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STATUTORY INSTRUMENTS

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**1993 No. 660**

**The Child Support (Amendments to  
Primary Legislation) (Scotland) Order 1993**

**Amendment of Family Law (Scotland) Act 1985**

2.—(1) The Family Law (Scotland) Act 1985(1) shall be amended as follows.

(2) In section 5 (variation or recall of decree of aliment), after subsection (1) there shall be inserted—

“(1A) Without prejudice to the generality of subsection (1) above, the making of a maintenance assessment with respect to a child for whom the decree of aliment was granted is a material change of circumstances for the purposes of that subsection.”.

(3) In section 7 (agreements on aliment), after subsection (2) there shall be inserted—

“(2A) Without prejudice to the generality of subsection (2) above, the making of a maintenance assessment with respect to a child to whom or for whose benefit aliment is payable under such an agreement is a material change of circumstances for the purposes of that sub section.”.

(4) In section 13 (orders for periodical allowance), after subsection (4) there shall be inserted—

“(4A) Without prejudice to the generality of subsection (4) above, the making of a maintenance assessment with respect to a child who has his home with a person to whom the periodical allowance is made (being a child to whom the person making the allowance has an obligation of aliment) is a material change of circumstances for the purposes of that subsection.”.

(5) In section 16(3) (agreements on financial provision)—

(a) the word “or” at the end of paragraph (b) shall be deleted; and

(b) after paragraph (c) there shall be inserted—

“; or

(d) by virtue of the making of a maintenance assessment, child support maintenance has become payable by either party to the agreement with respect to a child to whom or for whose benefit periodical allowance is paid under that agreement.”.

(6) In section 27(1) (interpretation)—

(a) after the definition of “child” there shall be inserted—

““child support maintenance” has the meaning assigned to it by section 3(6) of the Child Support Act 1991;”; and

(b) after the definition of “incidental order” there shall be inserted—

““maintenance assessment” has the meaning assigned to it by section 54 of the Child Support Act 1991;”.

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(1) 1985 c. 37; section 27 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73) Schedule 2, paragraph 31 and by the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9) Schedule 1, paragraph 21.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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