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*Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Paragraph 11. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Child Support Act 1991 (c. 48)*

- 11 In section 41 (retention by Secretary of State of arrears recovered by him in benefit cases) for subsection (2) substitute—
- “(2) Where the Secretary of State recovers any such arrears he may, in such circumstances as may be prescribed and to such extent as may be prescribed, retain them if he is satisfied that the amount of any benefit paid to or in respect of the person with care of the child or children in question would have been less had the absent parent made the payment or payments of child support maintenance in question.
- (2A) In determining for the purposes of subsection (2) whether the amount of any benefit paid would have been less at any time than the amount which was paid at that time, in a case where the maintenance assessment had effect from a date earlier than that on which it was made, the assessment shall be taken to have been in force at that time.”

**Changes to legislation:**

There are currently no known outstanding effects for the Child Support Act 1995, Paragraph 11.