



Child Support Act 1995

1995 CHAPTER 34

Application for a departure direction

6 Departure directions

(1) In the 1991 Act, insert after section 28E—

“28F Departure directions

- (1) The Secretary of State may give a departure direction if—
 - (a) he is satisfied that the case is one which falls within one or more of the cases set out in Part I of Schedule 4B or in regulations made under that Part; and
 - (b) it is his opinion that, in all the circumstances of the case, it would be just and equitable to give a departure direction.
- (2) In considering whether it would be just and equitable in any case to give a departure direction, the Secretary of State shall have regard, in particular, to—
 - (a) the financial circumstances of the absent parent concerned,
 - (b) the financial circumstances of the person with care concerned, and
 - (c) the welfare of any child likely to be affected by the direction.
- (3) The Secretary of State may by regulations make provision—
 - (a) for factors which are to be taken into account in determining whether it would be just and equitable to give a departure direction in any case;
 - (b) for factors which are not to be taken into account in determining such a question.
- (4) The Secretary of State shall not give a departure direction if he is satisfied that the difference between the current amount and the revised amount is less than an amount to be calculated in accordance with regulations made by the Secretary of State for the purposes of this subsection and section 28B(2).
- (5) In subsection (4)—

Status: This is the original version (as it was originally enacted).

“the current amount” means the amount of the child support maintenance fixed by the current assessment, and

“the revised amount” means the amount of child support maintenance which would be fixed if a fresh maintenance assessment were to be made as a result of the departure direction which the Secretary of State would give in response to the application but for subsection (4).

- (6) A departure direction shall—
- (a) require a child support officer to make one or more fresh maintenance assessments; and
 - (b) specify the basis on which the amount of child support maintenance is to be fixed by any assessment made in consequence of the direction.
- (7) In giving a departure direction, the Secretary of State shall comply with the provisions of regulations made under Part II of Schedule 4B.
- (8) Before the end of such period as may be prescribed, the Secretary of State shall notify the applicant for a departure direction, and such other persons as may be prescribed—
- (a) of his decision in relation to the application, and
 - (b) of the reasons for his decision.”
- (2) Schedule 2 inserts in the 1991 Act the new Schedule 4B which is referred to in subsections (1)(a) and (7) of the new section 28F inserted by this section.