

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

- 2 The 1991 Act is amended as follows.
- 3 (1) In section 14 (information required by Secretary of State), after subsection (1) insert—
- “(1A) Regulations under subsection (1) may make provision for notifying any person who is required to furnish any information or evidence under the regulations of the possible consequences of failing to do so.”
- (2) In section 14, after subsection (2) insert—
- “(2A) Where the Secretary of State has in his possession any information acquired by him in connection with his functions under this Act, he may—
- (a) make use of that information for purposes of any of the benefit Acts or of the Jobseekers Act 1995; or
- (b) disclose it to the Department of Health and Social Services for Northern Ireland for purposes of any enactment corresponding to any of those Acts and having effect with respect to Northern Ireland.”
- 4 In section 18 (review of decisions by child support officers), after subsection (6) (b) insert “or”.
- 5 In section 20 (appeals to child support appeal tribunals), after subsection (2) insert—
- “(2A) A tribunal hearing an appeal under this section may, at the request of any party to the appeal, take into account—
- (a) any later maintenance assessment made with respect to the same parties;
- (b) any change in the circumstances of the case.”
- 6 In section 21(1) (functions of child support appeal tribunals), add at the end “and have such other functions as are conferred by this Act”.
- 7 (1) Section 24 (appeal to Child Support Commissioner) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Secretary of State may appeal to a Child Support Commissioner on a question of law in relation to any decision of a child support appeal tribunal made in connection with an application for a departure direction.”
- (3) In subsection (3), for paragraph (c) substitute—

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- “(c) on an appeal by the Secretary of State, refer the case to a child support appeal tribunal with directions for its determination; or
- (d) on any other appeal, refer the case to a child support officer or, if he considers it appropriate, to a child support appeal tribunal with directions for its determination.”
- 8 (1) In section 25 (appeal from Child Support Commissioner on question of law), insert after subsection (3)—
- “(3A) The Child Support Commissioner to whom an application for leave to appeal under this section is made shall specify as the appropriate court either the Court of Appeal or the Court of Session.
- (3B) In determining the appropriate court, the Child Support Commissioner shall have regard to the circumstances of the case, and in particular the convenience of the persons who may be parties to the appeal.”
- (2) In the definition of “appropriate court” in subsection (4) of that section, for the words from “means” to “Session” substitute “, except in subsections (3A) and (3B), means the court specified in accordance with those subsections”.
- 9 In section 30 (collection and enforcement of maintenance payments other than child support maintenance), at the end add—
- “(5A) Regulations made under subsection (1) or (2) prescribing payments which may be collected by the Secretary of State may make provision for the payment to him by such person or persons as may be prescribed of such fees as may be prescribed.”
- 10 In section 33 (liability orders), at the end add—
- “(5) If the Secretary of State designates a liability order for the purposes of this subsection it shall be treated as a judgment entered in a county court for the purposes of section 73 of the County Courts Act 1984 (register of judgments and orders).”
- 11 In section 41 (retention by Secretary of State of arrears recovered by him in benefit cases) for subsection (2) substitute—
- “(2) Where the Secretary of State recovers any such arrears he may, in such circumstances as may be prescribed and to such extent as may be prescribed, retain them if he is satisfied that the amount of any benefit paid to or in respect of the person with care of the child or children in question would have been less had the absent parent made the payment or payments of child support maintenance in question.
- (2A) In determining for the purposes of subsection (2) whether the amount of any benefit paid would have been less at any time than the amount which was paid at that time, in a case where the maintenance assessment had effect from a date earlier than that on which it was made, the assessment shall be taken to have been in force at that time.”
- 12 In section 46(5) (circumstances in which child support officer may give a reduced benefit direction), after “may” insert “, except in prescribed circumstances”.
- 13 In section 47 (fees), in subsections (1) and (2) in each case after “takes” insert “, or proposes to take”.

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- 14 In section 48(1) (power of Secretary of State to confer right of audience), for “person authorised” substitute “officer of the Secretary of State who is authorised”.
- 15 In section 52(2) (statutory instruments subject to affirmative resolution control)—
- (a) after “12(2),” insert “28C(2)(b), 28F(3), 30(5A)”;
 - (b) after “or (4)” insert “41A, 41B(6)”;
 - (c) after “Schedule 1” insert “or under Schedule 4B”.
- 16 In section 54 (interpretation), insert the following definitions in the appropriate places—
- ““application for a departure direction” means an application under section 28A;
 - “current assessment”, in relation to an application for a departure direction, means (subject to any regulations made under paragraph 10 of Schedule 4A) the maintenance assessment with respect to which the application is made;
 - “departure direction” has the meaning given in section 28A; and
 - “parent with care” means a person who is, in relation to a child, both a parent and a person with care.”
- 17 In paragraph 2 of Schedule 3 (constitution of child support appeal tribunals), add at the end—
- “(4) This paragraph is subject to the provisions of any regulations made under paragraph 9 of Schedule 4A.”
- 18 (1) In Schedule 4 (Child Support Commissioners), after paragraph 2 insert—
- “Expenses of other persons*
- 2A (1) The Secretary of State may pay to any person required to attend at any proceedings before a Child Support Commissioner such travelling and other allowances as, with the consent of the Treasury, the Secretary of State may determine.
- (2) In sub-paragraph (1), references to travelling and other allowances include references to compensation for loss of remunerative time.
 - (3) No compensation for loss of remunerative time shall be paid to any person under this paragraph in respect of any time during which he is in receipt of other remuneration so paid.”
- (2) In paragraph 8 of Schedule 4 (application of Schedule to Northern Ireland), after sub-paragraph (b) insert—
- “(bb) paragraph 2A were omitted;”.
- 19 (1) In paragraph 3(2) of Schedule 5 (amendment of the House of Commons Disqualification Act 1975), after “Part I” insert “of Schedule 1”.
- (2) In paragraph 3(3) of Schedule 5, after “Part III” insert “of Schedule 1”.
- (3) In paragraph 4(1) of Schedule 5 (amendment of the Northern Ireland Assembly Disqualification Act 1975), after “Part I of” insert “Schedule 1 to”.