

**1994 No. 731**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support Act 1991 (Consequential  
Amendments) Order 1994**

*Made - - - - 14th March 1994*

*Laid before Parliament 21st March 1994*

*Coming into force - 11th April 1994*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 52(1) and 58(7) of the Child Support Act 1991(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Child Support Act 1991 (Consequential Amendments) Order 1994 and shall come into force on 11th April 1994.

**Amendment of section 20ZA of the Domestic Proceedings and Magistrates' Courts Act 1978**

2. In subsection (8) of section 20ZA of the Domestic Proceedings and Magistrates' Courts Act 1978(b), for the words "under paragraph (c) or (d)" there shall be substituted the words "under paragraph (c), (cc) or (d)".

**Amendment of section 59 of the Magistrates' Courts Act 1980**

3.—(1) Section 59 of the Magistrates' Courts Act 1980(c) shall be amended in accordance with the following provisions of this Article.

(2) In subsection (3), after paragraph (c) there shall be inserted the following paragraph—

"(cc) the power to order that payments under the order be made in accordance with arrangements made by the Secretary of State for their collection;"

(3) After subsection (3) there shall be inserted the following subsection—

"(3A) No order made by a magistrates' court under paragraphs (a) to (d) of subsection (3) above (other than one made under paragraph (cc)) shall have effect at any time when the Secretary of State is arranging for the collection of payments under the qualifying maintenance order concerned."

(4) In subsection (5), after the words "paragraphs (a) to (d) of subsection (3) above" there shall be inserted the words "(other than paragraph (cc))".

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(a) 1991 c. 48.

(b) 1978 c. 22. Section 20ZA was inserted by section 5 of the Maintenance Enforcement Act 1991 (c. 17).

(c) 1980 c. 43. Section 59 was amended by section 2 of the Maintenance Enforcement Act 1991 (c. 17) and S.I. 1992/709.

(5) In subsection (7), for the words “paragraph (c) or (d)” there shall be substituted the words “paragraph (c), (cc), or (d)”.

(6) For subsection (12) there shall be substituted the following subsection–

“(12) For the purposes of this section–

- (a) the reference in subsection (1) above to money paid periodically by one person to another includes, in the case of a maintenance order, a reference to a lump sum paid by instalments by one person to another; and
- (b) references to arrangements made by the Secretary of State for the collection of payments are to arrangements made by him under section 30 of the Child Support Act 1991 and regulations made under that section.”.

**Amendment of Schedule 1 to the Children Act 1989**

4. In sub-paragraph (8) of paragraph 6A of Schedule 1 to the Children Act 1989(a), for the words “under paragraph (c) or (d)” there shall be substituted the words “under paragraph (c), (cc) or (d)”.

Signed by authority of the Secretary of State for Social Security.

14th March 1994

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made in consequence of the coming into force of the Child Support Act 1991. It amends section 59 of the Magistrates’ Courts Act 1980 so as to provide that a Magistrates’ Court may order payments under a maintenance order which are to be made by someone who is ordinarily resident in England and Wales to be made in accordance with arrangements made by the Secretary of State under section 30 of the Child Support Act 1991 and regulations made under that section. Consequential amendments are also made to the Domestic Proceedings and Magistrates’ Courts Act 1978 and the Children Act 1989.

This Order does not impose any costs on business.

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(a) 1989 c.41. Paragraph 6A was inserted by section 6 of the Maintenance Enforcement Act 1991 (c.17).