



# Child Maintenance and Other Payments Act 2008

## CHAPTER 6

### CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

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- 6 Remuneration etc. of non-executive members
- 7 (1) The Commission may pay, or make provision for paying,...
- 8 Appointment of deputy chair
- 9 Staff
- 10 (1) The Commission may appoint such other staff as it...
- 11 Committees
- 12 Appointment as a member of a committee or sub-committee of...
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- 15 (1) The person appointed to chair the Commission may authorise—...
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- 19 The Commission must keep under review the question whether its...
- 20 Non-executive functions committee
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- 26 Civil service pensions
- 27 House of Commons disqualification
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- 29 Freedom of information
- 30 Interpretation
- 31 In this Schedule, references to the staff of the Commission...
- 32 In this Schedule, references to the committees of the Commission...

## SCHEDULE 2 — Transfer of functions under subordinate legislation

## SCHEDULE 3 — Transfer of child support functions

### Part 1 — CONSEQUENTIAL AMENDMENTS

- 1 Child Support Act 1991 (c. 48)
- 2 In section 2 (welfare of children: the general principle)—
- 3 (1) Section 4 (child support maintenance) is amended as follows...
- 4 (1) Section 6 (applications by those claiming or receiving benefit)...
- 5 (1) Section 7 (right of child in Scotland to apply)...
- 6 In section 8 (role of the courts with respect to)...
- 7 (1) Section 10 (relationship between maintenance calculations and certain court)...
- 8 (1) Section 11 (maintenance calculations) is amended as follows.
- 9 (1) Section 12 (default and interim maintenance decisions) is amended...
- 10 (1) Section 14 (information required by Secretary of State) is...
- 11 (1) Section 15 (powers of inspectors) is amended as follows....
- 12 In section 16 (revision of decisions)— (a) for “Secretary of...
- 13 In section 17 (decisions superseding earlier decisions)—
- 14 (1) Section 20 (appeals to appeal tribunals) is amended as...
- 15 In section 23A (redetermination of appeals), in subsection (4), before...
- 16 (1) Section 24 (appeal to Child Support Commissioner) is amended...
- 17 In section 25 (appeal from Child Support Commissioner on question)...
- 18 In section 26 (disputes about parentage), for “Secretary of State”...
- 19 In section 27 (applications for declaration of parentage) for “Secretary...
- 20 In section 27A (recovery of fees for scientific tests)—
- 21 In section 28 (power to initiate or defend actions of)...
- 22 In section 28ZA (decisions involving issues that arise on appeal)...
- 23 In section 28ZB (appeals involving issues that arise on appeal)...
- 24 In section 28ZC (restrictions on liability in certain cases of)...
- 25 In section 28A (application for variation of usual rules for)...
- 26 (1) Section 28B (preliminary consideration of applications) is amended as...
- 27 In section 28C (imposition of regular payments condition), in subsections...
- 28 In section 28D (determination of applications)— (a) for “Secretary of...
- 29 In section 28E (matters to be taken into account)—
- 30 In section 28F (agreement to variation)— (a) for “Secretary of...
- 31 In section 28J (voluntary payments), in subsections (1), (2) and...
- 32 (1) Section 29 (collection of child support maintenance) is amended...
- 33 (1) Section 30 (collection and enforcement of other forms of)...
- 34 In section 31 (deduction from earnings orders)—
- 35 In section 32 (regulations about deduction from earnings orders), in...
- 36 In section 33 (liability orders), for “Secretary of State” (in...
- 37 In section 34 (regulations about liability orders), in subsections (1)(a)...
- 38 (1) Section 35 (enforcement of liability orders by distress) is...
- 39 In section 37 (regulations about liability orders), in subsection (2),...
- 40 In section 38 (enforcement of liability orders by diligence), subsection...

- 41 In section 39A (commitment to prison and disqualification from driving)—...
- 42 (1) Section 40B (disqualification from driving) is amended as follows....
- 43 (1) Section 41 (arrears of child support maintenance) is amended...
- 44 (1) Section 41A (penalty payments) is amended as follows.
- 45 (1) Section 41B (repayment of overpaid child support maintenance) is...
- 46 In section 44 (jurisdiction), in subsection (1), for “Secretary of...
- 47 In section 46 (reduced benefit decisions), in subsection (3)(a), for...
- 48 In section 46A (finality of decisions), in subsection (1), after...
- 49 In section 46B (matters arising as respects decisions), in subsection...
- 50 In section 48 (right of audience), in subsection (1), for...
- 51 After section 50 insert— Use of computers Any decision falling to be made under or by virtue...
- 52 (1) Schedule 1 (maintenance calculations) is amended as follows.
- 53 In paragraph 4 of Schedule 4A, for “Secretary of State”...
- 54 Social Security Act 1998 (c. 14)
  - Part 2 — TRANSITIONAL PROVISION AND SAVINGS
- 55 (1) Anything which— (a) relates to any function transferred to...

#### SCHEDULE 4 — Changes to the calculation of maintenance

- 1 Introductory
- 2 Calculation by reference to gross weekly income
- 3 Change to basic rate
- 4 Increase in flat rate and minimum amounts of liability
- 5 Applicable rate where non-resident parent party to other maintenance arrangement
- 6 Shared care
- 7 In paragraph 8(2) (circumstances in which decrease for shared care...
- 8 (1) In paragraph 9 (regulations about shared care), the existing...
- 9 Weekly income
- 10 In paragraph 10(3) (under which weekly income over £2,000 is...

#### SCHEDULE 5 — Maintenance calculations: transfer of cases to new rules

- 1 Power to require a decision about whether to stay in the statutory scheme
- 2 (1) The Secretary of State may by regulations make provision...
- 3 (1) The Secretary of State shall by regulations make such...
- 4 If, in a particular case, any of the interested parties...
- 5 Effect on accrual of liability of exercise of power under paragraph 1
- 6 Additional powers
- 7 Interpretation

#### SCHEDULE 6 — Use of information

- 1 Powers in relation to use of information
- 2 (1) This paragraph applies to information which is held for...
- 3 (1) This paragraph applies to information which is held for...
- 4 (1) This paragraph applies to information which is held for...
- 5 (1) This paragraph applies to information which is held for...
- 6 Interpretation

#### SCHEDULE 7 — Minor and consequential amendments

- 1 Child Support Act 1991 (c. 48)
- 2 Social Security Administration Act 1992 (c. 5)

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

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- 3 Social Security Act 1998 (c. 14)
- 4 Tax Credits Act 2002 (c. 21)
- 5 Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)
- 6 Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

SCHEDULE 8 — Repeals