



# Child Support Act 1995

## 1995 CHAPTER 34

### *Application for a departure direction*

#### [<sup>F13</sup> **Imposition of a regular payments condition.**

In the 1991 Act, insert after section 28B—

##### **“ Imposition of a regular payments condition.**

- (1) Where an application for a departure direction is made by an absent parent, the Secretary of State may impose on him one of the conditions mentioned in subsection (2) (“a regular payments condition”).
- (2) The conditions are that—
  - (a) the applicant must make the payments of child support maintenance fixed by the current assessment;
  - (b) the applicant must make such reduced payments of child support maintenance as may be determined in accordance with regulations made by the Secretary of State.
- (3) Where the Secretary of State imposes a regular payments condition, he shall give written notice to the absent parent and person with care concerned of the imposition of the condition and of the effect of failure to comply with it.
- (4) A regular payments condition shall cease to have effect on the failure or determination of the application.
- (5) For the purposes of subsection (4), an application for a departure direction fails if—
  - (a) it lapses or is withdrawn; or
  - (b) the Secretary of State rejects it on completing a preliminary consideration under section 28B.
- (6) Where an absent parent has failed to comply with a regular payments condition—

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*Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Section 3. (See end of Document for details)*

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- (a) the Secretary of State may refuse to consider the application; and
  - (b) in prescribed circumstances the application shall lapse.
- (7) The question whether an absent parent has failed to comply with a regular payments condition shall be determined by the Secretary of State.
- (8) Where the Secretary of State determines that an absent parent has failed to comply with a regular payments condition he shall give that parent, and the person with care concerned, written notice of his decision.”]

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#### **Textual Amendments**

- F1** S. 3 repealed (3.3.2003 for certain purposes) by 2000 c. 19, ss. 85, 86(1)(e)(2), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

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#### **Commencement Information**

- II** S. 3 wholly in force at 2.12.1996; s. 3 not in force at Royal Assent see s. 30(4); s. 2 in force at 14.10.1996 for certain purposes by S.I. 1996/2630, art. 2(1), Sch. Pt. I; S. 3 wholly in force at 2.12.1996 by S.I. 1996/2630, art. 2(2), Sch. Pt. II

**Changes to legislation:**

There are currently no known outstanding effects for the Child Support Act 1995, Section 3.