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SCHEDULES

SCHEDULE 1

Section 1

THE COMMISSION

Constitution of the Commission

- 1 The Commission shall consist of the following members—
- (a) a person to chair the Commission,
 - (b) the chief executive of the Commission (who is to be known as the Commissioner for Child Maintenance),
 - (c) one or more directors appointed from the staff of the Commission (“executive directors”), and
 - (d) two or more directors appointed otherwise than from the staff of the Commission (“non-executive directors”).

Commencement Information

- II** Sch. 1 para. 1 wholly in force; Sch. 1 para. 1 not in force at Royal Assent see s. 62; Sch. 1 para. 1(a)(b)(d) in force for certain purposes at 10.6.2008 by S.I. 2008/1476, art. 2(1); Sch. 1 para. 1 otherwise in force at 24.7.2008 by S.I. 2008/2033, art. 2(1)

Appointment of a person to chair the Commission

- 2 Appointments for the purposes of paragraph 1(a) are to be made by the Secretary of State otherwise than from the staff of the Commission.

Appointment of directors

- 3
- (1) Appointments for the purposes of paragraph 1(c) are to be made by the Commission, with the approval of the Secretary of State.
 - (2) Appointments for the purposes of paragraph 1(d) are to be made by the person appointed to chair the Commission, with the approval of the Secretary of State.
 - (3) The power under sub-paragraph (1) may not be exercised if the result of exercising it would be to make the number of executive members of the Commission equal to or greater than the number of non-executive members of the Commission.
 - (4) The power under sub-paragraph (2) must be exercised so as to secure, so far as practicable, that the Commission always has more non-executive members than executive members.

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Terms of appointment and tenure of members

- 4 (1) The terms and conditions of a person's appointment to chair the Commission are to be such as the Secretary of State may determine.
- (2) The terms and conditions of a person's appointment as a non-executive director are to be such as the person appointed to chair the Commission may determine with the approval of the Secretary of State.
- (3) The matters with which the terms and conditions of a member's appointment may deal include, in particular—
- (a) the period for which the member is to hold office;
 - (b) the member's eligibility for re-appointment;
 - (c) circumstances in which membership may be suspended or terminated.
- 5 (1) Subject to sub-paragraphs (2) and (3), a person appointed to be a member of the Commission—
- (a) is to hold and vacate office in accordance with the terms and conditions of his or her appointment, and
 - (b) may resign or be removed from office in accordance with those terms and conditions.
- (2) A person appointed as an executive director ceases to be a member of the Commission if he or she ceases to be a member of its staff.
- (3) A person appointed to chair the Commission or as a non-executive director ceases to be a member of the Commission if he or she becomes a member of its staff.

Remuneration etc. of non-executive members

- 6 (1) The Commission may pay, or make provision for paying, the person appointed to chair the Commission such remuneration as the Secretary of State may determine.
- (2) The Commission may—
- (a) pay to or in respect of any person who is or has been appointed to chair the Commission such pension, allowances or gratuities as the Secretary of State may determine, or
 - (b) make such payments as the Secretary of State may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such a person.
- (3) Where—
- (a) the person appointed to chair the Commission ceases to be a member of the Commission otherwise than on the expiry of his term of office, and
 - (b) it appears to the Secretary of State that there are circumstances which make it right for that person to receive compensation,
- the Commission may make a payment to that person of such amount as the Secretary of State may determine.

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- 7 (1) The Commission may pay, or make provision for paying, non-executive directors of the Commission such remuneration as the person appointed to chair the Commission may determine with the approval of the Secretary of State.
- (2) The Commission may—
- (a) pay to or in respect of any person who is or has been a non-executive director such pension, allowances or gratuities as the person appointed to chair the Commission may determine with the approval of the Secretary of State, or
 - (b) make such payments as the person appointed to chair the Commission may determine with the approval of the Secretary of State towards provision for the payment of a pension, allowance or gratuity to or in respect of any person who is or has been a non-executive director.
- (3) Where—
- (a) a non-executive director ceases to be a member of the Commission otherwise than on the expiry of his term of office, and
 - (b) it appears to the person appointed to chair the Commission that there are circumstances which make it right for that person to receive compensation,
- the Commission may make a payment to that person of such amount as the person appointed to chair the Commission may determine with the approval of the Secretary of State.

Appointment of deputy chair

- 8 The person appointed to chair the Commission must appoint one of the non-executive directors as his or her deputy for such period (not exceeding the remainder of the non-executive director's period of office as director) as he or she may specify on making the appointment.

Staff

- 9 (1) The Commission is to have a chief executive.
- (2) The chief executive is employed in the civil service of the State.
- (3) The first appointment of a chief executive—
- (a) is to be made by the Secretary of State, and
 - (b) is to be on such terms and conditions as to remuneration and other matters as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.
- (4) Subsequent appointments of a chief executive—
- (a) are to be made by the Commission with the approval of the Secretary of State, and
 - (b) are to be on such terms and conditions as to remuneration and other matters as the Commission may determine with the approval of the Secretary of State and the Minister for the Civil Service.

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- 10 (1) The Commission may appoint such other staff as it considers appropriate.
- (2) Any such appointments are to be on such terms and conditions as to remuneration and other matters as the Commission may, with the approval of the Minister for the Civil Service, determine.

Committees

- 11 (1) The Commission may establish committees for any purpose.
- (2) Any committee established under sub-paragraph (1) may establish sub-committees.
- (3) Any committee or sub-committee established under this paragraph may consist of or include persons who are not members of the Commission.
- (4) Any sub-committee established under sub-paragraph (2) may consist of or include persons who are not members of the committee by which it is established.
- (5) Sub-paragraphs (2) to (4) do not apply to the committee established under paragraph 20(1) or to any of its sub-committees.
- 12 Appointment as a member of a committee or sub-committee of the Commission of a person who is not a member of the Commission or its staff is to be on such terms and conditions as to remuneration and other matters as the Commission may determine.

Procedure

- 13 The Commission may determine—
- (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of any of its committees.

Delegation

- 14 (1) The Commission may authorise—
- (a) any member of the Commission,
 - (b) any member of its staff, or
 - (c) any of its committees,
- to exercise on its behalf such of its functions, in such circumstances, as it may determine.
- (2) This paragraph does not apply to the functions listed in paragraph 20(1).
- 15 (1) The person appointed to chair the Commission may authorise—
- (a) any executive member of the Commission,
 - (b) any member of its staff, or

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- (c) subject to sub-paragraph (2), any of its committees,
to exercise on his or her behalf the functions under paragraph 4(2) or 7.
- (2) Authority may not be given under sub-paragraph (1)(c) to a committee that includes a non-executive director; and authority given under that provision ceases to have effect if a non-executive director becomes a member of the committee concerned.

Instruments

- 16 (1) The fixing of the common seal of the Commission must be authenticated by the signature of a person authorised for that purpose by the Commission (whether generally or specifically).
- (2) A document purporting—
 - (a) to be duly executed under the seal of the Commission, or
 - (b) to be signed on its behalf,is to be received in evidence and taken, without further proof, to be so executed or signed unless the contrary is proved.
- (3) This paragraph does not apply in relation to Scotland.

Finance

- 17 (1) The Secretary of State may out of money provided by Parliament make such payments to the Commission as the Secretary of State considers appropriate for the purpose of enabling the Commission to meet its expenses.
- (2) Payments under this paragraph may be made at such times and subject to such conditions (if any) as the Secretary of State considers appropriate.

Accounts and audit

- 18 (1) The Commission must—
 - (a) keep proper accounts and proper records in relation to its accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
 - (a) the information to be contained in it and the manner in which it is to be presented;
 - (b) the methods and principles according to which the statement is to be prepared;
 - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) The Commission must send a copy of each statement of accounts—
 - (a) to the Secretary of State, and
 - (b) to the Comptroller and Auditor General,

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before the end of the month of August next following the financial year to which the statement relates.

- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on each statement of accounts received under sub-paragraph (3), and
 - (b) send a copy of each report and certified statement to the Secretary of State.
 - (5) The Secretary of State must lay before Parliament a copy of each report and statement sent under sub-paragraph (4)(b).
 - (6) In this paragraph, “financial year” means—
 - (a) the period beginning with the date on which the Commission is established and ending with the next following 31st March, and
 - (b) each successive period of 12 months.
- 19 The Commission must keep under review the question whether its internal financial controls secure the proper conduct of its financial affairs.

Non-executive functions committee

- 20 (1) The Commission must establish a committee to discharge the following functions on its behalf—
- (a) the function under paragraph 9(4)(b);
 - (b) the function under paragraph 10(2), so far as relating to executive directors;
 - (c) the function under paragraph 12;
 - (d) the function under paragraph 19.
- (2) The committee under sub-paragraph (1) is to consist of at least three members.
 - (3) Only non-executive members of the Commission may be members of the committee under sub-paragraph (1).
 - (4) The committee under sub-paragraph (1) is to be chaired by a person other than the person appointed to chair the Commission.
 - (5) The committee under sub-paragraph (1) must prepare a report on the discharge of the functions mentioned in that sub-paragraph for inclusion in the annual report of the Commission to the Secretary of State under section 9.
 - (6) The report under sub-paragraph (5) must relate to the same period as the Commission's report.
 - (7) The committee under sub-paragraph (1) may establish sub-committees.
 - (8) A sub-committee of the committee under sub-paragraph (1) may consist of or include persons who are not members of that committee or the Commission.
 - (9) The members of any sub-committee of the committee under sub-paragraph (1) must not include persons who are executive members or other staff of the Commission.
 - (10) The committee under sub-paragraph (1) may authorise any of its members or any of its sub-committees to discharge on its behalf—

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- (a) the function mentioned in sub-paragraph (1)(d);
- (b) the duty to prepare a report under sub-paragraph (5).

Supplementary powers

- 21 The Commission may do anything (except borrow money) which is calculated to facilitate, or is conducive or incidental to, the carrying out of its functions.

Status of the Commission

- 22 (1) The functions of the Commission, and of its members, are to be exercised on behalf of the Crown.
- (2) For the purposes of any civil proceedings arising out of those functions—
- (a) the Crown Proceedings Act 1947 (c. 44) applies to the Commission as if it were a government department, and
 - (b) the Crown Suits (Scotland) Act 1857 (c. 44) applies to it as if it were a public department.

Validity

- 23 The validity of any proceedings of the Commission (including proceedings of any of its committees) is not to be affected by—
- (a) any vacancy among the members of the Commission or any of its committees,
 - (b) any defect in the appointment of any member of the Commission or any of its committees,
 - (c) any defect in the appointment of the Commissioner for Child Maintenance, or
 - (d) the composition for the time being of the membership of the Commission.

Public records

- 24 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert— “ Child Maintenance and Enforcement Commission. ”

Investigation by Parliamentary Commissioner

- 25 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments and authorities subject to investigation), at the appropriate place insert— “ Child Maintenance and Enforcement Commission. ”

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Civil service pensions

- 26 (1) The Commission must pay to the Minister for the Civil Service, at such times as he or she may direct, such sums as he or she may determine in respect of the increase in the sums payable out of money provided by Parliament that is attributable to the provision of relevant pensions.
- (2) In sub-paragraph (1), “relevant pensions” means pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 (c. 11) payable to or in respect of persons who are or have been in the service of the Commission.

House of Commons disqualification

- 27 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place insert— “The Child Maintenance and Enforcement Commission.”

Northern Ireland Assembly disqualification

- 28 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place insert— “The Child Maintenance and Enforcement Commission.”

Freedom of information

- 29 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), at the appropriate place insert— “The Child Maintenance and Enforcement Commission.”

Interpretation

- 30 In this Schedule—
- (a) references to executive members of the Commission are to the Commissioner for Child Maintenance and the executive directors;
 - (b) references to non-executive members of the Commission are to those members of the Commission who are not executive members of it.
- 31 In this Schedule, references to the staff of the Commission are to the Commissioner for Child Maintenance and the other staff appointed under paragraph 10.
- 32 In this Schedule, references to the committees of the Commission are to—
- (a) the committee established under paragraph 20 and any of its sub-committees, and

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(b) any committees or sub-committees established under paragraph 11.

SCHEDULE 2

Section 13

TRANSFER OF FUNCTIONS UNDER SUBORDINATE LEGISLATION

| <i>Number</i> | <i>Title</i> | <i>Provisions conferring functions transferred</i> |
|---------------|--|---|
| SI 1992/1812 | The Child Support (Information, Evidence and Disclosure) Regulations 1992 | All the regulations. |
| SI 1992/1813 | The Child Support (Maintenance Assessment Procedure) Regulations 1992 | Regulation 1 so far as relating to other functions transferred to the Commission by virtue of section 13. All other regulations except regulations 35A, 36, 38, 47 and 49. |
| SI 1992/1815 | The Child Support (Maintenance Assessments and Special Cases) Regulations 1992 | All the regulations. |
| SI 1992/1816 | The Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 | All the regulations. |
| SI 1992/1989 | The Child Support (Collection and Enforcement) Regulations 1992 | All the regulations. |
| SI 1992/2643 | The Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations 1992 | All the regulations. |
| SI 1992/2645 | The Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 | All the regulations. |
| SI 1993/627 | The Family Proceedings Courts (Child Support Act 1991) Rules 1993 | All the rules. |
| SI 1994/227 | The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994 | All the regulations. |

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| | | |
|---------------|--|---|
| SI 1995/1045 | The Child Support and Income Support (Amendment) Regulations 1995 | All the regulations. |
| SI 1996/2907 | The Child Support Departure Direction and Consequential Amendments Regulations 1996 | All the regulations except regulation 47. |
| SI 1999/991 | The Social Security and Child Support (Decisions and Appeals) Regulations 1999 | Regulations 3A, 6A, 6B, 7B, 7C, 15A to 15D and 24. Regulations 4, 32 to 34, 39 and 40 so far as relating to child support. Regulation 23 so far as relating to other functions transferred to the Commission by virtue of section 13. |
| SI 1999/1305 | The Child Support Commissioners (Procedure) Regulations 1999 | Regulation 20. |
| SI 1999/ 1510 | The Social Security Act 1998 (Commencement No. 7 and Consequential and Transitional Provisions) Order 1999 | All the articles. |
| SI 2000/3173 | The Child Support (Variations) (Modification of Statutory Provisions) Regulations 2000 | All the regulations. |
| SI 2000/ 3177 | The Child Support (Voluntary Payments) Regulations 2000 | All the regulations. |
| SI 2000/ 3186 | The Child Support (Transitional Provisions) Regulations 2000 | All the regulations. |
| SI 2001/155 | The Child Support (Maintenance Calculations and Special Cases) Regulations 2000 | All the regulations. |
| SI 2001/156 | The Child Support (Variations) Regulations 2000 | All the regulations. |
| SI 2001/157 | The Child Support (Maintenance Calculation Procedure) Regulations 2000 | All the regulations except regulations 10 to 19. |

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SCHEDULE 3

Section 13

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 ”.
- (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 ”.

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- (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 ”.
- (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 ”;

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- (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 ”.
- 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.

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- (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) In subsection (3)(c) and (d), before “the Secretary of State” insert “ the Commission or ”.
- (4) In subsection (4)—
(a) before “the Secretary of State” insert “ the Commission or ”;
(b) for “to an officer of his, or a person providing him with services,” substitute “ to an officer of, or a person providing services to, the Commission or the Secretary of State, ”.
- (5) In subsection (8), before “the Secretary of State” (in both places where it occurs) insert “ the Commission or ”.
- 17 In section 25 (appeal from Child Support Commissioner on question of law), in subsection (3), after paragraph (a) insert—
“(aa) the Commission;”.
- 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 ”.
- 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 ”.

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- 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 ”;
 - (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.

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- (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 ”.
- 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 ”;

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- (b) in paragraph (aa) (inserted by paragraph 18(a)(i) of schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)), for “Secretary of State” substitute “ Commission ”;
- (c) in the words at the end, the reference to the Secretary of State (in effect repealed by paragraph 18(a)(ii) of that schedule) has effect until the coming into force of that paragraph as a reference to the Commission.

Commencement Information

I2 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 ”.
- 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 ”;

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- (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 ”.
 - (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 ”.

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- (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 ”.

Social Security Act 1998 (c. 14)

- 54 In paragraph 10 of Schedule 1 to the Social Security Act 1998 (c. 14) (report on the standards achieved in the making of decisions against which an appeal lies to an appeal tribunal), after “Secretary of State” (in the first and second places where it occurs) insert “ and the Child Maintenance and Enforcement Commission ”.

PART 2

TRANSITIONAL PROVISION AND SAVINGS

- 55 (1) Anything which—
- (a) relates to any function transferred to the Commission by virtue of section 13, and
 - (b) immediately before commencement, is in the process of being done by or in relation to the Secretary of State,
- may be continued by or in relation to the Commission.
- (2) Anything done (or having effect as if done) by or in relation to the Secretary of State before commencement for the purpose of, or in connection with, any function transferred by virtue of section 13 shall, so far as is required for continuing its effect after that time, have effect as if done by or in relation to the Commission.
- (3) Any enactment, instrument or other document has effect, so far as necessary for the purposes of or in consequence of the transfer effected by section 13, as if any reference to the Secretary of State were a reference to the Commission.
- (4) Nothing in section 13, this Schedule or Schedule 2 shall—
- (a) affect the validity of anything done by or in relation to the Secretary of State before commencement;
 - (b) affect the responsibility of the Secretary of State for anything done or omitted before commencement;
 - (c) enable legal proceedings relating to anything done or omitted before commencement to be brought, or continued, against the Commission.
- (5) In this paragraph, “commencement” means the coming into force of section 13.

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VALID FROM 08/10/2012

SCHEDULE 4

Section 16

CHANGES TO THE CALCULATION OF MAINTENANCE

.....

VALID FROM 09/03/2014

SCHEDULE 5

Section 19

MAINTENANCE CALCULATIONS: TRANSFER OF CASES TO NEW RULES

.....

SCHEDULE 6

Section 44

USE OF INFORMATION

Powers in relation to use of information

- 1 Information which is held for the purposes of any functions relating to child support—
 - (a) by the Commission, or
 - (b) by a person providing services to the Commission, in connection with the provision of those services,
 may be used, or supplied to any person providing services to the Commission, for the purposes of, or for any purposes connected with, the exercise of any such functions.

- 2 (1) This paragraph applies to information which is held for the purposes of functions relating to income tax, contributions, tax credits, child benefit or guardian's allowance—
 - (a) by the Commissioners for Her Majesty's Revenue and Customs, or
 - (b) by a person providing services to them, in connection with the provision of those services.
 (2) Information to which this paragraph applies may be supplied—
 - (a) to the Commission, or
 - (b) to a person providing services to the Commission,
 for use for the purposes of functions relating to child support.

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- (3) In this paragraph, “contributions” means contributions under Part 1 of the Social Security Contributions and Benefits Act 1992 (c. 4).
- 3 (1) This paragraph applies to information which is held for the purposes of functions relating to social security or employment or training—
- (a) by the Secretary of State, or
 - (b) by a person providing services to the Secretary of State, in connection with the provision of those services.
- (2) Information to which this paragraph applies may be supplied—
- (a) to the Commission, or
 - (b) to a person providing services to the Commission,
- for use for the purposes of functions relating to child support.
- 4 (1) This paragraph applies to information which is held for the purposes of functions relating to social security, child support or employment or training—
- (a) by the Northern Ireland Department, or
 - (b) by a person providing services to that Department, in connection with the provision of those services.
- (2) Information to which this paragraph applies may be supplied—
- (a) to the Commission, or
 - (b) to a person providing services to the Commission,
- for use for the purposes of functions relating to child support.
- 5 (1) This paragraph applies to information which is held for the purposes of functions relating to child support—
- (a) by the Commission, or
 - (b) by a person providing services to the Commission, in connection with the provision of those services.
- (2) Information to which this paragraph applies may be supplied—
- (a) to the Secretary of State, or
 - (b) to a person providing services to the Secretary of State,
- for use for the purposes of functions relating to social security, war pensions, employment or training, private pensions policy or retirement planning.
- (3) Information to which this paragraph applies may be supplied—
- (a) to the Commissioners for Her Majesty's Revenue and Customs, or
 - (b) to a person providing services to them,
- for use for the purposes of any of their functions.
- (4) Information to which this paragraph applies may be supplied—
- (a) to the Northern Ireland Department, or
 - (b) to a person providing services to that Department,
- for use for the purposes of functions relating to social security, child support, employment or training, private pensions policy or retirement planning.

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(5) In this paragraph—

“private pensions policy” means policy relating to occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993 (c. 48));

“retirement planning” means promoting financial planning for retirement;

“war pension” has the meaning given by section 25(4) of the Social Security Act 1989 (c. 24).

Interpretation

- 6 In this Schedule, “Northern Ireland Department” means the Department for Social Development in Northern Ireland or the Department for Employment and Learning in Northern Ireland.

SCHEDULE 7

Section 57

MINOR AND CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

- 1 (1) The Child Support Act 1991 is amended as follows.
- (2) In section 8 (role of the courts with respect to maintenance for children), in subsection (6)(b) (which refers to the non-resident parent's net weekly income), for “net” substitute “gross”.
- (3) In section 20 (appeals to appeal tribunals), in subsection (1), after paragraph (b) insert—
- “(ba) a decision of the Commission to make a liability order under section 32M;”.
- (4) In subsection (2) of that section, after paragraph (a) insert—
- “(aa) in relation to paragraph (ba), the person against whom the order is made;”.
- (5) After subsection (5) of that section insert—
- “(5A) An appeal lies by virtue of subsection (1)(ba) only on the following grounds—
- (a) that the person has not failed to pay an amount of child support maintenance;
- (b) that the amount in respect of which the liability order is made exceeds the amount of child support maintenance which the person has failed to pay.”
- (6) After subsection (7) of that section insert—

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- “(7A) In deciding an appeal against a decision of the Commission to make a liability order, an appeal tribunal shall not question the maintenance calculation by reference to which the liability order was made.”
- (7) In section 30 (collection and enforcement of other forms of maintenance), in subsections (4) and (5) for “which he is authorised to collect under this section” substitute “ for the collection of which he is authorised under this section to make arrangements ”.
- (8) In section 32(2)(i) (regulations about deduction from earnings orders), for “the liable person is in the employment” substitute “ any earnings are paid to the liable person by or on behalf ”.
- (9) In section 32(7) (regulations about appeals), after “include” insert “—
- (a) provision with respect to the period within which a right of appeal under the regulations may be exercised;
- (b) ”.
- (10) In section 36(1) (enforcement in county courts), for “garnishee proceedings” substitute “ a third party debt order ”.
- (11) For section 39 substitute—

“39 Enforcement in Great Britain of Northern Ireland liability orders

The Secretary of State may by regulations make provision for the enforcement in England and Wales and Scotland of any order made in Northern Ireland under provision corresponding to section 32M or the repealed section 33.”

- (12) In section 40 (commitment to prison), in subsection (4)(a)(i) of that section, for “mentioned in section 35(1)” substitute “ sought to be recovered as mentioned in subsection (2A)(a) ”.
- (13) In section 40A (commitment to prison: Scotland)—
- (a) in subsection (1), for “satisfied” substitute “ of the opinion ”;
- (b) for subsection (2)(a)(i) substitute—
- “(i) the amount sought to be recovered as mentioned in subsection (A1)(a), or so much of it as remains outstanding;”.
- (14) In that section, in subsection (6), the words from “for” to the end become paragraph (a), and after that paragraph insert—
- “(b) that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated.”
- (15) In section 40B (disqualification for driving), in subsection (3)—
- (a) in paragraph (a), for “mentioned in section 35(1)” substitute “ sought to be recovered as mentioned in subsection (A1)(a) ”;
- (b) in paragraph (b), for “section 39A” substitute “ this section ”.
- (16) In subsection (7) of that section, for “section 39A” substitute “ this section ”.

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(17) In subsection (12) of that section (modifications for Scotland), for the subsection (11) substituted by paragraph (d) substitute—

“(11) In relation to disqualification orders—

- (a) the Secretary of State may by regulations make provision that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated; and
- (b) the power of the Court of Session by Act of Sederunt to regulate the procedure and practice in civil proceedings in the sheriff court shall include power to make provision corresponding to that which may be made by virtue of section 40A(8).”

(18) At the end of that section, insert—

“(13) In this section—

“court” (except for the purposes of subsection (8)(c)) means—

- (a) in England and Wales, a magistrates' court;
- (b) in Scotland, the sheriff;

“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.”

(19) In section 50 (unauthorised disclosure of information), in subsection (1) (offence of unauthorised disclosure), for “this section” substitute “ this subsection ”.

(20) In that section, after subsection (1) insert—

“(1A) Subsection (1) applies to employment as—

- (a) any clerk to, or other officer of, an appeal tribunal;
- (b) any member of the staff of an appeal tribunal;
- (c) a civil servant in connection with the carrying out of any functions under this Act;
- (d) any member of, or of the staff of, the Commission;
- (e) any person who provides, or is employed in the provision of, services to the Commission,

and to employment of any other kind which is prescribed for the purposes of this subsection.

(1B) Any person who is, or has been, employed in employment to which this subsection applies is guilty of an offence if, without lawful authority, he discloses any information which—

- (a) was acquired by him in the course of that employment;
- (b) is information which is, or is derived from, information acquired or held for the purposes of this Act; and
- (c) relates to a particular person.

(1C) Subsection (1B) applies to any employment which—

- (a) is not employment to which subsection (1) applies, and
- (b) is of a kind prescribed for the purposes of this subsection.”

(21) In that section, in subsection (7) (definition of “responsible person”)—

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- (a) at the end of paragraph (b) insert—
“(ba) the person appointed to chair the Commission;”;
- (b) for paragraph (c) substitute—
“(c) any person authorised for the purposes of this subsection by the Lord Chancellor, the Secretary of State or the person appointed to chair the Commission;”.
- (22) In section 52 (regulations and orders), in subsection (2)(a) (regulations subject to affirmative resolution procedure)—
(a) after “30(5A),” insert “ “32A to 32C, 32E to 32J, ”; ”;
(b) after “41B(6),” insert “ “41E(1)(a), ”.
- (23) In that section, for subsection (2A) substitute—
“(2A) No statutory instrument containing (whether alone or with other provisions)
—
(a) the first regulations under section 17(2) to make provision of the kind mentioned in section 17(3)(a) or (b),
(b) the first regulations under section 39F, 39M(4), 39P, 39Q, 41D(2), 41E(2) or 49A,
(c) the first regulations under paragraph 5A(6)(b) of Schedule 1,
(d) the first regulations under paragraph 9(1)(ba) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2) of that paragraph, or
(e) the first regulations under paragraph 10(1) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2)(a) or (b) of that paragraph,
shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”
- (24) After that subsection insert—
“(2B) No statutory instrument containing (whether alone or with other provisions) regulations which by virtue of section 51A are to have effect for a limited period shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”
- (25) In section 54 (interpretation), the existing provision becomes subsection (1), and in that subsection—
(a) at the appropriate places insert—
““charging order” has the same meaning as in section 1 of the Charging Orders Act 1979;”;
““Commission” means the Child Maintenance and Enforcement Commission;”;
““curfew order” has the meaning given in section 39H(1);”;
““deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom;”;
- (b) in the definition of “liability order”, for “section 33(2)” substitute “ section 32M(2) ”.

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- (26) In that section, after subsection (1) insert—
- “ (2) The definition of “deposit-taker” in subsection (1) is to be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.”
- (27) In section 57(4) (application to Crown), for “a liable person is in the employment” substitute “ any sums which are defined as earnings for the purposes of sections 31 and 32 are paid to a liable person by or on behalf ”.
- (28) In Schedule 1 (maintenance calculations), in paragraph 5(b) (weekly rate of child support maintenance to be nil if the non-resident parent has a weekly income below £5), for “£5” substitute “ £7 ”.
- (29) In that Schedule, in paragraph 7 (reduction of basic and reduced rates for shared care), for sub-paragraph (1) substitute—
- “ (1) This paragraph applies where the rate of child support maintenance payable is the basic rate or a reduced rate or is determined under paragraph 5A.”
- (30) In that Schedule, in paragraph 10A(1)(b) (regulations about amounts set out in Schedule 1)—
- (a) after “paragraph” insert “ “2(2), ”;
 - (b) after “5,” insert “ “5A(2), ”.
- (31) In that Schedule, in paragraph 10C(1) (references to “qualifying children” to be read as references to those qualifying children with respect to whom the maintenance calculation falls to be made), at end insert “ “or with respect to whom a maintenance calculation in respect of the non-resident parent has effect ”.
- (32) In that Schedule, for paragraph 14 substitute—
- “14 The Secretary of State may by regulations provide—
- (a) for two or more applications for maintenance calculations to be treated, in prescribed circumstances, as a single application; and
 - (b) for the replacement, in prescribed circumstances, of a maintenance calculation made on the application of one person by a later maintenance calculation made on the application of that or any other person.”
- (33) Schedule 2 (provision of information to Secretary of State) ceases to have effect.
- (34) In the Act as it has effect apart from the Child Support, Pensions and Social Security Act 2000 (c. 19), the following (which relate to section 6 or 46) are repealed—
- (a) sections 11(1A) to (1C), 41(4)(c) and (d) and 41A(5)(c) and (d);
 - (b) paragraph 16(3) and (4A)(b) of Schedule 1;
 - (c) in Schedule 4C—
 - (i) in paragraphs 1(a) and 2(1)(a), the words “, a reduced benefit direction”;

Status: Point in time view as at 01/11/2008.

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- (ii) in paragraph 3, in sub-paragraph (1)(b), sub-paragraph (i) and the word “or” at the end of it, and sub-paragraph (3);
- (iii) in paragraphs 4(1)(a)(i) and 6(1)(b)(ii) and (iii), the words “, a reduced benefit direction”.

Commencement Information

I9 Sch. 7 para. 1 partly in force; Sch. 7 para. 1 not in force at Royal Assent see s. 62; Sch. 7 para. 1(34) in force for certain purposes at 14.7.2008 by S.I. 2008/1476, art. 2(3)(b); Sch. 7 para. 1(19)-(21)(33) in force at 1.11.2008 by S.I. 2008/2675, art. 3(f); Sch. 7 para. 1(22)(a)(25)(a) in force for certain purposes and Sch. 7 para. 1(9)(10)(26)(32)(34) in force for all purposes at 1.6.2009 and Sch. 7 para. 1(22)(a) otherwise in force at 3.8.2009 by S.I. 2009/1314, art. 2(1)(d){art. 2(2)(b)(i)}; Sch. 7 para. 1(22)(b)(23) in force at 27.6.2012 by S.I. 2012/1649, art. 2; Sch. 7 para. 1(24)(30)(31) in force at 8.10.2012 by S.I. 2012/2523, art. 2(1)(d); Sch. 7 para. 1(2)(29) in force for certain purposes at 10/12/2012 by S.I. 2012/3042, art. 2(e)

Social Security Administration Act 1992 (c. 5)

- 2 (1) The Social Security Administration Act 1992 is amended as follows.
- (2) In section 108 (certain maintenance orders to be enforceable by the Secretary of State), for subsection (8) substitute—
 - “(8) In this section “maintenance order”—
 - (a) in England and Wales, means—
 - (i) any order for the making of periodical payments which is, or has at any time been, a maintenance order within the meaning of the Attachment of Earnings Act 1971;
 - (ii) any order under Part 3 of the Matrimonial and Family Proceedings Act 1984 (overseas divorce) for the making of periodical payments;
 - (iii) any order under Schedule 7 to the Civil Partnership Act 2004 for the making of periodical payments;
 - (b) in Scotland, means any order, except an order for the payment of a lump sum, falling within the definition of “maintenance order” in section 106 of the Debtors (Scotland) Act 1987, but disregarding paragraph (h) (alimentary bond or agreement).”
- (3) In section 121E (supply of information held by Revenue and Customs to the Secretary of State or the Northern Ireland Department for use for the purposes of functions relating, inter alia, to child support), for subsection (2) substitute—
 - “(2) Information to which this section applies may, and subject to subsection (2A), must if an authorised officer so requires, be supplied—
 - (a) to the Secretary of State, or
 - (b) to a person providing services to the Secretary of State,for use for the purposes of functions relating to social security, war pensions or employment or training.

Status: Point in time view as at 01/11/2008.

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- (2ZA) Information to which this section applies may, and subject to subsection (2A), must if an authorised officer so requires, be supplied—
- (a) to the Northern Ireland Department, or
 - (b) to a person providing services to that Department,
- for use for the purposes of functions relating to social security, child support, war pensions or employment or training.”
- (4) In that section, in subsection (2A) (exclusion of power to require supply in case of information for use for the purposes of functions relating to employment or training), after “subsection (2)” insert “or (2ZA)”.
- (5) In section 121F (supply to Revenue and Customs of information held by Secretary of State or Northern Ireland Department, including information held for the purposes of functions relating to child support), for subsection (1) substitute—
- “(1) This section applies to information which is held for the purposes of functions relating to social security, war pensions or employment or training—
- (a) by the Secretary of State, or
 - (b) by a person providing services to the Secretary of State, in connection with the provision of those services.
- (1A) This section also applies to information which is held for the purposes of functions relating to social security, child support, war pensions or employment or training—
- (a) by the Northern Ireland Department, or
 - (b) by a person providing services to that Department, in connection with the provision of those services.”

(6) In section 122 (supply of information held by tax authorities for fraud prevention and verification), in subsection (3) (prohibition of onward supply by recipient, except in specified circumstances), at the end of paragraph (c) insert “or

 - (d) it is supplied under paragraph 2 of Schedule 6 to the Child Maintenance and Other Payments Act 2008;”.

Commencement Information

I10 Sch. 7 para. 2 wholly in force at 1.6.2009; Sch. 7 para. 2 not in force at Royal Assent see s. 62; Sch. 7 para. 2(1)(2) in force at 27.10.2008 by S.I. 2008/2548, art. 3(c); Sch. 7 para. 2(3)-(6) in force at 1.6.2009 by S.I. 2009/1314, art. 2(b)(i)

VALID FROM 06/04/2010

Social Security Act 1998 (c. 14)

- 3 (1) The Social Security Act 1998 is amended as follows.

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- (2) In section 3 (use of information held by the Secretary of State or the Northern Ireland Department which relates to certain matters), in subsection (1A) (which lists the matters concerned)—
- (a) in paragraph (a), the words “, child support” are omitted;
 - (b) after that paragraph insert—
“(aa) child support in Northern Ireland;”.
- (3) In section 81 (duty of Secretary of State to report on the standards achieved in the making of decisions from which an appeal lies to an appeal tribunal), after subsection (1) insert—
- “(1A) In its application to decisions against which an appeal lies under the Child Support Act 1991 or regulations made under section 6(5) of the Child Maintenance and Other Payments Act 2008, subsection (1) shall have effect as if the references to the Secretary of State were references to the Child Maintenance and Enforcement Commission.”

VALID FROM 01/06/2009

Tax Credits Act 2002 (c. 21)

- 4 (1) Schedule 5 to the Tax Credits Act 2002 (use and disclosure of information) is amended as follows.
- (2) In paragraph 4 (supply of information held by Revenue and Customs to the Secretary of State or the Northern Ireland Department for use for the purposes of functions relating, inter alia, to child support), for sub-paragraphs (2) and (3) substitute—
- “(2) Information to which this paragraph applies may be supplied—
- (a) to the Secretary of State, or
 - (b) to a person providing services to the Secretary of State,
for use for the purposes of functions relating to social security or war pensions or for such purposes relating to evaluation or statistical studies as may be prescribed.
- (3) An authorised officer may require information to which this paragraph applies to be supplied—
- (a) to the Secretary of State, or
 - (b) to a person providing services to the Secretary of State,
for use for the purposes of functions relating to social security.
- (3A) Information to which this paragraph applies may be supplied—
- (a) to the Northern Ireland Department, or
 - (b) to a person providing services to the Northern Ireland Department,
for use for the purposes of functions relating to social security, child support or war pensions or for such purposes relating to evaluation or statistical studies as may be prescribed.
- (3B) An authorised officer may require information to which this paragraph applies to be supplied—

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| <p>(a) to the Northern Ireland Department, or (b) to a person providing services to the Northern Ireland Department, for use for the purposes of functions relating to social security or child support.”</p> <p>(3) In that paragraph, in sub-paragraph (4) (definition of “authorised officer”), for “sub-paragraph (3)” substitute “ sub-paragraphs (3) and (3B) ”.</p> <p>(4) In paragraph 6 (supply to Revenue and Customs of information held by Secretary of State or Northern Ireland Department for the purposes of functions including child support), for sub-paragraph (1) substitute—</p> <p>“(1) This paragraph applies to information which is held for the purposes of functions relating to social security, war pensions or employment or training—</p> <p>(a) by the Secretary of State, or (b) by a person providing services to the Secretary of State, in connection with the provision of those services.</p> <p>(1A) This paragraph also applies to information which is held for the purposes of functions relating to social security, child support, war pensions or employment or training—</p> <p>(a) by the Northern Ireland Department or the Department for Employment and Learning in Northern Ireland, or (b) by a person providing services to either of those Departments, in connection with the provision of those services.”</p> |
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PROSPECTIVE

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| 5 | <p><i>Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)</i></p> <p>In section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 (which defines certain terms used in section 10), in the definition of “decree”, in paragraph (i), for “section 33(2)” substitute “ section 32M(2) ”.</p> |
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PROSPECTIVE

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| 6 | <p><i>Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)</i></p> <p>In section 221 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (interpretation), in the definition of “decree”, in paragraph (i), for “section 33(2)” substitute “ section 32M(2) ”.</p> |
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SCHEDULE 8

Section 58

REPEALS

Commencement Information

III Sch. 8 partly in force; Sch. 8 not in force at Royal Assent see s. 62; Sch. 8 in force for certain purposes at 14.7.2008 by S.I. 2008/1476, art. 2(2)(c)(3)(c); Sch. 8 in force for certain further purposes at 27.10.2008 by S.I. 2008/2548, art. 3(d); Sch. 8 in force for certain further purposes at 1.11.2008 by S.I. 2008/2675, art. 3(g); Sch. 8 in force for certain further purposes at 1.6.2009 by S.I. 2009/1314, art. 2(2)(c); Sch. 8 in force for certain further purposes at 8.10.2012 by S.I. 2012/2523, art. 2(2)(g); Sch. 8 in force for certain further purposes at 10/12/2012 by S.I. 2012/3042, art. 2(g)

Short title and chapter

Debtors (Scotland) Act 1987 (c. 18)
Child Support Act 1991 (c. 48)

Extent of repeal

Section 1(5)(cc).
In section 4—
(a) subsections (9) and (11);
(b) in subsection (10), paragraph (b) and the word “or” immediately before it.
Section 6.
In section 7(1), paragraph (b) and the word “or” immediately before it.
In section 8(1), the words “(or treated as made)”.
In section 9(6), paragraphs (a) and (b) and the word “and” immediately preceding them.
Section 11(3) to (5).
In section 12(2), the words from “(or” to “made)”.
In section 14(1), the words “or treated as made” and “(or application treated as made)”.
Sections 16(1A)(b), 17(1)(c) and 20(1)(c), (2)(b) and (6).
Section 20(1)(e).
In section 26(1), the words “or treated as made”.
In section 27(1)(a), the words “(or is treated as having been made)” and “or treated as made”.
In section 27A(1)—
(a) in paragraph (a), the words “or treated as made”;
(b) in paragraph (b), the words “or, as the case may be, treated as made”.
In section 28(1)(a), the words “or treated as made”, in both places.
In section 28ZA(1)(a), the words from “or with” to “section 46”.
In section 28ZC—

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| | (a) in subsection (1)(b)(i), the words from “or one” to “benefit”; |
| | (b) in subsection (3), the words “or the reduction of a person's benefit”. |
| | In section 28A— |
| | (a) in subsection (1), the words “, or treated as made under section 6,”; |
| | (b) in subsection (3), the words from “(or” to “section 6”. |
| | In section 28F(4)(a), the words from “(including” to “made)”. |
| | In section 28J(1)(a), the words from “, or is” to “section 6”. |
| | In section 29(1), paragraph (a) and the word “or” at the end of it. |
| | Section 32(2)(a). |
| | Sections 33 and 34. |
| | In section 36— |
| | (a) in subsection (1), the words “, if a county court so orders,”; |
| | (b) subsection (2). |
| | Sections 37, 39A, 40A(8)(c) and 40B(12)(b) and (c). |
| | In section 41(1)(a), the word “, 6”. |
| | Sections 46, 47 and 50(5). |
| | In section 52(2), the words “6(1),” and “, 46”. |
| | In Schedule 1, in paragraph 9(1)(a), the words from “or” to the end. |
| | Schedule 2. |
| | In Schedule 4A, paragraph 5(2). |
| | In Schedule 4B, in paragraph 2(3)— |
| | (a) in paragraphs (a), (d) and (e), the words “(or treated as made)”; |
| | (b) in paragraph (c), the words “(or treated as having been applied for)”. |
| | In Schedule 5, paragraph 8(2). |
| Social Security Administration Act 1992 (c. 5) | Sections 106(7) and 107. In section 122(3), the word “or” at the end of paragraph (b). |
| Child Support Act 1995 (c. 34) | In Schedule 3, paragraphs 9 and 10. |
| Welfare Reform and Pensions Act 1999 (c. 30) | Section 80. |
| Child Support, Pensions and Social Security Act 2000 (c. 19) | Sections 3, 16(1), 19 and 28. In Schedule 3, paragraph 11(3)(b), (4)(a), (5)(a), (6), (8), (9), (10)(a), (11)(a), (13)(a) and (d), (17) and (22)(b). |
| Employment Act 2002 (c. 22) | In Schedule 6, paragraphs 11(a) and 13(a). |
| Civil Partnership Act 2004 (c. 33) | In Schedule 24, paragraph 3. |

Status: Point in time view as at 01/11/2008.

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Welfare Reform Act 2007 (c. 5)

In Schedule 3, paragraph 7(2) to (5).

Tribunals, Courts and Enforcement Act 2007
(c. 15)

In Schedule 13, paragraphs 96 and 97.

Status:

Point in time view as at 01/11/2008.

Changes to legislation:

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