

## SCHEDULES

### SCHEDULE 7

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 18 In section 2 of the Child Support Act (welfare of children: the general principle), the words “or any child support officer” shall cease to have effect.
- 19 In subsection (4) of section 4 of that Act (child support maintenance), the words “or the child support officer” shall cease to have effect.
- 20 In subsection (9) of section 6 of that Act (applications by those receiving benefit), the words “or the child support officer” shall cease to have effect.
- 21 In subsection (5) of section 7 of that Act (right of child in Scotland to apply for assessment), the words “or the child support officer” shall cease to have effect.
- 22 In subsections (1) and (2) of section 8 of that Act (role of courts with respect to maintenance for children), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- 23 (1) In subsection (4) of section 10 of that Act (relationship between maintenance assessments and certain court orders)—
- (a) for the words “the child support officer concerned” there shall be substituted the words “the Secretary of State”; and
  - (b) for the words “that officer” there shall be substituted the word “he”.
- (2) In subsection (5) of that section, for the words “a child support officer” there shall be substituted the words “an officer of the Secretary of State”.
- 24 (1) In subsection (1) of section 11 of that Act (maintenance assessments), for the words “referred by him to a child support officer whose duty it shall be to deal with the application” there shall be substituted the words “dealt with by him”.
- (2) In subsection (1A) of that section, for the words “before referring the application to a child support officer” there shall be substituted the words “before determining the application”.
- 25 (1) For subsections (1) and (1A) of section 12 of that Act (interim maintenance assessments) there shall be substituted the following subsection—
- “(1) Where the Secretary of State—
- (a) is required to make a maintenance assessment; or
  - (b) is proposing to make a decision under section 16 or 17,
- and (in either case) it appears to him that he does not have sufficient information to enable him to do so, he may make an interim maintenance assessment.”

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) In subsections (4) and (5) of that section, for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- 26 Section 13 of that Act (child support officers) shall cease to have effect.
- 27 In section 14 of that Act (information required by Secretary of State)—
- (a) subsections (2) and (2A) shall cease to have effect; and
  - (b) in subsection (3), the words “or by child support officers” shall cease to have effect and for the word “them” there shall be substituted the word “him”.
- 28 In subsection (1) of section 15 of that Act (powers of inspectors), the words “or any child support officer” shall cease to have effect.
- 29 In subsection (4)(a) of section 22 of that Act (Child Support Commissioners), for the words “section 21(3)” there shall be substituted the words “Schedule 5 to the Social Security Act 1998”.
- 30 (1) In subsection (1) of section 24 of that Act (appeal to Child Support Commissioner), for the words “a child support appeal tribunal, and any child support officer” there shall be substituted the words “an appeal tribunal, and the Secretary of State”.
- (2) Subsection (1A) of that section shall cease to have effect.
- (3) In subsection (3) of that section—
- (a) for the words “the child support appeal tribunal” there shall be substituted the words “the appeal tribunal”;
  - (b) for the words “a child support appeal tribunal”, in both places where they occur, there shall be substituted the words “an appeal tribunal”; and
  - (c) for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (4) For subsection (4) of that section there shall be substituted the following subsection—
- “(4) The reference under subsection (3) to the Secretary of State shall, subject to any direction of the Child Support Commissioner, be to an officer of his, or a person providing him with services, who has taken no part in the decision originally appealed against.”
- (5) In subsection (5) of that section, for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- (6) In subsection (6) of that section—
- (a) for the words “who was the chairman of the child support appeal tribunal” there shall be substituted the words “who constituted, or was the chairman of, the appeal tribunal”; and
  - (b) for the words “such other chairman of a child support appeal tribunal” there shall be substituted the words “such other person”.
- (7) In subsection (8) of that section, for the words “a child support officer”, in both places where they occur, there shall be substituted the words “the Secretary of State”.
- 31 (1) In subsection (1) of section 26 of that Act (disputes about parentage), for the words “the child support officer concerned” there shall be substituted the words “the Secretary of State”.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) In subsection (2) of that section, in Case E, for the words “the child support officer” there shall be substituted the words “the Secretary of State”.
- 32 In subsection (1) of section 27 of that Act (reference to court for declaration of parentage), for the words “a child support officer to whom the case is referred” there shall be substituted the words “the Secretary of State”.
- 33 In subsection (1) of section 28 of that Act (power of Secretary of State to initiate or defend actions of declarator: Scotland), for the words “a child support officer to whom the case is referred” there shall be substituted the words “the Secretary of State”.
- 34 For subsection (4) of section 28A of that Act (application for departure direction) there shall be substituted the following subsection—
- “(4) An application may be made under this section even though an application has been made under section 16(1) or 17(1) with respect to the current assessment.”
- 35 (1) In section 28B of that Act (preliminary consideration of applications), subsections (4) and (5) shall cease to have effect.
- (2) For subsection (6) of that section there shall be substituted the following subsection—
- “(6) Where a decision as to a maintenance assessment is revised or superseded under section 16 or 17, the Secretary of State—
- (a) shall notify the applicant and such other persons as may be prescribed that the decision has been revised or superseded; and
- (b) may direct that the application is to lapse unless, before the end of such period as may be prescribed, the applicant notifies the Secretary of State that he wishes it to stand.”
- 36 In subsections (1) and (3) of section 28D of that Act (determination of applications), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- 37 In subsection (6) of section 28F of that Act (departure directions), for the words “a child support officer to make” there shall be substituted the words “the making of”.
- 38 Subsection (1) of section 28G of that Act (effect and duration of departure directions) shall cease to have effect.
- 39 For section 28H of that Act there shall be substituted the following section—
- “28H Departure directions: decisions and appeals**
- Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to decisions with respect to departure directions.”
- 40 After subsection (2) of section 43 of that Act (contribution to maintenance by deduction from benefit) there shall be inserted the following subsection—
- “(3) Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to any decision with respect to a person’s liability under this section, that is to say, his liability to make payments under regulations made by virtue of this section.”

---

*Status: This is the original version (as it was originally enacted).*

---

- 41           In subsection (1) of section 44 of that Act (jurisdiction), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.
- 42   (1) In subsection (1) of section 45 of that Act (jurisdiction of courts in certain proceedings under this Act), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- (2) In subsection (6) of that section, for the words “child support appeal tribunals” there shall be substituted the words “appeal tribunals”.
- 43   (1) In subsection (2) of section 46 of that Act (failure to comply with obligations imposed by section 6), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.
- (2) In subsections (3) to (6) of that section, for the words “the child support officer” there shall be substituted the words “the Secretary of State”.
- (3) For subsections (7) and (8) of that section there shall be substituted the following subsection—
- “(7) Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to decisions with respect to reduced benefit directions.”
- (4) In subsection (11) of that section, in the definition of “reduced benefit direction”, the words “, binding on the adjudication officer,” shall cease to have effect.
- 44           After that section there shall be inserted the following sections—

**“46A Finality of decisions**

- (1) Subject to the provisions of this Act, any decision of the Secretary of State or an appeal tribunal made in accordance with the foregoing provisions of this Act shall be final.
- (2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of—
- (a) further such decisions;
  - (b) decisions made in accordance with sections 8 to 16 of the Social Security Act 1998, or with regulations under section 11 of that Act; and
  - (c) decisions made under the Vaccine Damage Payments Act 1979.

**46B Matters arising as respects decisions**

- (1) Regulations may make provision as respects matters arising pending—
- (a) any decision of the Secretary of State under section 11, 12 or 17;
  - (b) any decision of an appeal tribunal under section 20; or
  - (c) any decision of a Child Support Commissioner under section 24.
- (2) Regulations may also make provision as respects matters arising out of the revision under section 16, or on appeal, of any such decision as is mentioned in subsection (1).
- (3) Any reference in this section to section 16, 17 or 20 includes a reference to that section as extended by Schedule 4C.”

- 45 In subsection (5) of section 50 of that Act (unauthorised disclosure of information), in paragraph (c), after the words “other officer of,” there shall be inserted the words “an appeal tribunal or”.
- 46 In subsection (2) of section 51 of that Act (supplementary powers to make regulations)—
- (a) in paragraph (a), for sub-paragraph (iii) there shall be substituted the following sub-paragraph—
    - “(iii) the making of decisions under section 16 or 17;”;
    - and
  - (b) in paragraph (b), for the words “section 18 or 19” there shall be substituted the words “Schedule 4C”.
- 47 In section 54 of that Act (interpretation)—
- (a) the following definition shall be inserted in the appropriate place—
    - ““appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998;”;
  - (b) the definitions of “adjudication officer”, “Chief Adjudication Officer”, “Chief Child Support Officer”, “child support appeal tribunal” and “child support officer” shall cease to have effect.
- 48 (1) In paragraph 8 of Schedule 1 to that Act (housing costs), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (2) In paragraph 9 of that Schedule (regulations about income and capital), for the words “the child support officer concerned” and the words “the child support officer” there shall be substituted the words “the Secretary of State”.
- (3) In paragraph 13 of that Schedule (assessments where amount of child support is nil), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.
- (4) In paragraph 15 of that Schedule (separate assessments for different periods), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (5) In paragraph 16 of that Schedule (termination of assessments)—
- (a) in sub-paragraphs (2) to (6) and (8), for the words “a child support officer”, in each place where they occur, there shall be substituted the words “the Secretary of State”;
  - (b) in sub-paragraph (4A), for the words “conducting a review under section 16, 17, 18 or 19” there shall be substituted the words “proposing to make a decision under section 16 or 17” and for the words “complete the review” there shall be substituted the words “make the decision”;
  - (c) in sub-paragraph (7), for the words “the child support officer” there shall be substituted the words “the Secretary of State”; and
  - (d) in sub-paragraph (10), the words “or a child support officer” shall cease to have effect.
- 49 Paragraph 2 of Schedule 2 to that Act (local authority records) shall cease to have effect.
- 50 Schedule 3 to that Act (child support appeal tribunals) shall cease to have effect.

---

*Status: This is the original version (as it was originally enacted).*

---

- 51 In paragraph 2A of Schedule 4 to that Act (Child Support Commissioners), for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) The Lord Chancellor or, in Scotland, the Secretary of State may pay to any person who attends any proceedings before a Child Support Commissioner such travelling and other allowances as he may determine.”
- 52 (1) In sub-paragraph (1) of paragraph 5 of Schedule 4 to that Act (Child Support Commissioners)—
- (a) for the words “that an appeal” there shall be substituted the words “that—
- (a) an application for leave under section 24(6)(b); or
- (b) an appeal.”;
- (b) for the words “that the appeal” there shall be substituted the words “that the application or appeal”; and
- (c) after the words “any three” there shall be inserted the words “or more”.
- (2) At the end of sub-paragraph (2) of that paragraph there shall be inserted the words “; and the presiding Child Support Commissioner shall have a casting vote if the votes are equally divided”.
- (3) After that sub-paragraph there shall be inserted the following sub-paragraph—
- “(3) Where a direction is given under sub-paragraph (1)(a), section 24(6)(b) shall have effect as if the reference to a Child Support Commissioner were a reference to such a tribunal as is mentioned in sub-paragraph (1).”
- (4) For paragraph 6(2) of that Schedule there shall be substituted the following sub-paragraph—
- “(2) If and to the extent that regulations so provide, any finding of fact or other determination which is embodied in or necessary to a decision, or on which a decision is based, shall be conclusive for the purposes of any further decision.”
- 53 (1) In paragraph 1 of Schedule 4A to that Act (interpretation), the definition of “review” shall cease to have effect.
- (2) In paragraph 2 of that Schedule (applications for departure directions)—
- (a) in sub-paragraph (b), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”; and
- (b) in sub-paragraph (c), for the words “a departure application and a review are to be dealt with” there shall be substituted the words “a decision on a departure application and a decision under section 16 or 17 are to be made”.
- (3) In paragraph 4(1) of that Schedule (information), the words “a child support officer or” shall cease to have effect.
- (4) Paragraph 6 of that Schedule (reviews and departure directions) shall cease to have effect.
- (5) In paragraph 8 of that Schedule (joint consideration of departure applications and appeals), for the words “A child support appeal tribunal” there shall be substituted the words “An appeal tribunal”.
- (6) In paragraph 9 of that Schedule (child support appeal tribunals)—

- (a) in the heading, for the words “Child support appeal tribunals” there shall be substituted the words “Appeal tribunals”; and
- (b) in sub-paragraph (1), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.

54 After Schedule 4B to that Act there shall be inserted the following Schedule—

“SCHEDULE  
4C

Section 83.

DECISIONS AND APPEALS: DEPARTURE DIRECTIONS  
AND REDUCED BENEFIT DIRECTIONS ETC.

*Revision of decisions*

- 1 Section 16 shall apply in relation to—
- (a) any decision of the Secretary of State with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43;
  - (b) any decision of the Secretary of State under section 17 as extended by paragraph 2; and
  - (c) any decision of an appeal tribunal on a referral under section 28D(1)(b),
- as it applies in relation to any decision of the Secretary of State under section 11, 12 or 17.

*Decisions superseding earlier decisions*

- 2 (1) Section 17 shall apply in relation to—
- (a) any decision of the Secretary of State with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43;
  - (b) any decision of the Secretary of State under section 17 as extended by this sub-paragraph; and
  - (c) any decision of an appeal tribunal on a referral under section 28D(1)(b),
- whether as originally made or as revised under section 16 as extended by paragraph 1, as it applies in relation to any decision of the Secretary of State under section 11, 12 or 17, whether as originally made or as revised under section 16.
- (2) Section 17 shall apply in relation to any decision of an appeal tribunal under section 20 as extended by paragraph 3 as it applies in relation to any decision of an appeal tribunal under section 20.

*Appeals to appeal tribunals*

- 3 (1) Subject to sub-paragraphs (2) and (3), section 20 shall apply—
- (a) in relation to a qualifying person who is aggrieved by any decision of the Secretary of State with respect to a departure direction; and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in relation to any person who is aggrieved by a decision of the Secretary of State—
  - (i) with respect to a reduced benefit direction; or
  - (ii) with respect to a person’s liability under section 43, as it applies in relation to a person whose application for a maintenance assessment is refused or to such a person as is mentioned in subsection (2) of section 20.
- (2) On an appeal under section 20 as extended by sub-paragraph (1)(a), the appeal tribunal shall—
  - (a) consider the matter—
    - (i) as if it were exercising the powers of the Secretary of State in relation to the application in question; and
    - (ii) as if it were subject to the duties imposed on him in relation to that application;
  - (b) have regard to any representations made to it by the Secretary of State; and
  - (c) confirm the decision or replace it with such decision as the tribunal considers appropriate.
- (3) No appeal shall lie under section 20 as extended by sub-paragraph (1)(b)(i) unless the amount of the person’s benefit is reduced in accordance with the reduced benefit direction; and the time within which such an appeal may be brought shall run from the date of the notification of the reduction.
- (4) In sub-paragraph (1) “qualifying person” means—
  - (a) the person with care, or absent parent, with respect to whom the current assessment was made; or
  - (b) where the application for the current assessment was made under section 7, either of those persons or the child concerned.

*Decisions and appeals dependent on other cases*

- 4 (1) Section 28ZA shall also apply where—
  - (a) a decision falls to be made—
    - (i) with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43, by the Secretary of State; or
    - (ii) with respect to a departure direction, by an appeal tribunal on a referral under section 28D(1)(b); and
  - (b) an appeal is pending against a decision given with respect to a different direction by a Child Support Commissioner or a court.
- (2) Section 28ZA as it applies by virtue of sub-paragraph (1) shall have effect as if the reference in subsection (3) to section 16 were a reference to that section as extended by paragraph 1.
- (3) Section 28ZA as it applies by virtue of sub-paragraph (1)(a)(ii) shall have effect as if—
  - (a) in subsection (2)—



---

*Status: This is the original version (as it was originally enacted).*

---

- (i) for the words “the Secretary of State” there were substituted the words “the appeal tribunal”; and
    - (ii) for the word “he”, in both places where it occurs, there were substituted the word “it”; and
  - (b) in subsection (3)—
    - (i) for the words “the Secretary of State” there were substituted the words “the appeal tribunal”;
    - (ii) for the word “he” there were substituted the words “the Secretary of State”; and
    - (iii) for the word “his” there were substituted the words “the tribunal's”.
- 5 (1) Section 28ZB shall also apply where—
  - (a) an appeal is made to an appeal tribunal under section 20 as extended by paragraph 3; and
  - (b) an appeal is pending against a decision given in a different case by a Child Support Commissioner or a court.
- (2) Section 28ZB as it applies by virtue of sub-paragraph (1) shall have effect as if any reference to section 16 or section 17 were a reference to that section as extended by paragraph 1 or, as the case may be, paragraph 2.

#### *Cases of error*

- 6 (1) Subject to sub-paragraph (2) below, section 28ZC shall also apply where—
  - (a) the effect of the determination, whenever made, of an appeal to a Child Support Commissioner or the court (“the relevant determination”) is that the adjudicating authority’s decision out of which the appeal arose was erroneous in point of law; and
  - (b) after the date of the relevant determination a decision falls to be made by the Secretary of State in accordance with that determination (or would, apart from this paragraph, fall to be so made)—
    - (i) in relation to an application for a departure direction (made after the commencement date);
    - (ii) as to whether to revise, under section 16 as extended by paragraph 1, a decision (made after the commencement date) in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43; or
    - (iii) on an application made under section 17 as extended by paragraph 2 before the date of the relevant determination (but after the commencement date) for a decision in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43 to be superseded.
- (2) Section 28ZC shall not apply where the decision of the Secretary of State mentioned in sub-paragraph (1)(b) above—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) is one which, but for section 28ZA(2)(a) as it applies by virtue of paragraph 4(1), would have been made before the date of the relevant determination; or
  - (b) is one made in pursuance of section 28ZB(3) or (5) as it applies by virtue of paragraph 5(1).
- (3) Section 28ZC as it applies by virtue of sub-paragraph (1) shall have effect as if in subsection (4), in the definition of “adjudicating authority”, at the end there were inserted the words “or, in the case of a decision made on a referral under section 28D(1)(b), an appeal tribunal”.
- (4) In this paragraph “adjudicating authority”, “the commencement date” and “the court” have the same meanings as in section 28ZC.”