

Draft Order laid before Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CONTRACTING OUT

CHILD SUPPORT

**The Contracting Out (Functions
Relating to Child Support) Order 2006**

Made - - - - 2006
Coming into force - - 2006

This Order is made in exercise of the powers conferred by section 69 of the Deregulation and Contracting Out Act 1994⁽¹⁾.

A draft of this Order has been laid before Parliament in accordance with section 77(2) of the Deregulation and Contracting Out Act 1994 and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State for Work and Pensions makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Contracting Out (Functions Relating to Child Support) Order 2006 and shall come into force on 3 July 2006.

(2) In this Order “the 1991 Act” means the Child Support Act 1991⁽²⁾.

Contracting out of functions relating to child support

2.—(1) Subject to paragraph (2), any function of the Secretary of State relating to child support under or by virtue of the provisions of the 1991 Act, may be exercised by, or by employees of, such person (if any) as may be authorised by the Secretary of State.

(2) Paragraph (1) shall not include functions under the following provisions—

(1) 1994 c.40.

(2) 1991 c.48. The Child Support Act 1991 has been amended by the Child Support Act 1995 (c.34), Part 1 of the Social Security Act 1998 (c.14) and Part 1 of the Child Support, Pensions and Social Security Act 2000 (c.19) (“the 2000 Act”). Much of Part 1 of the 2000 Act is in force only in relation to certain categories of cases: see the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (S.I. 2003/192).

- (a) section 15 of the 1991 Act (powers of inspectors)(**3**);
 - (b) section 35 of the 1991 Act (enforcement of liability orders by distress);
 - (c) section 39A of the 1991 Act (commitment to prison and disqualification from driving)(**4**);
and
 - (d) section 40B of the 1991 Act (disqualification from driving: further provision)(**5**),
- or any other functions excluded from section 69 of the Deregulation and Contracting Out Act 1994 by section 71 of that Act.

Signed by authority of the Secretary of State for Work and Pensions.

Date

Parliamentary Under-Secretary of State,
Department for Work and Pensions

(3) Section 15(1)-(4) and (4A) were substituted by section 14(1) and (2), and section 15(6) was amended by section 14(1) and (3), of the 2000 Act. Section 15(7) was amended by section 254(1) of, and paragraph 2 of Schedule 24 to, the Civil Partnership Act 2004 (c.33). Section 15(10) was amended by Schedule 9 to, and section 15(11) was inserted by section 14(1) and (4) of, the 2000 Act.

(4) Section 39A was inserted by section 16(1) of the 2000 Act.

(5) Section 40B was inserted by section 16(3) of the 2000 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision to enable the Secretary of State to authorise another person to exercise functions relating to child support other than certain functions which are excluded from contracting out by section 71 of the Deregulation and Contracting Out Act 1994 such as rights of entry and seizure, and the power to make subordinate legislation.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.