

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

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- (1) The Child Support Act 1991 is amended as follows.

(2) In section 8 (role of the courts with respect to maintenance for children), in subsection (6)(b) (which refers to the non-resident parent's net weekly income), for “net” substitute “ gross ”.

F1(3) .....

F1(4) .....

F1(5) .....

F1(6) .....

(7) In section 30 (collection and enforcement of other forms of maintenance), in subsections (4) and (5) for “which he is authorised to collect under this section” substitute “ for the collection of which he is authorised under this section to make arrangements ”.

(8) In section 32(2)(i) (regulations about deduction from earnings orders), for “the liable person is in the employment” substitute “ any earnings are paid to the liable person by or on behalf ”.

(9) In section 32(7) (regulations about appeals), after “include” insert “—

(a) provision with respect to the period within which a right of appeal under the regulations may be exercised;

(b) ”.

(10) In section 36(1) (enforcement in county courts), for “garnishee proceedings” substitute “ a third party debt order ”.

(11) For section 39 substitute—

“39 Enforcement in Great Britain of Northern Ireland liability orders

The Secretary of State may by regulations make provision for the enforcement in England and Wales and Scotland of any order made in Northern Ireland under provision corresponding to section 32M or the repealed section 33.”

(12) In section 40 (commitment to prison), in subsection (4)(a)(i) of that section, for “mentioned in section 35(1)” substitute “ sought to be recovered as mentioned in subsection (2A)(a) ”.

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- (13) In section 40A (commitment to prison: Scotland)—
- (a) in subsection (1), for “satisfied” substitute “ of the opinion ”;
  - (b) for subsection (2)(a)(i) substitute—
    - “(i) the amount sought to be recovered as mentioned in subsection (A1)(a), or so much of it as remains outstanding;”.
- (14) In that section, in subsection (6), the words from “for” to the end become paragraph (a), and after that paragraph insert—
- “(b) that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated.”
- (15) In section 40B (disqualification for driving), in subsection (3)—
- (a) in paragraph (a), for “mentioned in section 35(1)” substitute “ sought to be recovered as mentioned in subsection (A1)(a) ”;
  - (b) in paragraph (b), for “section 39A” substitute “ this section ”.
- (16) In subsection (7) of that section, for “section 39A” substitute “ this section ”.
- (17) In subsection (12) of that section (modifications for Scotland), for the subsection (11) substituted by paragraph (d) substitute—
- “(11) In relation to disqualification orders—
    - (a) the Secretary of State may by regulations make provision that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated; and
    - (b) the power of the Court of Session by Act of Sederunt to regulate the procedure and practice in civil proceedings in the sheriff court shall include power to make provision corresponding to that which may be made by virtue of section 40A(8).”
- (18) At the end of that section, insert—
- “(13) In this section—
    - “court” (except for the purposes of subsection (8)(c)) means—
      - (a) in England and Wales, a magistrates' court;
      - (b) in Scotland, the sheriff;
    - “driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.”
- (19) In section 50 (unauthorised disclosure of information), in subsection (1) (offence of unauthorised disclosure), for “this section” substitute “ this subsection ”.
- (20) In that section, after subsection (1) insert—
- “(1A) Subsection (1) applies to employment as—
    - (a) any clerk to, or other officer of, an appeal tribunal;
    - (b) any member of the staff of an appeal tribunal;

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- (c) a civil servant in connection with the carrying out of any functions under this Act;
  - (d) any member of, or of the staff of, the Commission;
  - (e) any person who provides, or is employed in the provision of, services to the Commission,and to employment of any other kind which is prescribed for the purposes of this subsection.
- (1B) Any person who is, or has been, employed in employment to which this subsection applies is guilty of an offence if, without lawful authority, he discloses any information which—
  - (a) was acquired by him in the course of that employment;
  - (b) is information which is, or is derived from, information acquired or held for the purposes of this Act; and
  - (c) relates to a particular person.
- (1C) Subsection (1B) applies to any employment which—
  - (a) is not employment to which subsection (1) applies, and
  - (b) is of a kind prescribed for the purposes of this subsection.”
- (21) In that section, in subsection (7) (definition of “responsible person”)—
  - (a) at the end of paragraph (b) insert—
    - “(ba) the person appointed to chair the Commission;”;
  - (b) for paragraph (c) substitute—
    - “(c) any person authorised for the purposes of this subsection by the Lord Chancellor, the Secretary of State or the person appointed to chair the Commission;”.
- (22) In section 52 (regulations and orders), in subsection (2)(a) (regulations subject to affirmative resolution procedure)—
  - (a) after “30(5A),” insert “ “32A to 32C, 32E to 32J, ”;
  - (b) after “41B(6),” insert “ “41E(1)(a), ”.
- (23) In that section, for subsection (2A) substitute—
  - “(2A) No statutory instrument containing (whether alone or with other provisions)  
—
    - (a) the first regulations under section 17(2) to make provision of the kind mentioned in section 17(3)(a) or (b),
    - (b) the first regulations under section 39F, 39M(4), 39P, 39Q, 41D(2), 41E(2) or 49A,
    - (c) the first regulations under paragraph 5A(6)(b) of Schedule 1,
    - (d) the first regulations under paragraph 9(1)(ba) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2) of that paragraph, or
    - (e) the first regulations under paragraph 10(1) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2)(a) or (b) of that paragraph,shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”

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(24) After that subsection insert—

“(2B) No statutory instrument containing (whether alone or with other provisions) regulations which by virtue of section 51A are to have effect for a limited period shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”

(25) In section 54 (interpretation), the existing provision becomes subsection (1), and in that subsection—

(a) at the appropriate places insert—

““charging order” has the same meaning as in section 1 of the Charging Orders Act 1979;”;

““Commission” means the Child Maintenance and Enforcement Commission;”;

““curfew order” has the meaning given in section 39H(1);”;

““deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom;”;

(b) in the definition of “liability order”, for “section 33(2)” substitute “section 32M(2) ”.

(26) In that section, after subsection (1) insert—

“(2) The definition of “deposit-taker” in subsection (1) is to be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”

(27) In section 57(4) (application to Crown), for “a liable person is in the employment” substitute “any sums which are defined as earnings for the purposes of sections 31 and 32 are paid to a liable person by or on behalf”.

(28) In Schedule 1 (maintenance calculations), in paragraph 5(b) (weekly rate of child support maintenance to be nil if the non-resident parent has a weekly income below £5), for “£5” substitute “£7”.

(29) In that Schedule, in paragraph 7 (reduction of basic and reduced rates for shared care), for sub-paragraph (1) substitute—

“(1) This paragraph applies where the rate of child support maintenance payable is the basic rate or a reduced rate or is determined under paragraph 5A.”

(30) In that Schedule, in paragraph 10A(1)(b) (regulations about amounts set out in Schedule 1)—

- (a) after “paragraph” insert “ “2(2), ”;
- (b) after “5,” insert “ “5A(2), ”.

(31) In that Schedule, in paragraph 10C(1) (references to “qualifying children” to be read as references to those qualifying children with respect to whom the maintenance calculation falls to be made), at end insert “ “or with respect to whom a maintenance calculation in respect of the non-resident parent has effect ”.

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(32) In that Schedule, for paragraph 14 substitute—

- “14       The Secretary of State may by regulations provide—
- (a) for two or more applications for maintenance calculations to be treated, in prescribed circumstances, as a single application; and
  - (b) for the replacement, in prescribed circumstances, of a maintenance calculation made on the application of one person by a later maintenance calculation made on the application of that or any other person.”

(33) Schedule 2 (provision of information to Secretary of State) ceases to have effect.

(34) In the Act as it has effect apart from the Child Support, Pensions and Social Security Act 2000 (c. 19), the following (which relate to section 6 or 46) are repealed—

- (a) sections 11(1A) to (1C), 41(4)(c) and (d) and 41A(5)(c) and (d);
- (b) paragraph 16(3) and (4A)(b) of Schedule 1;
- (c) in Schedule 4C—
  - (i) in paragraphs 1(a) and 2(1)(a), the words “, a reduced benefit direction”;
  - (ii) in paragraph 3, in sub-paragraph (1)(b), sub-paragraph (i) and the word “or” at the end of it, and sub-paragraph (3);
  - (iii) in paragraphs 4(1)(a)(i) and 6(1)(b)(ii) and (iii), the words “, a reduced benefit direction”.

#### Textual Amendments

- F1** Sch. 7 para. 1(3)-(6) omitted (20.9.2023) by virtue of Child Support (Enforcement) Act 2023 (c. 35), ss. 4(5), 6(3)

#### Commencement Information

- I1** Sch. 7 para. 1 partly in force; Sch. 7 para. 1 not in force at Royal Assent see s. 62; Sch. 7 para. 1(34) in force for certain purposes at 14.7.2008 by S.I. 2008/1476, art. 2(3)(b); Sch. 7 para. 1(19)-(21)(33) in force at 1.11.2008 by S.I. 2008/2675, art. 3(f); Sch. 7 para. 1(22)(a)(25)(a) in force for certain purposes and Sch. 7 para. 1(9)(10)(26)(32)(34) in force for all purposes at 1.6.2009 and Sch. 7 para. 1(22)(a) otherwise in force at 3.8.2009 by S.I. 2009/1314, art. 2(1)(d){art. 2(2)(b)(i)}; Sch. 7 para. 1(22)(b)(23) in force at 27.6.2012 by S.I. 2012/1649, art. 2; Sch. 7 para. 1(24)(30)(31) in force at 8.10.2012 by S.I. 2012/2523, art. 2(1)(d); Sch. 7 para. 1(2)(29) in force for certain purposes at 10/12/2012 by S.I. 2012/3042, art. 2(e)
- I2** Sch. 7 para. 1(1) in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(d), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I3** Sch. 7 para. 1(1) in force at 25.11.2013 for specified purposes by S.I. 2013/2947, art. 2(b) (with arts. 3-5)
- I4** Sch. 7 para. 1(2)(29) in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(e), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I5** Sch. 7 para. 1(2)(29) in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(c) (with arts. 3-5)
- I6** Sch. 7 para. 1(28) in force at 25.11.2013 by S.I. 2013/2947, art. 2(c) (with arts. 3-5)

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