



Child Support Act 1991

1991 CHAPTER 48

[^{F1}Variations]

[^{F1}28C Imposition of regular payments condition.

- (1) Where—
 - (a) an application for a variation is made by the non-resident parent; and
 - (b) the [^{F2}Secretary of State] makes an interim maintenance decision,
the [^{F2}Secretary of State] may also, if [^{F2}the Secretary of State] has completed [^{F2}a] preliminary consideration (under section 28B) of the application for a variation and has not rejected it under that section, impose on the non-resident parent one of the conditions mentioned in subsection (2) (a “regular payments condition”).
- (2) The conditions are that—
 - (a) the non-resident parent must make the payments of child support maintenance specified in the interim maintenance decision;
 - (b) the non-resident parent must make such lesser payments of child support maintenance as may be determined in accordance with regulations made by the Secretary of State.
- (3) Where the [^{F3}Secretary of State] imposes a regular payments condition, [^{F3}the Secretary of State] shall give written notice of the imposition of the condition and of the effect of failure to comply with it to—
 - (a) the non-resident parent;
 - (b) all the persons with care concerned; and
 - (c) if the application for the maintenance calculation was made under section 7, the child who made the application.
- (4) A regular payments condition shall cease to have effect—
 - (a) when the [^{F4}Secretary of State] has made a decision on the application for a maintenance calculation under section 11 (whether [^{F4}the Secretary of State] agrees to a variation or not);
 - (b) on the withdrawal of the application for a variation.

Changes to legislation: Child Support Act 1991, Section 28C is up to date with all changes known to be in force on or before 12 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Where a non-resident parent has failed to comply with a regular payments condition, the [^{F5}Secretary of State] may in prescribed circumstances refuse to consider the application for a variation, and instead reach [^{F5}a] decision under section 11 as if no such application had been made.
- (6) The question whether a non-resident parent has failed to comply with a regular payments condition is to be determined by the [^{F6}Secretary of State].
- (7) Where the [^{F7}Secretary of State] determines that a non-resident parent has failed to comply with a regular payments condition [^{F7}the Secretary of State] shall give written notice of [^{F7}the] determination to—
- (a) that parent;
 - (b) all the persons with care concerned; and
 - (c) if the application for the maintenance calculation was made under section 7, the child who made the application.]

Textual Amendments

- F1** Ss. 28A-28C substituted for ss. 28A-28C (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 5(2)**, 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.
- F2** Words in s. 28C(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. 25(a)**
- F3** Words in s. 28C(3) 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. 25(b)**
- F4** Words in s. 28C(4) 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. 25(c)**
- F5** Words in s. 28C(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. 25(d)**
- F6** Words in s. 28C(6) 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. 25(e)**
- F7** Words in s. 28C(7) 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. 25(f)**

Modifications etc. (not altering text)

- C1** S. 28C modified (31.1.2001) by The Child Support (Variations) (Modification of Statutory Provisions) Regulations 2000 (S.I. 2000/3173), regs. 1(1), 2, **5**

Changes to legislation:

Child Support Act 1991, Section 28C is up to date with all changes known to be in force on or before 12 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(4\)](#)