



# Child Maintenance and Other Payments Act 2008

## 2008 CHAPTER 6

### PART 1 **E+W+S**

#### THE CHILD MAINTENANCE AND ENFORCEMENT COMMISSION

### 1 The Child Maintenance and Enforcement Commission **E+W+S**

**F1** .....

#### Textual Amendments

**F1** Ss. 1-5 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

### 2 Objectives of the Commission **E+W+S**

**F2** .....

#### Textual Amendments

**F2** Ss. 1-5 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

### 3 Functions of the Commission: general **E+W+S**

**F3** .....

*Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Part 1. (See end of Document for details)*

#### Textual Amendments

- F3** Ss. 1-5 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

#### Commencement Information

- I1** S. 3 wholly in force at 1.11.2008; s. 3 not in force at Royal Assent see s. 62; s. 3(1)(b)(2)(3) in force at 24.7.2008 by [S.I. 2008/2033](#), **art. 2(1)**; s. 3(1)(a) in force at 1.11.2008 by [S.I. 2008/2675](#), **art. 3(a)**

## 4 Promotion of child maintenance **E+W+S**

**F4** .....

#### Textual Amendments

- F4** Ss. 1-5 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

## 5 Provision of information and guidance **E+W+S**

**F5** .....

#### Textual Amendments

- F5** Ss. 1-5 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

## 6 Fees **E+W+S**

- (1) The Secretary of State may by regulations make provision about the charging of fees by the [<sup>F6</sup>Secretary of State] in connection with the exercise of its functions.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) about when a fee may be charged;
  - (b) about the amount which may be charged;
  - (c) for the supply of information needed for the purpose of determining the amount which may be charged;
  - (d) about who is liable to pay any fee charged [<sup>F7</sup>(including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment)];
  - (e) about when any fee charged is payable;
  - (f) about the recovery of fees charged;
  - (g) about <sup>F8</sup>..., reduction or repayment of fees.
  - [<sup>F9</sup>(h) about waiver of fees (including the matters to be taken into account in determining a waiver).]

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- (3) The power conferred by subsection (1) includes power to make provision for the charging of fees which are not related to costs.
- [<sup>F10</sup>(3A) The Secretary of State must review the effect of the first regulations made under subsection (1).
- (3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into force.
- (3C) After the review, the Secretary of State must make and publish a report containing—
- (a) the conclusions of the review, and
  - (b) a statement as to what the Secretary of State proposes to do in view of those conclusions.
- (3D) The report must be laid before Parliament by the Secretary of State.]
- (4) The Secretary of State may by regulations provide that the provisions of the Child Support Act 1991 (c. 48) with respect to—
- (a) the collection of child support maintenance,
  - (b) the enforcement of any obligation to pay child support maintenance,
- shall apply equally (with any necessary modifications) to fees payable by virtue of regulations under subsection (1).
- (5) The Secretary of State may by regulations make provision for a person affected by a decision of the [<sup>F6</sup>Secretary of State] under regulations under subsection (1) to have a right of appeal against the decision to [<sup>F11</sup>the First-tier Tribunal].
- (6) Subsections (3) to (5), (7) and (8) of section 20 of the Child Support Act 1991 (appeals to [<sup>F12</sup>First-tier Tribunal]) apply to appeals under regulations under subsection (5) as they apply to appeals under that section.
- (7) The [<sup>F13</sup>Secretary of State] shall pay into the Consolidated Fund any amount which [<sup>F14</sup>the Secretary of State] receives in respect of fees charged by [<sup>F14</sup>the Secretary of State] under regulations under this section.

#### Textual Amendments

- F6** Words in s. 6(1)(5) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(2)**
- F7** Words in s. 6(2)(d) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(a)**, 150(3); S.I. 2013/2947, art. 6
- F8** Word in s. 6(2)(g) repealed (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(b)**, 150(3); S.I. 2013/2947, art. 6
- F9** S. 6(2)(h) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 140(c)**, 150(3); S.I. 2013/2947, art. 6
- F10** S. 6(3A)-(3D) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 141**, 150(3); S.I. 2013/2947, art. 6
- F11** Words in s. 6(5) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 225(a)**
- F12** Words in s. 6(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 225(b)**

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- F13** Words in s. 6(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(3)**
- F14** Words in s. 6(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 72(3)**

## 7 Agency arrangements and provision of services **E+W+S**

F15

### Textual Amendments

- F15** S. 7 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 73**

## 8 Contracting out **E+W+S**

- (1) Any function of the [F16Secretary of State relating to child support] may be exercised by, or by employees of, such person (if any) as the [F17Secretary of State] may authorise for the purpose.
- (2) An authorisation given by virtue of subsection (1) may authorise the exercise of the function concerned—
  - (a) either wholly or to such extent as may be specified in the authorisation,
  - (b) either generally or in such cases or areas as may be so specified, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (3) An authorisation given by virtue of subsection (1)—
  - (a) may specify its duration,
  - (b) may be revoked at any time by the [F18Secretary of State], and
  - (c) shall not prevent the [F18Secretary of State] or any other person from exercising the function to which the authorisation relates.
- (4) Where a person is authorised to exercise any function by virtue of subsection (1), anything done or omitted to be done by or in relation to that person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by or in relation to the [F18Secretary of State].
- (5) Subsection (4) shall not apply—
  - (a) for the purposes of so much of any contract made between the authorised person and the [F18Secretary of State] as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).
- (6) Where—

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- (a) a person is authorised to exercise any function by virtue of subsection (1), and
- (b) the authorisation is revoked at a time when a relevant contract is subsisting,
- the authorised person shall be entitled to treat the relevant contract as repudiated by the [<sup>F18</sup>Secretary of State](and not as frustrated by reason of the revocation).
- (7) In subsection (6), the reference to a relevant contract is to so much of any contract made between the authorised person and the [<sup>F18</sup>Secretary of State] as relates to the exercise of the function.

#### Textual Amendments

- F16** Words in s. 8(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 74(2)(a)**
- F17** Words in s. 8(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 74(2)(b)**
- F18** Words in s. 8(3)(b)(c)(4)(5)(a)(6)(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 74(3)**

## 9 Annual report to Secretary of State **E+W+S**

F19

#### Textual Amendments

- F19** Ss. 9-12 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 75**

## 10 Directions and guidance **E+W+S**

F20

#### Textual Amendments

- F20** Ss. 9-12 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 75**

## 11 Review of the status of the Commission **E+W+S**

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*Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Part 1. (See end of Document for details)*

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**Textual Amendments**

**F21** Ss. 9-12 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 75**

**12 Supplementary provisions** **E+W+S**

**F22** .....

**Textual Amendments**

**F22** Ss. 9-12 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 75**

**Changes to legislation:**

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Part 1.