



Child Support Act 1991

1991 CHAPTER 48

The basic principles

- 10 Relationship between maintenance [^{F1}calculations] and certain court orders and related matters.**
- (1) Where an order of a kind prescribed for the purposes of this subsection is in force with respect to any qualifying child with respect to whom a [^{F2}maintenance calculation] is made, the order—
- (a) shall, so far as it relates to the making or securing of periodical payments, cease to have effect to such extent as may be determined in accordance with regulations made by the Secretary of State; or
 - (b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.
- (2) Where an agreement of a kind prescribed for the purposes of this subsection is in force with respect to any qualifying child with respect to whom a [^{F2}maintenance calculation] is made, the agreement—
- (a) shall, so far as it relates to the making or securing of periodical payments, be unenforceable to such extent as may be determined in accordance with regulations made by the Secretary of State; or
 - (b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.
- (3) Any regulations under this section may, in particular, make such provision with respect to—
- (a) any case where any person with respect to whom an order or agreement of a kind prescribed for the purposes of subsection (1) or (2) has effect applies to the prescribed court, before the end of the prescribed period, for the order or agreement to be varied in the light of the [^{F2}maintenance calculation] and of the provisions of this Act;
 - (b) the recovery of any arrears under the order or agreement which fell due before the coming into force of the [^{F2}maintenance calculation],

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as the Secretary of State considers appropriate and may provide that, in prescribed circumstances, an application to any court which is made with respect to an order of a prescribed kind relating to the making or securing of periodical payments to or for the benefit of a child shall be treated by the court as an application for the order to be revoked.

- (4) The Secretary of State may by regulations make provision for—
- (a) notification to be given by [^{F3}the [^{F4}Secretary of State]] to the prescribed person in any case where [^{F4}the Secretary of State] considers that the making of a [^{F2}maintenance calculation] has affected, or is likely to affect, any order of a kind prescribed for the purposes of this subsection;
 - (b) notification to be given by the prescribed person to the [^{F5}Secretary of State] in any case where a court makes an order which it considers has affected, or is likely to affect, a [^{F2}maintenance calculation].
- (5) Rules [^{F6}of court may require] any person who, in prescribed circumstances, makes an application to [^{F7}the family court] for a maintenance order to furnish the court with a statement in a prescribed form, and signed by [^{F8}an officer of the [^{F9}Secretary of State]], as to whether or not, at the time when the statement is made, there is a [^{F2}maintenance calculation] in force with respect to that person or the child concerned.

In this subsection—

“maintenance order” means an order of a prescribed kind for the making or securing of periodical payments to or for the benefit of a child; and

“prescribed” means prescribed by the rules.

Textual Amendments

- F1** 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.
- F2** 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.
- F3** Words in s. 10(4) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 23\(1\)\(a\)](#); S.I. 1999/1510, art. 2(g)(iii)
- F4** Words in s. 10(4)(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. 6\(a\)](#)
- F5** Words in s. 10(4)(b) 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. 6\(b\)](#)
- F6** Words in s. 10(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 123\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in s. 10(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 123\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 10(5) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 23\(2\)](#); S.I. 1999/1510, art. 2(g)(iii)
- F9** Words in s. 10(5) 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. 6\(b\)](#)

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Modifications etc. (not altering text)

- C1** S. 10 amended (5.4.1993) by [The Child Support \(Northern Ireland Reciprocal Arrangements\) Regulations 1993 \(S.I. 1993/584\)](#), reg. 2(2), **Sch.2**

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