cease acting under this section.

(6) It shall be the duty of the **[**[F20]Secretary of State**]** to comply with any request made under subsection (5) (but subject to any regulations made under subsection (8)).

(7) The obligation to provide information which is imposed by subsection (4)—

(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 **[**[F21]Secretary of State**]**.

(8) 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.

[F22](9) . . . . . .

[[F23](10) No application may be made at any time under this section with respect to a qualifying child or any qualifying children if—

(a) there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order **[**[F24]made before a prescribed date**]**, in respect of that child or those children and the person who is, at that time, the **[**[F1]non-resident parent**]**; or

[[F25](aa) 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; or**]**

[[F26](ab) 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;**]**[F27]...

[F27](b) . . . . . .

[F28](11) . . . . . **]**

Textual Amendments

F1 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.

F2 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.

F3 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.

F10 Words in s. 4(1) 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. 3(a)**

F11 Words in s. 4(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. 3(b)**

F12 Words in s. 4(2) repealed (30.6.2014) by Welfare Reform Act 2012 (c. 5), **ss. 137(2)(a)**, 150(3); S.I. 2014/1635, art. 4 (with art. 5)

F13 S. 4(2A) inserted (30.6.2014) by Welfare Reform Act 2012 (c. 5), **ss. 137(2)(b)**, 150(3); S.I. 2014/1635, art. 4 (with art. 5)

F14 Words in s. 4(2A) 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(2)**

F15 Words in s. 4(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. 3(c)**

F16 Words in s. 4(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. 3(d)**

F17 Words in s. 4(4) repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 19, **Sch. 8**; S.I. 1999/1510, art. 2(f)(iii)(g)(iii)

F18 Words in s. 4(4)(a) 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(3)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F19 Words in s. 4(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. 3(e)**

F20 Words in s. 4(6) 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. 3(f)**

F21 Words in s. 4(7)(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. 3(f)**

F22 S. 4(9) repealed (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2548, art. 3(d)(i)

F23 S. 4(10)(11) inserted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(1)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

F24 Words in s. 4(10)(a) inserted (4.2.2003 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 2(2)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, arts. 2(a), 3, Sch.

F25 S. 4(10)(aa) inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 2(3)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

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F26 S. 4(10)(ab) inserted (6.6.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 35(1)**, 62(2)

F27 S. 4(10)(b) and preceding word repealed (14.7.2008 for specified purposes, 27.10.2008 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. 2008/2548, art. 3(d)(i)

F28 S. 4(11) repealed (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2548, art. 3(d)(i)

Modifications etc. (not altering text)

C7 S. 4(6) modified (5.4.1993) by The Child Support (Maintenance Assessment Procedure) Regulations 1992 (S.I. 1992/1813), **reg. 52(8)**

C8 S. 4(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

I2 S. 4 wholly in force; s. 4 not in force at Royal Assent see s. 58(2); s. 4(4)(7)(8) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 4 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, **art. 2**

5 Child support maintenance: supplemental provisions.

(1) Where—

(a) there is more than one person with care of a qualifying child; and

(b) one or more, but not all, of them have parental responsibility for [F29]... the child;

no application may be made for a **[**[F2]maintenance calculation**]** with respect to the child by any of those persons who do not have parental responsibility for [F29]... the child.

(2) Where more than one application for a **[**[F2]maintenance calculation**]** is made with respect to the child concerned, only one of them may be proceeded with.

(3) The Secretary of State may by regulations make provision as to which of two or more applications for a **[**[F2]maintenance calculation**]** with respect to the same child is to be proceeded with.

Textual Amendments

F2 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.

F29 Words in s. 5(1) repealed (1.11.1996) by Children (Scotland) Act 1995 (c. 36), s. 105(1)(b), Sch. 4 para. 52(3), **Sch. 5**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)

Commencement Information

I3 S. 5 wholly in force; s. 5 not in force at Royal Assent see s. 58(2); S. 5(3) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 5 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, **art. 2**

[F30]6 Applications by those claiming or receiving benefit.

. . . . . .

Textual Amendments

F30 S. 6 repealed (14.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), ss. 15(a), 62(3), **Sch. 8**; S.I. 2008/1476, art. 2(3)(a)(c)(4)(5); S.I. 2008/2548, art. 3(a) (with art. 4) (see also S.I. 2009/1314, art. 2(c)(i) which brings the repeal of this section by Sch. 8 to the 2008 Act into force on 1.6.2009)

7 Right of child in Scotland to apply for [F3calculation].

(1) A qualifying child who has attained the age of 12 years and who is habitually resident in Scotland may apply to the **[**F31Secretary of State**]** for a **[**F2maintenance 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 **[**F1a non-resident parent**]**; F32...

F32(b) . . . . . .

(2) An application made under subsection (1) shall authorise the **[**F31Secretary of State**]** to make a **[**F2maintenance calculation**]** with respect to any other children of the **[**F1non-resident parent**]** who are qualifying children in the care of the same person as the child making the application.

(3) Where a **[**F2maintenance calculation**]** has been made in response to an application under this section the **[**F33Secretary of State**]** may, if the **[**F34person with care or**]** the child concerned applies to **[**F33the Secretary of State**]** under this subsection, arrange for—

(a) the collection of the child support maintenance payable in accordance with the **[**F3calculation**]**;

(b) the enforcement of the obligation to pay child support maintenance in accordance with the **[**F3calculation**]**.

[F35(3A) The **[**F36Secretary of State**]** may only make arrangements under subsection (3)(a) if—

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

(b) the **[**F36Secretary 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 **[**F37Secretary of State**]** to take steps to enforce that obligation whenever **[**F37the Secretary of State**]** considers it necessary to do so, the **[**F37Secretary of State**]** may act accordingly.

(5) Where a child has asked the **[**F38Secretary of State**]** to proceed under this section, the person with care of the child, the **[**F1non-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 **[**F38Secretary of State**]**F39... being provided with the information which is required to enable—

(a) the **[**F1non-resident parent**]** to be traced (where that is necessary);

(b) the amount of child support maintenance payable by the **[**F1non-resident parent**]** to be assessed; and

(c) that amount to be recovered from the **[**F1non-resident parent**]**.

(6) The child who has made the application (but not the person having care of him) may at any time request the **[**F40Secretary of State**]** to cease acting under this section.

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(7) It shall be the duty of the **[**[F40]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 **[**[F41]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.

[[F42](10) No application may be made at any time under this section by a qualifying child if

[[F43](a)**]** there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order **[**[F44]made before a prescribed date**]**, in respect of that child and the person who is, at that time, the **[**[F1]non-resident parent**][**[F45]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**][**[F46]; 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 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.

F2 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.

F3 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.

F31 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)**

F32 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)

F33 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)**

F34 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)

F35 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)

F36 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)**

F37 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)**

F38 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)**

F39 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)

F40 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)**

F41 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)**

F42 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

F43 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.

F44 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.

F45 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.

F46 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)

C9 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

I4 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**

8 Role of the courts with respect to maintenance for children.

(1) This subsection applies in any case where **[**[F47]the **[**[F48]Secretary of State**]]** would have jurisdiction to make a **[**[F2]maintenance calculation**]** with respect to a qualifying child and **[**[F1]a non-resident parent**]** of his on an application duly made [F49]... by a person entitled to apply for such **[**[F3]a calculation**]** with respect to that child.

(2) Subsection (1) applies even though the circumstances of the case are such that **[**[F47]the **[**[F48]Secretary of State**]]** would not make **[**[F3]a calculation**]** if it were applied for.

(3) **[**[F50]Except as provided in subsection (3A),**]** in any case where subsection (1) applies, no court shall exercise any power which it would otherwise have to make, vary or revive any maintenance order in relation to the child and **[**[F1]non-resident parent**]** concerned.

Changes to legislation: *Child Support Act 1991, Cross Heading: The basic principles is up to date with all changes known to be in force on or before 18 May 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) View outstanding changes*

[[F51](3A) Unless a maintenance calculation has been made with respect to the child concerned, subsection (3) does not prevent a court from varying a maintenance order in relation to that child and the non-resident parent concerned—

(a) if the maintenance order was made on or after the date prescribed for the purposes of section 4(10)(a) or 7(10)(a); or

(b) where the order was made before then, in any case in which section 4(10) or 7(10) prevents the making of an application for a maintenance calculation with respect to or by that child.**]**

(4) Subsection (3) does not prevent a court from revoking a maintenance order.

(5) The Lord Chancellor or in relation to Scotland the Lord Advocate may by order provide that, in such circumstances as may be specified by the order, this section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—

(a) a written agreement (whether or not enforceable) provides for the making, or securing, by **[**[F1]a non-resident parent**]** of the child of periodical payments to or for the benefit of the child; and

(b) the maintenance order which the court makes is, in all material respects, in the same terms as that agreement.

[[F52](5A) The Lord Chancellor may make an order under subsection (5) only with the concurrence of the Lord Chief Justice.**]**

(6) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—

(a) a **[**[F2]maintenance calculation**]** is in force with respect to the child;

[[F53](b) the non-resident parent's **[**[F54]gross**]** weekly income exceeds the figure referred to in paragraph 10(3) of Schedule 1 (as it has effect from time to time pursuant to regulations made under paragraph 10A(1)(b)); and**]**

(c) the court is satisfied that the circumstances of the case make it appropriate for the **[**[F1]non-resident parent**]** to make or secure the making of periodical payments under a maintenance order in addition to the child support maintenance payable by him in accordance with the **[**[F2]maintenance calculation**]**.

(7) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—

(a) the child is, will be or (if the order were to be made) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation (whether or not while in gainful employment); and

(b) the order is made solely for the purposes of requiring the person making or securing the making of periodical payments fixed by the order to meet some or all of the expenses incurred in connection with the provision of the instruction or training.

(8) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—

(a) **[**[F55]an allowance under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or**]** a disability living allowance is paid to or in respect of him; or

(b) no such allowance is paid but he is disabled,

and the order is made solely for the purpose of requiring the person making or securing the making of periodical payments fixed by the order to meet some or all of any expenses attributable to the child's disability.

(9) For the purposes of subsection (8), a child is disabled if he is blind, deaf or dumb or is substantially and permanently handicapped by illness, injury, mental disorder or congenital deformity or such other disability as may be prescribed.

(10) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if the order is made against a person with care of the child.

(11) In this Act "maintenance order", in relation to any child, means an order which requires the making or securing of periodical payments to or for the benefit of the child and which is made under—

(a) Part II of the [M1]Matrimonial Causes Act 1973;

(b) the [M2]Domestic Proceedings and Magistrates' Courts Act 1978;

(c) Part III of the [M3]Matrimonial and Family Proceedings Act 1984;

(d) the [M4]Family Law (Scotland) Act 1985;

(e) Schedule 1 to the [M5]Children Act 1989; [F56]...

[[F57](ea) Schedule 5, 6 or 7 to the Civil Partnership Act 2004; or**]**

(f) any other prescribed enactment,

and includes any order varying or reviving such an order.

[[F58](12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F1 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.

F2 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.

F3 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.

F47 Words in s. 8(1)(2) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 22**; S.I. 1999/1510, art. 2(g)(iii)

F48 Words in s. 8(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. 5**

F49 Words in s. 8(1) repealed (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2548, art. 3(d)(i)

F50 Words in s. 8(3) 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(5)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F51 S. 8(3A) substituted (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(5)(c)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F52 S. 8(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 219(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(u)

F53 S. 8(6)(b) substituted (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(5)(d)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Changes to legislation: *Child Support Act 1991, Cross Heading: The basic principles is up to date with all changes known to be in force on or before 18 May 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) View outstanding changes*

F54 Word in s. 8(6)(b) substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(2)**; S.I. 2012/3042, arts. 2(e), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(e), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(c) (with arts. 3-5)

F55 Words in s. 8(8)(a) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 2**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

F56 Word in s. 8(11)(e) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

F57 S. 8(11)(ea) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 1**; S.I. 2005/3175, art. 2(1), Sch. 1

F58 S. 8(12) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 219(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(u)

Modifications etc. (not altering text)

C10 S. 8 restricted (5.4.1993) by The Child Maintenance (Written Agreements) Order 1993 (S.I. 1993/620), **art.2**

C11 S. 8 amended (5.4.1993) by The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 (S.I. 1993/584), reg. 2(2), **Sch.2**

C12 S. 8 restricted (2.1.1998) by The Child Support (Written Agreements) (Scotland) Order 1997 (S.I. 1997/2943), arts. 1, **2**

C13 S. 8(3) modified (31.3.1993) by The Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (S.I. 1992/2644), **Sch. Pt. I para. 5(1)** (as substituted (31.3.1993) by S.I. 1993/966, **art. 2(1)**)

C14 S. 8(3) excluded (31.3.1993) by The Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (S.I. 1992/2644), **Sch. Pt. I para. 5(2)** (as substituted (31.3.1993) by S.I. 1993/966, **art. 2(1)**)

C15 S. 8(3) restricted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(9)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

Commencement Information

I5 S. 8 wholly in force; s. 8 not in force at Royal Assent see s. 58(2); s. 8(5)(9)(11)(f) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 8 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, **art. 2**

Marginal Citations

M1 1973 c. 18.

M2 1978 c. 22.

M3 1984 c. 42.

M4 1985 c. 37.

M5 1989 c. 41.

9 Agreements about maintenance.

(1) In this section "maintenance agreement" means any agreement for the making, or for securing the making, of periodical payments by way of maintenance, or in Scotland aliment, to or for the benefit of any child.

(2) Nothing in this Act shall be taken to prevent any person from entering into a maintenance agreement.

[[F59](2A) The **[**[F60]Secretary of State**]** may, with a view to reducing the need for applications under sections 4 and 7—

(a) take such steps as **[**[F61]the Secretary of State**]** considers appropriate to encourage the making and keeping of maintenance agreements, and

(b) in particular, before accepting an application under those sections, invite the applicant to consider with the **[**[F62]Secretary of State**]** whether it is possible to make such an agreement.**]**

(3) **[**[F63]Subject to section 4(10)(a) **[**[F64]and (ab)**]** and section 7(10),**]** the existence of a maintenance agreement shall not prevent any party to the agreement, or any other person, from applying for a **[**[F2]maintenance calculation**]** with respect to any child to or for whose benefit periodical payments are to be made or secured under the agreement.

(4) Where any agreement contains a provision which purports to restrict the right of any person to apply for a **[**[F2]maintenance calculation**]**, that provision shall be void.

(5) Where section 8 would prevent any court from making a maintenance order in relation to a child and **[**[F1]a non-resident parent**]** of his, no court shall exercise any power that it has to vary any agreement so as—

(a) to insert a provision requiring that **[**[F1]non-resident parent**]** to make or secure the making of periodical payments by way of maintenance, or in Scotland aliment, to or for the benefit of that child; or

(b) to increase the amount payable under such a provision.

[[F65](6) In any case in which section 4(10) or 7(10) prevents the making of an application for a **[**[F2]maintenance calculation**]**, [F66]... subsection (5) shall have effect with the omission of paragraph (b).**]**

Textual Amendments

F1 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.

F2 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.

F59 S. 9(2A) inserted (25.11.2013) by Welfare Reform Act 2012 (c. 5), **ss. 136(1)**, 150(3); S.I. 2013/2947, art. 6

F60 Words in s. 9(2A) 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. 105(2)(a)**

F61 Words in s. 9(2A)(a) 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. 105(2)(b)**

F62 Words in s. 9(2A)(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. 105(2)(c)**

F63 Words in s. 9(3) inserted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(4)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

F64 Words in s. 9(3) inserted (6.6.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 35(3)**, 62(2)

F65 S. 9(6) inserted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(4)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

Changes to legislation: *Child Support Act 1991, Cross Heading: The basic principles is up to date with all changes known to be in force on or before 18 May 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) View outstanding changes*

F66 Words in s. 9(6) repealed (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2548, art. 3(d)(i)

Modifications etc. (not altering text)

C16 S. 9 amended (5.4.1993) by The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 (S.I. 1993/584), reg. 2(2), **Sch. 2**

C17 S. 9(3) excluded (31.3.1993) by The Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (S.I. 1992/2644), **Sch. Pt. I para. 5(1)** (as substituted (31.3.1993) by S.I. 1993/966, **art. 2(1)**)

C18 S. 9(5) modified (31.3.1993) by The Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (S.I. 1992/2644), **Sch. Pt. I para. 5(1)** (as substituted (31.3.1993) by S.I. 1993/966, **art. 2(1)**)

C19 S. 9(5)(b) excluded (31.3.1993) by The Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (S.I. 1992/2644), **Sch. Pt. I para. 5(2)** (as substituted (31.3.1993) by S.I. 1993/966, **art. 2(1)**)

C20 S. 9(5)(b) restricted (4.9.1995) by Child Support Act 1995 (c. 34), **ss. 18(9)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

10 Relationship between maintenance [F3calculations] and certain court orders and related matters.

(1) Where an order of a kind prescribed for the purposes of this subsection is in force with respect to any qualifying child with respect to whom a **[**F2maintenance calculation**]** is made, the order—

(a) shall, so far as it relates to the making or securing of periodical payments, cease to have effect to such extent as may be determined in accordance with regulations made by the Secretary of State; or

(b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.

(2) Where an agreement of a kind prescribed for the purposes of this subsection is in force with respect to any qualifying child with respect to whom a **[**F2maintenance calculation**]** is made, the agreement—

(a) shall, so far as it relates to the making or securing of periodical payments, be unenforceable to such extent as may be determined in accordance with regulations made by the Secretary of State; or

(b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.

(3) Any regulations under this section may, in particular, make such provision with respect to—

(a) any case where any person with respect to whom an order or agreement of a kind prescribed for the purposes of subsection (1) or (2) has effect applies to the prescribed court, before the end of the prescribed period, for the order or agreement to be varied in the light of the **[**F2maintenance calculation**]** and of the provisions of this Act;

(b) the recovery of any arrears under the order or agreement which fell due before the coming into force of the **[**F2maintenance calculation**]**,

as the Secretary of State considers appropriate and may provide that, in prescribed circumstances, an application to any court which is made with respect to an order of a prescribed kind relating to the making or securing of periodical payments to or for

the benefit of a child shall be treated by the court as an application for the order to be revoked.

(4) The Secretary of State may by regulations make provision for—

(a) notification to be given by **[**[F67]the **[**[F68]Secretary of State**]]** to the prescribed person in any case where **[**[F68]the Secretary of State**]** considers that the making of a **[**[F2]maintenance calculation**]** has affected, or is likely to affect, any order of a kind prescribed for the purposes of this subsection;

(b) notification to be given by the prescribed person to the **[**[F69]Secretary of State**]** in any case where a court makes an order which it considers has affected, or is likely to affect, a **[**[F2]maintenance calculation**]**.

(5) Rules **[**[F70]of court may require**]** any person who, in prescribed circumstances, makes an application to **[**[F71]the family court**]** for a maintenance order to furnish the court with a statement in a prescribed form, and signed by **[**[F72]an officer of the **[**[F73]Secretary of State**]]**, as to whether or not, at the time when the statement is made, there is a **[**[F2]maintenance calculation**]** in force with respect to that person or the child concerned.

In this subsection—

"maintenance order" means an order of a prescribed kind for the making or securing of periodical payments to or for the benefit of a child; and

"prescribed" means prescribed by the rules.

Textual Amendments

F2 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.

F3 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.

F67 Words in s. 10(4) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 23(1)(a)**; S.I. 1999/1510, art. 2(g)(iii)

F68 Words in s. 10(4)(a) 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. 6(a)**

F69 Words in s. 10(4)(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. 6(b)**

F70 Words in s. 10(5) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 123(a)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F71 Words in s. 10(5) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 123(b)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F72 Words in s. 10(5) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 23(2)**; S.I. 1999/1510, art. 2(g)(iii)

F73 Words in s. 10(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. 6(b)**

Modifications etc. (not altering text)

C21 S. 10 amended (5.4.1993) by The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 (S.I. 1993/584), reg. 2(2), **Sch.2**

Changes to legislation:
Child Support Act 1991, Cross Heading: The basic principles is up to date with all changes known to be in force on or before 18 May 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.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2010/875 reg. 16Sch. 2

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3A)(3B) inserted by 2023 c. 24 s. 1(2)
- s. 4(4)(d) and word inserted by 2023 c. 24 s. 1(3)(b)
- s. 6(2A) inserted by 2008 c. 6 Sch. 3 para. 4(2)
- s. 7(4A)(4B) inserted by 2023 c. 24 s. 2(2)
- s. 7(5)(d) and word inserted by 2023 c. 24 s. 2(3)(b)
- s. 9A inserted by 2012 c. 5 s. 138
- s. 9A(1)(2) amendment to earlier affecting provision 2012 c. 5 s. 138 by S.I. 2012/2007 Sch. para. 107(2)
- s. 9A(3) amendment to earlier affecting provision 2012 c. 5 s. 138 by S.I. 2012/2007 Sch. para. 107(2)
- s. 9A(5) amendment to earlier affecting provision 2012 c. 5 s. 138 by S.I. 2012/2007 Sch. para. 107(3)
- s. 9A(6) amendment to earlier affecting provision 2012 c. 5 s. 138 by S.I. 2012/2007 Sch. para. 107(4)
- s. 20(1)(ba) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(3) by S.I. 2012/2007 Sch. para. 97(2)
- s. 20(1)(ba) inserted by 2008 c. 6 Sch. 7 para. 1(3)
- s. 20(2)(aa) inserted by 2008 c. 6 Sch. 7 para. 1(4)
- s. 20(3A)(3B) amendment to earlier affecting provision 2012 c. 5 s. Sch. 11 para. 6(2) by S.I. 2012/2007 Sch. para. 108(3)
- s. 20(5A) inserted by 2008 c. 6 Sch. 7 para. 1(5)
- s. 20(7A) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(6) by S.I. 2012/2007 Sch. para. 97(3)
- s. 20(7A) inserted by 2008 c. 6 Sch. 7 para. 1(6)
- s. 20(7A) words substituted by S.I. 2008/2833 Sch. 3 para. 81(b)
- s. 30(5A) added by 1995 c. 34 Sch. 3 para. 9
- s. 31(8)(9) substituted for s. 31(8) by 2008 c. 6 s. 21
- s. 32M32N inserted by 2008 c. 6 s. 25
- s. 32M(1) amendment to earlier affecting provision 2008 c. 6 s. 25 by S.I. 2012/2007 Sch. para. 79(2)
- s. 32M(1) substituted by 2023 c. 35 s. 2
- s. 32M(2) amendment to earlier affecting provision 2008 c. 6 s. 25 by S.I. 2012/2007 Sch. para. 79(3)
- s. 32M(3) words substituted by 2023 c. 35 s. 4(3)
- s. 32N(2)(ba) inserted by 2023 c. 35 s. 3
- s. 32N(3)-(5) inserted by 2023 c. 35 s. 4(2)
- s. 38(1)(aa) inserted by 2007 asp 3 Sch. 5 para. 18(a)(i)
- s. 38(1)(aa) word substituted by 2008 c. 6 Sch. 3 para. 40(b) (This amendment will come into force (a) in relation to Scotland, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) comes into force, and (b) in relation to England and Wales, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) extends to England and Wales. See S.I. 2008/2675, art. 2)
- s. 39B(3)(b)(c) words substituted by 2010 c. 40 Sch. para. 7(2)
- s. 39C(1)-(1B) substituted for s. 39C(1) by 2009 c. 24 s. 51(3)
- s. 39E(1A) inserted by 2009 c. 24 Sch. 5 para. 5(3)

- s. 39F(2)(e) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by S.I. 2012/2007 Sch. para. 100(4)
- s. 39F(2)(f) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by S.I. 2012/2007 Sch. para. 100(4)
- s. 39H-39Q inserted by 2008 c. 6 s. 28
- s. 39H(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(2)(a)
- s. 39H(2)-(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(2)(b)
- s. 39K(2) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)
- s. 39K(4)(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)
- s. 39K(6) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)
- s. 39M(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(4)
- s. 39N(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(5)
- s. 39N(7)(8) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(5)
- s. 39P(2)(g) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(6)
- s. 39Q(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(7)
- s. 39CA39CB inserted by 2009 c. 24 s. 51(4)
- s. 39CA(11) omitted by S.I. 2015/583 Sch. 2 para. 7
- s. 39CB(5)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by S.I. 2012/2007 Sch. para. 99(4)(a)
- s. 39CB(6)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by S.I. 2012/2007 Sch. para. 99(4)(b)
- s. 39DA heading amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(a)
- s. 39DA inserted by 2009 c. 24 s. 51(5)
- s. 39DA(1) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(b)
- s. 39DA(2) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(c)
- s. 39DA(3) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(d)
- s. 40(2A) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(a)
- s. 40(2A)-(2D) inserted by 2008 c. 6 s. 29(1)
- s. 40(2B) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(b)
- s. 40(2D)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(b)
- s. 40(10)-(10C) substituted for s. 40(10) by 2008 c. 6 s. 29(2)
- s. 40A(A1) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(a)
- s. 40A(A2) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(b)
- s. 40A(A1)-(A4) inserted by 2008 c. 6 s. 29(3)
- s. 40A(A4)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(b)
- s. 40A(6)(a) words in s. 40A(6) renumbered as s. 40A(6)(a) by 2008 c. 6 Sch. 7 para. 1(14)
- s. 40A(6)(b) inserted by 2008 c. 6 Sch. 7 para. 1(14)

- s. 40A(7A)-(7D) inserted by 2008 c. 6 s. 29(4)
- s. 40B(A1) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by S.I. 2012/2007 Sch. para. 83(2)
- s. 40B(A3) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by S.I. 2012/2007 Sch. para. 83(3)
- s. 40B(A1)-(1) substituted for heading and s. 40B(1) by 2008 c. 6 s. 30(1)
- s. 40B(A5)(a) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by S.I. 2012/2007 Sch. para. 83(3)
- s. 40B(10)-(10C) substituted for s. 40B(10) by 2008 c. 6 s. 30(2)
- s. 40B(13) inserted by 2008 c. 6 Sch. 7 para. 1(18)
- s. 49A inserted by 2008 c. 6 s. 34
- s. 49A(1) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(2)
- s. 49A(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(3)
- s. 49A(3) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(4)
- s. 49A(4) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(5)
- s. 49A(5)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(6)
- s. 49A(8)(b) words inserted by 2023 c. 24 s. 3(4)
- s. 49A(9)(d) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(6)
- s. 49A(10)(b) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(6)
- s. 49A(10)(c) amendment to earlier affecting provision 2008 c. 6 s. 34 by S.I. 2012/2007 Sch. para. 86(6)
- s. 49B49C inserted by 2008 c. 6 s. 39
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by S.I. 2012/2007 Sch. para. 87(2)(a)
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by S.I. 2012/2007 Sch. para. 87(2)(b)
- s. 49B(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 39 by S.I. 2012/2007 Sch. para. 87(3)
- s. 49B(3)(b) amendment to earlier affecting provision 2008 c. 6 s. 39 by S.I. 2012/2007 Sch. para. 87(3)
- s. 50(5)(da) inserted by S.I. 2008/2833 Sch. 3 para. 95(e)
- s. 52(2A)(aa) inserted by 2023 c. 35 s. 4(4)