



Child Support Act 1991

1991 CHAPTER 48

Reviews and appeals

[^{F17} Decisions superseding earlier decisions

(1) Subject to subsection (2), the following, namely—

- (a) any decision of the [^{F2}Secretary of State] under section 11 or 12 or this section, whether as originally made or as revised under section 16;
- (b) any decision of [^{F3}an appeal tribunal or][^{F4}the First-tier Tribunal] under section 20; ^{F5}...

^{F6}(c)

[^{F7}(d) any decision of [^{F8}an appeal tribunal or][^{F9}the First-tier Tribunal] on a referral under section 28D(1)(b);

- (e) any decision of [^{F10}a Child Support Commissioner or][^{F11}the Upper Tribunal] on an appeal from such a decision as is mentioned in paragraph (b) or (d),

may be superseded by a decision made by the [^{F12}Commission], either on an application made for the purpose or on [^{F2}the Secretary of State's] own initiative.

[^{F13}(2) The Secretary of State may by regulations make provision with respect to the exercise of the power under subsection (1).]

[^{F13}(3) Regulations under subsection (2) may, in particular—

- (a) make provision about the cases and circumstances in which the power under subsection (1) is exercisable, including provision restricting the exercise of that power by virtue of change of circumstance;
- (b) make provision with respect to the consideration by the [^{F14}Secretary of State], when acting under subsection (1), of any issue which has not led to [^{F14}the Secretary of State's] so acting;
- (c) make provision with respect to procedure in relation to the exercise of the power under subsection (1).]

[^{F15}(4) Subject to subsection (5) and section 28ZC, a decision under this section shall take effect as from the beginning of the maintenance period in which it is made or, where

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applicable, the beginning of the maintenance period in which the application was made.

(4A) In subsection (4), a “maintenance period” is (except where a different meaning is prescribed for prescribed cases) a period of seven days, the first one beginning on the effective date of the first decision made by the [^{F16}Secretary of State] under section 11 or (if earlier) [^{F16}the Secretary of State’s] first default or interim maintenance decision (under section 12) in relation to the non-resident parent in question, and each subsequent one beginning on the day after the last day of the previous one.]

(5) Regulations may provide that, in prescribed cases or circumstances, a decision under this section shall take effect as from such other date as may be prescribed.

[^{F17}(6) In this section—

“appeal tribunal” means an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998 (the functions of which have been transferred to the First-tier Tribunal);

“Child Support Commissioner” means a person appointed as such under section 22 (the functions of whom have been transferred to the Upper Tribunal).]]

Textual Amendments

- F1** S. 17 substituted for ss. 17–19 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\), ss. 41, 87\(2\)](#); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1510, art. 2(d) (for a transitional provision see S.I. 1999/1510, art. 48(2))
- F2** Words in s. 17(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. 12\(2\)](#)
- F3** Words in s. 17(1)(b) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(1\)\(b\), Sch. 12 para. 2\(2\)\(a\)](#)
- F4** Words in s. 17(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 79\(a\)](#)
- F5** Word in s. 17(1) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86\(1\)\(e\)\(2\), Sch. 9 Pt. 1](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F6** S. 17(1)(c) repealed (14.7.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 8](#); S.I. 2008/1476, art. 2(2)(c)(i)
- F7** S. 17(1)(c)-(e) substituted for s. 17(1)(c) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 9\(2\), 86\(1\)\(a\)\(2\)](#) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F8** Words in s. 17(1)(d) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(1\)\(b\), Sch. 12 para. 2\(2\)\(a\)](#)
- F9** Words in s. 17(1)(d) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 79\(a\)](#)
- F10** Words in s. 17(1)(e) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(1\)\(b\), Sch. 12 para. 2\(2\)\(b\)](#)
- F11** Words in s. 17(1)(e) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 79\(b\)](#)
- F12** Word in s. 17 substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 3 para. 13\(a\)](#); S.I. 2008/2675, art. 3(b)
- F13** S. 17(2)(3) substituted (8.10.2012 for specified purposes, 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 \(c. 6\), ss. 17, 62\(3\)](#); S.I. 2012/2523, art. 2(2)(c); S.I. 2012/3042, arts. 2(c), 3 (with

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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(c), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)

- F14** Words in s. 17(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. 3(2), **Sch. para. 77**
- F15** S. 17(4)(4A) substituted for s. 17(4) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 9(3)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F16** Words in s. 17(4A) 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. 12(4)**
- F17** S. 17(6) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(1)(b), **Sch. 12 para. 2(3)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 17 extended by [S.I. 1999/1510 art. 48\(2\)](#)

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\(4\)](#)