



# Child Support Act 1991

## 1991 CHAPTER 48

### *Miscellaneous and supplemental*

#### <sup>F1</sup>46 Reduced benefit decisions.

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#### **Textual Amendments**

- F1** S. 46 repealed (14.7.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), ss. 15(b), 62(3), [Sch. 8](#); S.I. 2008/1476, art. 2(2)(a)

#### <sup>F2</sup>46A Finality of decisions

- (1) Subject to the provisions of this Act [<sup>F3</sup>and to any provision made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007], any decision of <sup>F4</sup>... the Secretary of State or [<sup>F5</sup>the First-tier 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.

#### **Textual Amendments**

- F2** Ss. 46A, 46B inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 44](#); S.I. 1999/528, art. 2(a), [Sch.](#); S.I. 1999/1510, [art. 2\(g\)\(iii\)](#)

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- F3** Words in s. 46A(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 93(a)**
- F4** Words in s. 46A(1) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 56**
- F5** Words in s. 46A(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 93(b)**

## 46B Matters arising as respects decisions

- (1) Regulations may make provision as respects matters arising pending—
- (a) any decision of the [<sup>F6</sup>Secretary of State] under section 11, 12 or 17;
  - (b) any decision of [<sup>F7</sup>the First-tier Tribunal] under section 20; or
  - (c) any decision of [<sup>F8</sup>the Upper Tribunal in relation to a decision of the First-tier Tribunal under this Act].
- (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).
- <sup>F9</sup>(3) . . . . .]

### Textual Amendments

- F2** Ss. 46A, 46B inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 44**; S.I. 1999/528, art. 2(a), **Sch.**; S.I. 1999/1510, **art. 2(g)(iii)**
- F6** Words in s. 46B(1)(a) 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. 57**
- F7** Words in s. 46B(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 94(a)**
- F8** Words in s. 46B(1)(c) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 94(b)**
- F9** S. 46B(3) 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. I** (with s. 83(6)); S.I. 2003/192, art. 3, **Sch.**

## 47 Fees.

- (1) The Secretary of State may by regulations provide for the payment, by the [<sup>F10</sup>non-resident parent] or the person with care (or by both), of such fees as may be prescribed in cases where the Secretary of State takes any action under section 4 or 6.
- (2) The Secretary of State may by regulations provide for the payment, by the [<sup>F10</sup>non-resident parent], the person with care or the child concerned (or by any or all of them), of such fees as may be prescribed in cases where the Secretary of State takes any action under section 7.
- (3) Regulations made under this section—
- (a) may require any information which is needed for the purpose of determining the amount of any such fee to be furnished, in accordance with the regulations, by such person as may be prescribed;

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- (b) shall provide that no such fees shall be payable by any person to or in respect of whom income support, [<sup>F11</sup>an income-based jobseeker's allowance,][<sup>F12</sup>any element of child tax credit other than the family element, working tax credit] or any other benefit of a prescribed kind is paid; and
- (c) may, in particular, make provision with respect to the recovery by the Secretary of State of any fees payable under the regulations.

[<sup>F13</sup>(4) The provisions of this Act with respect to—

- (a) the collection of child support maintenance;
- (b) the enforcement of any obligation to pay child support maintenance,

shall apply equally (with any necessary modifications) to fees payable by virtue of regulations made under this section.]

#### Textual Amendments

- F10** Words in Act substituted (31.1.2001 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(2\)](#) (with s. 83(6)); S.I. 2000/3354, art. 2(1)(b); S.I. 2003/192, art. 3, Sch.
- F11** Words in s. 47(3) inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 20\(5\)](#); S.I. 1996/2208, art. 2(b)
- F12** Words in s. 47(3)(b) substituted (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 3 para. 22](#); S.I. 2003/962, art. 2(3)(d)(iii)
- F13** S. 47(4) inserted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(18\)](#) (with s. 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

#### Commencement Information

- I1** S. 47 wholly in force at 17.6.1992 see s. 58(2) and S.I. 1992/1431, art. 2, [Sch.](#)

## 48 Right of audience.

- (1) Any [<sup>F14</sup>officer of the [<sup>F15</sup>Secretary of State] who is authorised] by the [<sup>F15</sup>Secretary of State] for the purposes of this section shall have, in relation to any proceedings under this Act before [<sup>F16</sup>the family court or] a magistrates' court, a right of audience and the right to conduct litigation.
- (2) In this section “right of audience” and “right to conduct litigation” have the same meaning as in section 119 of the <sup>M1</sup>Courts and Legal Services Act 1990.

#### Textual Amendments

- F14** Words in s. 48(1) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 14](#); S.I. 1995/2302, art. 2, Sch. Pt. 1
- F15** Words in s. 48(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. 58](#)
- F16** Words in s. 48(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 126](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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### Marginal Citations

**M1** 1990 c. 41.

## <sup>F17</sup>49 Right of audience: Scotland.

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### Textual Amendments

**F17** S. 49 repealed (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), art. 1(11)(l), **Sch. para. 12(3)**

## <sup>F18</sup>49D Disclosure of information to credit reference agencies

- (1) Subject to subsection (3), the [<sup>F19</sup>Secretary of State] may supply qualifying information to a credit reference agency for use for the purpose of furnishing information relevant to the financial standing of individuals.
- (2) The reference in subsection (1) to qualifying information is to information which—
  - (a) is held by the [<sup>F19</sup>Secretary of State] for the purposes of this Act,
  - (b) relates to a person who is liable to pay child support maintenance, and
  - (c) is of a prescribed description.
- (3) Information may not be supplied under subsection (1) without the consent of the person to whom it relates, unless a liability order against that person is in force.
- (4) No provision may be made under section 14(3) authorising the supply of information by the [<sup>F19</sup>Secretary of State] to credit reference agencies.
- (5) In this section, “credit reference agency” has the same meaning as in the Consumer Credit Act 1974.]

### Textual Amendments

**F18** S. 49D inserted (10.2.2015 for specified purposes, 23.3.2015 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **ss. 40, 62(3)**; S.I. 2015/176, art. 2(a)(b)

**F19** Words in s. 49D 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. 88**

### Modifications etc. (not altering text)

**C1** S. 49D modified (10.6.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **s. 59(4)(6)**; S.I. 2008/1476, **art. 2(6)**

## 50 Unauthorised disclosure of information.

- (1) Any person who is, or has been, employed in employment to which [<sup>F20</sup>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; and

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(b) relates to a particular person.

[<sup>F21</sup>(1A) Subsection (1) applies to employment as—

- <sup>F22</sup>(za) [ any member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 in connection with the carrying out of any functions in relation to appeals from decisions made under this Act;]
- (a) any clerk to, or other officer of, an appeal tribunal [<sup>F23</sup>constituted under Chapter 1 of Part 1 of the Social Security Act 1998];
- (b) any member of the staff of [<sup>F24</sup>any such] appeal tribunal;
- (c) a civil servant in connection with the carrying out of any functions under this Act;
- <sup>F25</sup>(d) .....
- (e) any person who provides, or is employed in the provision of, services to the [<sup>F26</sup>Secretary of State],

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.]

(2) It is not an offence under this section—

- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- (b) to disclose information which has previously been disclosed to the public with lawful authority.

(3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—

- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
- (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(4) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

<sup>F27</sup>(5) .....

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- (6) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) by a civil servant in accordance with his official duty; or
  - (b) by any other person either—
    - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the responsible person; or
    - (ii) to, or in accordance with an authorisation duly given by, the responsible person;
  - (c) in accordance with any enactment or order of a court;
  - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person mentioned in this Act; or
  - (e) with the consent of the appropriate person.
- (7) “The responsible person” means—
- (a) the Lord Chancellor;
  - (b) the Secretary of State;
  - <sup>F28</sup>(ba) .....
  - <sup>F29</sup>(c) any person authorised for the purposes of this subsection by the Lord Chancellor [<sup>F30</sup>or the Secretary of State];]
  - (d) any other prescribed person, or person falling within a prescribed category.
- (8) “The appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney; [<sup>F31</sup>or]
  - <sup>F32</sup>(b) .....
  - (c) by a Scottish mental health custodian, that is to say [<sup>F33</sup>a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000 (asp 4)]; <sup>F32</sup>...
  - <sup>F32</sup>(d) .....
- the appropriate person is the attorney [<sup>F34</sup>or custodian] (as the case may be) or, in a case falling within paragraph (a), the person to whom the information relates.
- <sup>F35</sup>(9) Where the person to whom the information relates lacks capacity (within the meaning of the Mental Capacity Act 2005) to consent to its disclosure, the appropriate person is—
- (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
  - (b) a deputy appointed for him, or any other person authorised, by the Court of Protection,
- with power in that respect.]

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#### Textual Amendments

**F20** Words in s. 50(1) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 7 para. 1\(19\)](#); S.I. 2008/2675, art. 3(f)

**F21** S. 50(1A)-(1C) inserted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 7 para. 1\(20\)](#); S.I. 2008/2675, art. 3(f)

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- F22** S. 50(1A)(za) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 95(a)**
- F23** Words in s. 50(1A)(a) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 95(b)**
- F24** Word in s. 50(1A)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 95(c)**
- F25** S. 50(1A)(d) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 59(a)**
- F26** Words in s. 50(1A)(e) 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. 59(b)**
- F27** S. 50(5) repealed (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2675, art. 3(g)(i)
- F28** S. 50(7)(ba) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 59(c)**
- F29** S. 50(7)(c) substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(21)(b)**; S.I. 2008/2675, art. 3(f)
- F30** Words in s. 50(7)(c) 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. 59(d)**
- F31** Word in s. 50(8) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(i)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F32** S. 50(8)(b)(d) and word following para. (c) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(ii)**, **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F33** Words in s. 50(8)(c) substituted (S.) (2.4.2001 for specified purposes, 1.4.2002 in so far as not already in force) by Adults with Incapacity (Scotland) Act 2000 (asp 4), s. 89(2), Sch. 5 para. 22; S.S.I. 2001/81, arts. 2, 3, Schs. 1, 2; substituted (E.W.) (30.6.2005) by The Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005 (S.I. 2005/1790), arts. 1(1), **2**
- F34** Words in s. 50(8) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(iii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F35** S. 50(9) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

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**Modifications etc. (not altering text)**

- C2** S. 50 applied (27.10.2008) by The Child Support Information Regulations 2008 (S.I. 2008/2551), regs. 1, **14**

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**Commencement Information**

- I2** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 58(2); s. 50(5)(7)(d) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 50 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

**[<sup>F36</sup>50A Use of computers**

Any decision falling to be made under or by virtue of this Act by the [<sup>F37</sup>Secretary of State] may be made, not only by a person authorised to exercise the [<sup>F38</sup>Secretary of State's] decision-making function, but also by a computer for whose operation such a person is responsible.]

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### Textual Amendments

- F36** S. 50A inserted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 3 para. 51](#); S.I. 2008/2675, art. 3(b)
- F37** Words in s. 50A 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. 60\(a\)](#)
- F38** Words in s. 50A 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. 60\(b\)](#)

## 51 Supplementary powers to make regulations.

- (1) The Secretary of State may by regulations make such incidental, supplemental and transitional provision as he considers appropriate in connection with any provision made by or under this Act.
- (2) The regulations may, in particular, make provision—
  - (a) as to the procedure to be followed with respect to—
    - (i) the making of applications for maintenance [<sup>F39</sup>calculations];
    - [<sup>F40</sup>(ii) the making of decisions under section 11;]
    - [<sup>F40</sup>(iii) the making of decisions under section 16 or 17;]
  - [<sup>F41</sup>(b) extending the categories of case to which section 16, 17 or 20 applies;]
  - (c) as to the date on which an application for a [<sup>F42</sup>maintenance calculation] is to be treated as having been made;
  - (d) for attributing payments made under maintenance [<sup>F39</sup>calculations] to the payment of arrears;
  - (e) for the adjustment, for the purpose of taking account of the retrospective effect of a [<sup>F42</sup>maintenance calculation], of amounts payable under the [<sup>F39</sup>calculation];
  - (f) for the adjustment, for the purpose of taking account of over-payments or under-payments of child support maintenance, of amounts payable under a [<sup>F42</sup>maintenance calculation];
  - (g) as to the evidence which is to be required in connection with such matters as may be prescribed;
  - (h) as to the circumstances in which any official record or certificate is to be conclusive (or in Scotland, sufficient) evidence;
  - (i) with respect to the giving of notices or other documents;
  - (j) for the rounding up or down of any amounts calculated, estimated or otherwise arrived at in applying any provision made by or under this Act.
- (3) No power to make regulations conferred by any other provision of this Act shall be taken to limit the powers given to the Secretary of State by this section.

### Textual Amendments

- F39** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 1\(2\)\(b\), 86\(1\)\(a\)\(2\) \(with ss. 28, 83\(6\)\); S.I. 2003/192, art. 3, Sch.](#)



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- F40** S. 51(2)(ii)(iii) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(19\)\(a\)](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F41** S. 51(2)(b) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(19\)\(b\)](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F42** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 1\(2\)\(a\)](#), 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

### [<sup>F43</sup>51A Pilot schemes

- (1) Any regulations made under this Act may be made so as to have effect for a specified period not exceeding 24 months.
- (2) Regulations which, by virtue of subsection (1), are to have effect for a limited period are referred to in this section as a “pilot scheme”.
- (3) A pilot scheme may provide that its provisions are to apply only in relation to—
  - (a) one or more specified areas or localities;
  - (b) one or more specified classes of person;
  - (c) persons selected by reference to prescribed criteria, or on a sampling basis.
- (4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.
- (5) A pilot scheme may be replaced by a further pilot scheme making the same or similar provision.

[ This section does not apply to regulations under—

- <sup>F44</sup>(6) (a) subsection (2A) of section 20 as substituted by section 10 of the [Child Support, Pensions and Social Security Act 2000](#);
- (b) subsection (3A) of section 20 as it has effect apart from section 10 of the [Child Support, Pensions and Social Security Act 2000](#).]

#### Textual Amendments

- F43** S. 51A inserted (8.10.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), [ss. 41](#), 62(3); S.I. 2012/2523, art. 2(1)(b)
- F44** S. 51A(6) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 11 para. 7](#); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8

## 52 Regulations and orders.

- (1) Any power conferred on <sup>F45</sup>... the Lord Advocate or the Secretary of State by this Act to make regulations or orders (other than a deduction from earnings order) shall be exercisable by statutory instrument.
- [<sup>F46</sup>(2) No statutory instrument containing [<sup>F46</sup>(whether alone or with other provisions) regulations made under—
  - (a) section <sup>F47</sup>... 12(4) (so far as the regulations make provision for the default rate of child support maintenance mentioned in section 12(5)(b)) [<sup>F48</sup>20(2A),

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20(3A)], 28C(2)(b), 28F(2)(b), 30(5A), [<sup>F49</sup>32A to 32C, 32E to 32J,] 41(2), 41A, 41B(6), [<sup>F50</sup>41E(1)(a),] 43(1), 44(2A)(d) <sup>F47</sup>... or 47;

- (b) paragraph 3(2) or 10A(1) of Part I of Schedule 1; or
- (c) Schedule 4B,

or an order made under section 45(1) or (6), shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.]

[<sup>F51</sup>(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.]

[<sup>F52</sup>(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.]

(3) Any other statutory instrument made under this Act (except an order made under section 58(2)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any power of a kind mentioned in subsection (1) may be exercised—

- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
  - (iii) provision which is either unconditional or is subject to any specified condition;
- (c) so to provide for a person to exercise a discretion in dealing with any matter.

#### Textual Amendments

**F45** Words in s. 52(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 18 Pt. 2](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(b)

**F46** S. 52(2)(2A) substituted for s. 52(2) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes, 16.5.2014 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 25, 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.; S.I. 2014/1263, art. 2

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- F47** Words in s. 52(2) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F48** Words in s. 52(2)(a) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 11 para. 8](#); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F49** Words in s. 52(2)(a) inserted (1.6.2009 for specified purposes, 3.8.2009 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 7 para. 1\(22\)\(a\)](#); S.I. 2009/1314, art. 2(1)(c)(d)
- F50** Word in s. 52(2)(a) inserted (27.6.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 7 para. 1\(22\)\(b\)](#); S.I. 2012/1649, art. 2
- F51** S. 52(2A) substituted (27.6.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 7 para. 1\(23\)](#); S.I. 2012/1649, art. 2
- F52** S. 52(2B) inserted (8.10.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\)](#), [Sch. 7 para. 1\(24\)](#); S.I. 2012/2523, art. 2(1)(d)

### 53 Financial provisions.

Any expenses of the Lord Chancellor or the Secretary of State under this Act shall be payable out of money provided by Parliament.

### 54 Interpretation.

[<sup>F53</sup>(1)] In this Act—

“<sup>F10</sup>non-resident parent”, has the meaning given in section 3(2);

<sup>F54</sup>

<sup>F55</sup>

[<sup>F56</sup>“application for a <sup>F57</sup>variation” means an application under section 28A [<sup>F58</sup>or 28G];]

<sup>F59</sup>

“benefit Acts” means the [<sup>F60</sup>Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992];

<sup>F54</sup>

<sup>F54</sup>

[<sup>F61</sup>“charging order” has the same meaning as in section 1 of the Charging Orders Act 1979;]

“child benefit” has the same meaning as in the <sup>M2</sup>Child Benefit Act 1975;

<sup>F54</sup>

“child support maintenance” has the meaning given in section 3(6);

<sup>F54</sup>

<sup>F59</sup>

<sup>F62</sup>

[<sup>F61</sup>“curfew order” has the meaning given in section 39H(1);]

“deduction from earnings order” has the meaning given in section 31(2);

[<sup>F63</sup>“default maintenance decision” has the meaning given in section 12;]

<sup>F59</sup>

[<sup>F61</sup>“deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom;]

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“disability living allowance” has the same meaning as in the [<sup>F60</sup>benefit Acts];

F64

F65

[<sup>F66</sup>“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]

[<sup>F67</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

“income support” has the same meaning as in the benefit Acts;

“interim maintenance [<sup>F68</sup>decision]” has the meaning given in section 12;

“liability order” has the meaning given in section 33(2);

“maintenance agreement” has the meaning given in section 9(1);

[<sup>F69</sup>“maintenance calculation” means a calculation of maintenance made under this Act and, except in prescribed circumstances, includes a default maintenance decision and an interim maintenance decision;]

“maintenance order” has the meaning given in section 8(11);

F59

“parent”, in relation to any child, means any person who is in law the mother or father of the child;

[<sup>F56</sup>“parent with care” means a person who is, in relation to a child, both a parent and a person with care.]

[<sup>F70</sup>“parental responsibility”, in the application of this Act—

(a) to England and Wales, has the same meaning as in the Children Act 1989; and

(b) to Scotland, shall be construed as a reference to “parental responsibilities” within the meaning given by section 1(3) of the Children (Scotland) Act 1995;]

F71

“person with care” has the meaning given in section 3(3);

“prescribed” means prescribed by regulations made by the Secretary of State;

“qualifying child” has the meaning given in section 3(1);

[<sup>F72</sup>“voluntary payment” has the meaning given in section 28J.]

[<sup>F73</sup>(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.]

### Textual Amendments

**F10** Words in Act substituted (31.1.2001 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 11\(2\)](#) (with s. 83(6)); S.I. 2000/3354, art. 2(1)(b); S.I. 2003/192, art. 3, Sch.

**F53** S. 54(1) renumbered (1.6.2009) by virtue of [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 7 para. 1\(25\)](#); S.I. 2009/1314, art. 2(2)(b)(ii)

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- F54** Words in s. 54 repealed (1.6.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 47(b), **Sch. 8**; S.I. 1999/1510, art. 2(g)(iv); S.I. 1999/3178, art. 2, Sch. 1 (with arts. 2(2), 4)
- F55** Words in s. 54 omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 96**
- F56** Words in s. 54 inserted (4.9.1995) by Child Support Act 1995 (c. 34), s. 30(4), **Sch. 3 para. 16**; S.I. 1995/2302, art. 2, Sch. Pt. 1
- F57** Word in s. 54 substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F58** Words in s. 54 inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F59** Words in s. 54 omitted (3.3.2003 for specified purposes) by virtue of Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(e)(2), Sch. 3 para. 11(20)(e), **Sch 9 Pt I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F60** Words in s. 54 substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), s. 4, **Sch. 2 para. 114(a)(b)**
- F61** Words in s. 54(1) inserted (1.6.2009 for specified purposes) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(25)(a)**; S.I. 2009/1314, art. 2(2)(b)(ii)
- F62** Words in s. 54(1) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 61**
- F63** Words in s. 54 inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F64** Words in s. 54 repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F65** Words in s. 54 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 23 Pt. 2**; S.I. 2008/2696, art. 5(j) (with art. 3)
- F66** Words in s. 54 inserted (7.10.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 20(6)**; S.I. 1996/2208, art. 2(b)
- F67** Words in s. 54 inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 7(7)**; S.I. 2008/787, art. 2(4)(f)
- F68** Word in s. 54 substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(c)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F69** Words in s. 54 substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(d)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F70** Words in s. 54 substituted (1.11.1996) by Children (Scotland) Act 1995 (c. 36), s. 105(1)(b), **Sch. 4 para. 52(4)(a)**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)
- F71** Words in s. 54 repealed (1.11.1996) by Children (Scotland) Act 1995 (c. 36), s. 105(1)(b), Sch. 4 para. 52(4)(b), **Sch. 5**; S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7)
- F72** Words in s. 54 inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(20)(f)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F73** S. 54(2) inserted (1.6.2009) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(26)**; S.I. 2009/1314, art. 2(2)(b)(i)

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#### Marginal Citations

**M2** 1975 c. 61.

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## [<sup>F74</sup>55 Meaning of “child”.

- (1) In this Act, “child” means (subject to subsection (2)) a person who—
  - (a) has not attained the age of 16, or
  - (b) has not attained the age of 20 and satisfies such conditions as may be prescribed.
- (2) A person who is or has been party to a marriage or civil partnership is not a child for the purposes of this Act.
- (3) For the purposes of subsection (2), “marriage” and “civil partnership” include a void marriage and a void civil partnership respectively.]

### Textual Amendments

- F74** S. 55 substituted (8.10.2012 for specified purposes, 10.12.2012 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), [ss. 42, 62\(3\)](#); [S.I. 2012/2523](#), [art. 2\(2\)\(e\)](#); [S.I. 2012/3042](#), [art. 4\(b\)](#)

## 56 Corresponding provision for and co-ordination with Northern Ireland.

- (1) An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the <sup>M3</sup>Northern Ireland Act 1974 which contains a statement that it is made only for purposes corresponding to those of the provisions of this Act, other than provisions which relate to the appointment of Child Support Commissioners for Northern Ireland—
  - (a) shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule (affirmative resolution of both Houses of Parliament); but
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F75</sup>(2) .....

<sup>F75</sup>(3) .....

<sup>F75</sup>(4) .....

### Extent Information

- E1** S. 56 with the exception of s. 56(1) does not extend to Northern Ireland see s. 58(11)

### Textual Amendments

- F75** S. 56(2)-(4) repealed (2.12.1999) by [Northern Ireland Act 1998 \(c. 47\)](#), [ss. 87\(8\)\(c\), 101\(3\)](#), [Sch. 15](#) (with [s. 95, Sch. 14](#)); [S.I. 1999/3209](#), [art. 2, Sch.](#)

### Commencement Information

- I3** S. 56 wholly in force; s. 56(1) in force at Royal Assent see s. 58(2); s. 56(2)-(4) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2, Sch.](#)

### Marginal Citations

- M3** [1974 c. 28](#).

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## **57 Application to Crown.**

- (1) The power of the Secretary of State to make regulations under section 14 requiring prescribed persons to furnish information may be exercised so as to require information to be furnished by persons employed in the service of the Crown or otherwise in the discharge of Crown functions.
- (2) In such circumstances, and subject to such conditions, as may be prescribed, an inspector appointed under section 15 may enter any Crown premises for the purpose of exercising any powers conferred on him by that section.
- (3) Where such an inspector duly enters any Crown premises for those purposes, section 15 shall apply in relation to persons employed in the service of the Crown or otherwise in the discharge of Crown functions as it applies in relation to other persons.
- (4) Where a liable person is in the employment of the Crown, a deduction from earnings order may be made under section 31 in relation to that person; but in such a case subsection (8) of section 32 shall apply only in relation to the failure of that person to comply with any requirement imposed on him by regulations made under section 32.

## **58 Short title, commencement and extent, etc.**

- (1) This Act may be cited as the Child Support Act 1991.
- (2) Section 56(1) and subsections (1) to (11) and (14) of this section shall come into force on the passing of this Act but otherwise this Act shall come into force on such date as may be appointed by order made by the Lord Chancellor, the Secretary of State or Lord Advocate, or by any of them acting jointly.
- (3) Different dates may be appointed for different provisions of this Act and for different purposes (including, in particular, for different cases or categories of case).
- (4) An order under subsection (2) may make such supplemental, incidental or transitional provision as appears to the person making the order to be necessary or expedient in connection with the provisions brought into force by the order, including such adaptations or modifications of—
  - (a) the provisions so brought into force;
  - (b) any provisions of this Act then in force; or
  - (c) any provision of any other enactment,as appear to him to be necessary or expedient.
- (5) Different provision may be made by virtue of subsection (4) with respect to different periods.
- (6) Any provision made by virtue of subsection (4) may, in particular, include provision for—
  - (a) the enforcement of a [<sup>F42</sup>maintenance calculation] (including the collection of sums payable under the [<sup>F39</sup>calculation]) as if the [<sup>F39</sup>calculation] were a court order of a prescribed kind;
  - (b) the registration of maintenance [<sup>F39</sup>calculations] with the appropriate court in connection with any provision of a kind mentioned in paragraph (a);
  - (c) the variation, on application made to a court, of the provisions of a [<sup>F42</sup>maintenance calculation] relating to the method of making payments fixed by the [<sup>F39</sup>calculation] or the intervals at which such payments are to be made;

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- (d) a [<sup>F42</sup>maintenance calculation], or an order of a prescribed kind relating to one or more children, to be deemed, in prescribed circumstances, to have been validly made for all purposes or for such purposes as may be prescribed.

In paragraph (c) “court” includes a single justice.

- (7) The Lord Chancellor, the Secretary of State or the Lord Advocate may by order make such amendments or repeals in, or such modifications of, such enactments as may be specified in the order, as appear to him to be necessary or expedient in consequence of any provision made by or under this Act (including any provision made by virtue of subsection (4)).
- (8) This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Secretary of State may by order prescribe.
- (9) Sections 27, 35<sup>F76</sup>, 40] and 48 and paragraph 7 of Schedule 5 do not extend to Scotland.
- (10) Sections 7, 28<sup>F77</sup>, 40A] and 49 extend only to Scotland.
- (11) With the exception of sections 23 and 56(1), subsections (1) to (3) of this section and Schedules 2 and 4, and (in so far as it amends any enactment extending to Northern Ireland) Schedule 5, this Act does not extend to Northern Ireland.
- (12) Until Schedule 1 to the <sup>M4</sup>Disability Living Allowance and Disability Working Allowance Act 1991 comes into force, paragraph 1(1) of Schedule 3 shall have effect with the omission of the words “and disability appeal tribunals” and the insertion, after “social security appeal tribunals”, of the word “ and ”.
- (13) The consequential amendments set out in Schedule 5 shall have effect.
- (14) In Schedule 1 to the <sup>M5</sup>Children Act 1989 (financial provision for children), paragraph 2(6)(b) (which is spent) is hereby repealed.

#### Subordinate Legislation Made

- P1** S. 58(2): 17.6.1992 appointed for specified provisions and purposes by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#)  
S. 58: 1.9.1992 appointed for specified provisions by [S.I. 1992/1938](#), [art. 2](#)  
S. 58(2)-(6): 5.4.1993 appointed for specified provisions by [S.I. 1992/2644](#), [art. 2](#) (with transitional provisions in [art. 3](#), [Sch.](#))

#### Textual Amendments

- F39** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 1\(2\)\(b\)](#), [86\(1\)\(a\)\(2\)](#) (with [ss. 28](#), [83\(6\)](#)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)
- F42** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 1\(2\)\(a\)](#), [86\(1\)\(a\)\(2\)](#) (with [ss. 28](#), [83\(6\)](#)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)
- F76** Word in s. 58(9) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [s. 86\(1\)\(a\)\(2\)](#), [Sch. 3 para. 11\(21\)\(a\)](#) (with [s. 83\(6\)](#)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)
- F77** Word in s. 58(10) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [s. 86\(1\)\(a\)\(2\)](#), [Sch. 3 para. 11\(21\)\(b\)](#) (with [s. 83\(6\)](#)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)



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#### **Commencement Information**

- I4** S. 58 partly in force; s. 58(1)-(11)(14) wholly in force at Royal Assent see s. 58(2); s. 58(13) so far as it relates to Sch. 5 paras. 1-4 in force at 1.9.1992 by [S.I. 1992/1938](#), [art. 2](#); s. 58(13) in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), [art. 2](#)

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#### **Marginal Citations**

- M4** [1991 c. 21](#).  
**M5** [1989 c. 41](#).

**Changes to legislation:**

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**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\(4\)](#)