



Child Support Act 1995

1995 CHAPTER 34

Application for a departure direction

5 Matters to be taken into account.

In the 1991 Act, insert after section 28D—

“28E Matters to be taken into account.

- (1) In determining any application for a departure direction, the Secretary of State shall have regard both to the general principles set out in subsection (2) and to such other considerations as may be prescribed.
- (2) The general principles are that—
 - (a) parents should be responsible for maintaining their children whenever they can afford to do so;
 - (b) where a parent has more than one child, his obligation to maintain any one of them should be no less of an obligation than his obligation to maintain any other of them.
- (3) In determining any application for a departure direction, the Secretary of State shall take into account any representations made to him—
 - (a) by the person with care or absent parent concerned; or
 - (b) where the application for the current assessment was made under section 7, by either of them or the child concerned.
- (4) In determining any application for a departure direction, no account shall be taken of the fact that—
 - (a) any part of the income of the person with care concerned is, or would be if a departure direction were made, derived from any benefit; or
 - (b) some or all of any child support maintenance might be taken into account in any manner in relation to any entitlement to benefit.
- (5) In this section “benefit” has such meaning as may be prescribed.”

Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Section 5. (See end of Document for details)

Commencement Information

- II** S. 5 wholly in force at 2.12.1996; s. 5 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. 5 wholly in force at 2.12.1996 by 1996/2630, art. 2(2), Sch. Pt.II

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