

CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 - General

Section 55: Regulations and orders: general

437. This section has effect in relation to regulations under this Act, except Part 4 which relates to lump sum payments. It provides that, where the Secretary of State is empowered to make regulations, these are to be made by statutory instrument.
438. *Subsection (3)* provides that such regulations may include power to make incidental, consequential, transitional or saving provisions.
439. *Subsection (4)* provides that power to make regulations under this Act may be exercised:
- in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions, or in relation to any specified cases or classes of case;
 - to make full provision for which it extends, the same or different provision for different cases or classes of case, or different provision for the same case or class of case. Provisions can be unconditional or subject to any specified conditions; and
 - to provide for a person to exercise discretion in dealing with any matter.
440. *Subsection (5)* provides that any regulations made under *section 6(1) or 6(4)*, which relate to fees, the first regulations made under *paragraphs 2(1), 3(1), 5(1) or (2), 6(1) or (3) or 7 of Schedule 5* which relate to transfer of cases onto the new calculation rules, or any order made under *section 11(6)* which relates to the review of the status of the Commission, are subject to the draft affirmative resolution procedure.
441. *Subsection (6)* provides that any regulations not subject to the affirmative resolution procedure will be subject to the negative resolution procedure.