

CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY ACT 2000

EXPLANATORY NOTES

Part 1: Child Support

Commentary on Sections

Miscellaneous

Section 29: Interpretation, transitional provisions, savings, etc.

319. The Government has stated that the new scheme will deal with new applications first. Existing cases will be transferred at a later date when the scheme has bedded in and the new rates will be phased in over time. Transitional provisions will therefore be introduced to facilitate the conversion of cases and the phasing of amounts payable.
320. This wide-ranging general power introduces the ability to make regulations which will allow cases to be transferred from the existing scheme to the new scheme. The Act does not provide detail on all aspects of the new scheme or state exactly how it will work. The detail will be set out in regulations.
321. It is intended that provisions will also be introduced to safeguard the way in which aspects of current liability have been calculated, and to ensure that amounts can be carried forward to the new scheme. New child support legislation will have a knock-on effect on other legislation and the ability to make consequential provisions is therefore also introduced in this section.
322. *Subsection (2)* provides for regulations to ensure that the new legislation can be brought into being as smoothly as possible. Such regulations may cover the transition to the new scheme, the ability to save any current provisions so that they can continue to be used in the new scheme, amending other legislation which is affected by the new scheme and making any other regulations that may be required.
323. *Subsection (3)* provides examples of the regulations that may be introduced. *Subsection (3)(a)* enables regulations to provide for a transitional rate of liability to be payable, including the phasing-in of the amount due when the provisions come into effect. *Subsection (3)(b)* provides that regulations may allow departure directions and any other finding in relation to a previous determination to be taken into account when determining the amount of maintenance payable.
324. *Subsection (4)* provides that section 175(3) and (5) of the Social Security Contributions and Benefits Act 1992* (the “Contributions and Benefits Act”) applies to the regulation-making power of this section, to allow for different provisions to be made for different cases and for different purposes. It also provides powers for discretion to be exercised in dealing with various matters.
325. *Subsections (5) and (6)* provide that regulations will be made by Statutory Instrument, and subject to the negative procedure.