

EXPLANATORY NOTE

(This note is not part of the Order)

The Public Bodies Act 2011 provides for the abolition, and associated transfer of functions, by order of any body specified in Schedule 1 to that Act. The Child Maintenance and Enforcement Commission (“the Commission”) is a body listed in that Schedule.

Article 2 abolishes the Commission.

Article 3(1) transfers the functions of the Commission to the Secretary of State. Article 3(2) and the Schedule make consequential, incidental and supplementary amendments. Article 3(3) transfers the property, rights and liabilities of the Commission to the Secretary of State.

Article 4 makes provision in relation to the winding up of the Commission’s affairs by the Secretary of State, including the preparation of final accounts.

Article 5 makes provision for the continuity of the exercise of functions on the transfer of functions from the Commission to the Secretary of State. Paragraph (1) ensures that anything which relates to the transferring functions which has been done, or is in the process of being done, by or in relation to Commission, immediately before its abolition can be continued by, or in relation to the Secretary of State. Paragraph (2) provides that anything done by or in relation to the Commission before its abolition for the purposes of, or in connection with, the transferring functions shall continue to have effect as if done by or in relation to the Secretary of State. Paragraph (3) ensures that, as far as necessary, documents have effect as if any reference to the Commission is a reference to the Secretary of State. Paragraph (4) prevents the transfer of functions, property, rights and liabilities from the Commission to the Secretary of State affecting the validity of anything done by or in relation to the Commission prior to the transfer. Paragraph (5) prevents a reference to the Commission in any document or notice issued by the Secretary of the State, following the transfer, invalidating that document or notice.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.