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Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Cross Heading: Child Support Act 1991 (c. 48). (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRANSFER OF CHILD SUPPORT FUNCTIONS

PART 1

CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

- 1 The Child Support Act 1991 (c. 48) is amended as follows.
- 2 In section 2 (welfare of children: the general principle)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”;
 - (c) for “his” substitute “ its ”.
- 3 (1) Section 4 (child support maintenance) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (4) In subsection (3)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (5) In subsection (4), for “Secretary of State” (in the first and third places where it occurs) substitute “ Commission ”.
- (6) In subsection (5)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (7) In subsections (6) and (7), for “Secretary of State” substitute “ Commission ”.
- 4 (1) Section 6 (applications by those claiming or receiving benefit) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) The Secretary of State must notify the Commission of circumstances giving rise to the application of this section.”
- (3) In subsections (3) and (4), for “Secretary of State” substitute “ Commission ”.

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- (4) In subsection (5)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (5) In subsection (7), for “Secretary of State's” substitute “ Commission's ”.
- (6) In subsection (8), for “Secretary of State” substitute “ Commission ”.
- (7) In subsection (9)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (8) In subsection (10), for “Secretary of State” substitute “ Commission ”.
- (9) In subsection (11), for “he” (in the second place where it occurs) substitute “ the Commission ”.
- (10) In subsection (12), for “Secretary of State's” substitute “ Commission's ”.
- 5 (1) Section 7 (right of child in Scotland to apply for calculation) is amended as follows.
- (2) In subsections (1) and (2), for “Secretary of State” substitute “ Commission ”.
 - (3) In subsection (3)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”. - (4) In subsection (4)—
 - (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”. - (5) In subsection (5), for “Secretary of State” (in the first and third places where it occurs) substitute “ Commission ”.
 - (6) In subsections (6) and (7), for “Secretary of State” substitute “ Commission ”.
 - (7) In subsection (8)(b), for “Secretary of State” substitute “ Commission ”.
- 6 In section 8 (role of the courts with respect to maintenance for children), in subsections (1) and (2), for “Secretary of State” substitute “ Commission ”.
- 7 (1) Section 10 (relationship between maintenance calculations and certain court orders etc.) is amended as follows.
- (2) In subsection (4)—
 - (a) for “Secretary of State” (in the second and third places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”. - (3) In subsection (5), for “Secretary of State” substitute “ Commission ”.
- 8 (1) Section 11 (maintenance calculations) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Secretary of State ” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.

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- (3) In subsection (2)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (4) In subsection (3)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ the Commission ”.
- (5) In subsection (4)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ the Commission ”;
 - (c) for “him” substitute “ the Commission ”.
- (6) In subsection (5)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ the Commission ”.
- (7) In subsection (7)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 9 (1) Section 12 (default and interim maintenance decisions) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him”, in the first place where it occurs, substitute “ the Commission ” and, in the second place where it occurs, substitute “ it ”;
 - (c) for “he” (in both places where it occurs) substitute “ it ”.
 - (3) In subsection (2), for “Secretary of State” substitute “ Commission ”.
- 10 (1) Section 14 (information required by Secretary of State) is amended as follows.
 - (2) In the title, for “Secretary of State” substitute “ Commission ”.
 - (3) In subsection (3), for “him” (in both places where it occurs) substitute “ the Commission ”.
 - (4) In subsection (4), for “Secretary of State” substitute “ Commission ”.
- 11 (1) Section 15 (powers of inspectors) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (3) In subsection (2), for “Secretary of State” substitute “ Commission ”.
- 12 In section 16 (revision of decisions)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “his” (in each place where it occurs) substitute “ its ”;
 - (c) for “he” (in each place where it occurs) substitute “ it ”;
 - (d) for “him” substitute “ it ”.

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- 13 In section 17 (decisions superseding earlier decisions)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “his” (in each place where it occurs) substitute “ its ”;
 - (c) for “him” substitute “ it ”.
- 14 (1) Section 20 (appeals to appeal tribunals) is amended as follows.
 - (2) In subsections (1)(a) and (b), (2)(a)(i), (7)(b) and (8)(b), for “Secretary of State” substitute “ Commission ”.
- 15 In section 23A (redetermination of appeals), in subsection (4), before paragraph (a) insert—
 - “(za) the Commission;”.
- 16 (1) Section 24 (appeal to Child Support Commissioner) is amended as follows.
 - (2) For subsection (1) substitute —
 - “(1) Each of the following may appeal to a Child Support Commissioner on a question of law—
 - (a) the Commission,
 - (b) the Secretary of State, and
 - (c) any person who is aggrieved by the decision of an appeal tribunal.”
 - (3) ^{F1}
 - (4) ^{F1}
 - (5) ^{F1}

Textual Amendments

F1 Sch. 3 para. 16(3)-(5) repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 228(s)**

17 ^{F2}

Textual Amendments

F2 Sch. 3 para. 17 repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 228(s)**

- 18 In section 26 (disputes about parentage), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 19 In section 27 (applications for declaration of parentage) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 20 In section 27A (recovery of fees for scientific tests)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “him” (in each place where it occurs) substitute “ it ”.

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- 21 In section 28 (power to initiate or defend actions of declarator), for “Secretary of State” (in each place where it occurs, including the title) substitute “ Commission ”.
- 22 In section 28ZA (decisions involving issues that arise on appeal in other cases)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” substitute “ its ”.
- 23 In section 28ZB (appeals involving issues that arise on appeal in other cases)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in both places where it occurs) substitute “ the Commission ”;
 - (c) for “him” substitute “ the Commission ”;
 - (d) for “his” substitute “ its ”.
- 24 In section 28ZC (restrictions on liability in certain cases of error), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 25 In section 28A (application for variation of usual rules for calculating maintenance), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 26 (1) Section 28B (preliminary consideration of applications) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (3) In subsection (2)—
- (a) for “he” (in the first place where it occurs) substitute “ the Commission ”;
 - (b) for “he” (in each other place where it occurs) substitute “ it ”;
 - (c) for “his” (in both places where it occurs) substitute “ its ”;
 - (d) for “him” substitute “ the Commission ”.
- 27 In section 28C (imposition of regular payments condition), in subsections (1) and (3) to (7)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” (in each place where it occurs) substitute “ its ”.
- 28 In section 28D (determination of applications)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 29 In section 28E (matters to be taken into account)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- 30 In section 28F (agreement to variation)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;

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- (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” (in each place where it occurs) substitute “ its ”.
- 31 In section 28J (voluntary payments), in subsections (1), (2) and (4)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”.
- 32 (1) Section 29 (collection of child support maintenance) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) in paragraph (b), for “him” substitute “ it ”.
- (3) In subsection (3), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 33 (1) Section 30 (collection and enforcement of other forms of maintenance) is amended as follows.
- (2) In subsections (1), (2) and (3)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”.
- (3) In subsection (4)—
- (a) for “him” substitute “ the Commission ”;
 - (b) for “he” (in the second place where it occurs) substitute “ it ”.
- (4) In subsection (5)—
- (a) for “him” (in both places where it occurs) substitute “ the Commission ”;
 - (b) for “he” (in the first place where it occurs) substitute “ it ”.
- 34 In section 31 (deduction from earnings orders)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) in subsection (6), for “he” substitute “ it ”.
- 35 In section 32 (regulations about deduction from earnings orders), in subsections (2) and (3), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 36 In section 33 (liability orders), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 37 In section 34 (regulations about liability orders), in subsections (1)(a) and (c) and (2), for “Secretary of State” substitute “ Commission ”.
- 38 (1) Section 35 (enforcement of liability orders by distress) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (3)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “his” substitute “ its ”.

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- 39 In section 37 (regulations about liability orders), in subsection (2), for “Secretary of State” (in the second place where it occurs) substitute “ Commission ”.
- 40 In section 38 (enforcement of liability orders by diligence), subsection (1) is amended as follows—
- (a) in paragraph (a), for “Secretary of State” substitute “ Commission ”;
 - (b) ^{F3}
 - (c) ^{F3}

Textual Amendments

- F3** Sch. 3 para. 40(b)(c) 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. 94\(a\)](#)

Commencement Information

- II** Sch. 3 para. 40 partly in force; [Sch. 3 para. 40](#) not in force at Royal Assent see [s. 62](#); [Sch. 3 para. 40\(a\)\(c\)](#) in force at 1.11.2008 by [S.I. 2008/2675](#), [art. 3\(b\)](#)

- 41 In section 39A (commitment to prison and disqualification from driving)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) in subsections (1) and (4), for “he” substitute “ it ”.
- 42 (1) Section 40B (disqualification from driving) is amended as follows.
- (2) In subsections (5) to (8), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
 - (3) In subsection (9)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 43 (1) Section 41 (arrears of child support maintenance) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
 - (3) In subsection (2)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” (in both places where it occurs) substitute “ it ”.
 - (4) In subsection (6)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- 44 (1) Section 41A (penalty payments) is amended as follows.
- (2) In subsection (1), for “him” substitute “ the Commission ”.
 - (3) In subsections (2) and (4), for “Secretary of State” substitute “ Commission ”.
 - (4) In subsection (6)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.

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- 45 (1) Section 41B (repayment of overpaid child support maintenance) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (1A)—
- (a) for “Secretary of State” substitute “ Commission ”;
- (b) for “him” substitute “ it ”.
- (4) In subsection (2), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- (5) In subsection (3)—
- (a) for “Secretary of State” substitute “ Commission ”;
- (b) for “he” substitute “ it ”;
- (c) for “him” substitute “ it ”.
- (6) In subsections (4), (5) and (6)(a), for “Secretary of State” substitute “ Commission ”.
- (7) In subsection (9)—
- (a) for “Secretary of State” substitute “ Commission ”;
- (b) for “him” substitute “ it ”.
- 46 In section 44 (jurisdiction), in subsection (1), for “Secretary of State” substitute “ Commission ”.
- 47 In section 46 (reduced benefit decisions), in subsection (3)(a), for “Secretary of State” substitute “ Commission ”.
- 48 In section 46A (finality of decisions), in subsection (1), after “decision of” insert “ the Commission, ”.
- 49 In section 46B (matters arising as respects decisions), in subsection (1)(a), for “Secretary of State” substitute “ Commission ”.
- 50 In section 48 (right of audience), in subsection (1), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- 51 After section 50 insert—

“50A Use of computers

Any decision falling to be made under or by virtue of this Act by the Commission may be made, not only by a person authorised to exercise the Commission's decision-making function, but also by a computer for whose operation such a person is responsible.”

- 52 (1) Schedule 1 (maintenance calculations) is amended as follows.
- (2) In paragraph 7(3), for “Secretary of State” substitute “ Commission ”.
- (3) In paragraph 10(2)—
- (a) for “Secretary of State” substitute “ Commission ”;
- (b) for “his” substitute “ its ”.
- (4) In paragraph 10B(a), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.

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- (5) In paragraphs 12 and 13, for “Secretary of State” substitute “ Commission ”.
 - (6) In paragraph 15—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (7) In paragraph 16(10), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- 53 In paragraph 4 of Schedule 4A, for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.

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