

# CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 5 - General

##### *Section 59: Transition*

447. *Subsection (1)* provides that until the functions of the Secretary of State are transferred to the Commission, all references to the Commission included in the Child Support Act 1991 will be treated as if they were references to the Secretary of State.
448. *Subsection (2)* gives the Secretary of State the power to make regulations to modify the textual amendments made in *Schedule 3* as necessary during any transitional period between the functions being transferred to the Commission and the repeal of section 6 (applications by those claiming or receiving prescribed benefit) and section 46 (reduced benefit decision) of the Child Support Act 1991.
449. *Subsection (3)* gives the Secretary of State power to make regulations modifying the effect of sections 6 and 46 before they are repealed. This is to enable changes to be made in preparation for the removal of compulsion for benefit claimants.
450. *Subsections (4)* and *(5)* ensure that some of the new provisions which the Act inserts into the Child Support Act 1991 will apply in relation to cases under the CSA 'old scheme'.
451. *Subsection (4)* provides that new *sections 20(5A), 32A, 32E, 32F, 32J, 32L, 32M, 41C to 41E, 43A, 49A, 49B and 49D* of the Child Support Act 1991 will have effect as if references to child support maintenance included maintenance due under an old scheme assessment.
452. *Subsection (5)* provides that new *sections 20(7A), 32A, 32C, 32E, 32F, 32J, 32L, 32M, 39B, 39H, 40, 40A, 40B and 49B* of the Child Support Act 1991 will have effect as if references to maintenance calculations included assessments made under the old scheme.
453. *Subsection (6)* provides that *sections 35, 36, 38, 39B, 39H, 39K, 40, 40B and 49D* of the Child Support Act 1991 will have effect as if orders made under section 33 of that Act had been made under *section 32M* of that Act. This ensures that any references to the liability orders in the 1991 Act include an administrative liability order made by the court after *section 32M* comes into force.
454. *Subsection (7)* enables an administrative liability order to be made in respect of unpaid child support maintenance, even though the time within which an application to the courts for a non-administrative liability order has expired.
455. *Subsection (8)* is a general power enabling the Secretary of State to make transitional provision or savings in relation to the coming into force of any provision under this Act.