

CHILD POVERTY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Schedule 2: Continuing effect of targets after target year

127. *Schedule 2* places a duty on the Secretary of State to ensure that the targets, once met, are met in later financial years, and confers powers on the Secretary of State to make regulations about how the targets will apply after the target year if they are not met in that year or in any later year which is a renewed target year under the Schedule. Scrutiny is by the affirmative resolution procedure.
128. *Paragraph 2* imposes a duty on the Secretary of State to ensure that the targets are met in any financial year immediately following a year in which the report under section 14(3) (in relation to the target year) or statement under paragraph 8 of the Schedule (in relation to a renewed target year) is published.
129. *Paragraph 3* imposes a duty on the Secretary of State to make regulations about how the targets will be met after the end of the target year if the targets are not met in relation to the target year or any renewed target year. The regulations must be made as soon as is reasonably practicable after the final report (under section 14(3)) or statement (under paragraph 8 of Schedule 2) is laid before Parliament (paragraph 4). These regulations must: set a new target year; require the Secretary of State, the Scottish Ministers and relevant Northern Ireland department to publish further strategies; require the Secretary of State, the Scottish Ministers and relevant Northern Ireland department, when preparing strategies, to consult the persons and bodies with whom they are required to consult under sections 10 and 13; and require the Secretary of State to publish annual reports on the implementation of the strategies.
130. *Paragraph 5* provides that regulations made under paragraph 3 may include provision conferring or imposing functions on the Commission after the target year.
131. *Paragraph 6(a) to (d)* provides that regulations made under paragraph 3 may include provision relating to: UK, Scottish and Northern Ireland strategies, and consultation on the strategies; reports; and the Commission providing further advice to the Secretary of State, the Scottish Ministers or the relevant Northern Ireland department.
132. *Paragraph 7* provides that the matters listed in section 16(2) must be taken into account by the Secretary of State, and the matters listed in section 16(3) must be taken into account by the devolved administrations, when preparing any strategy under regulations made under paragraph 3. The matters listed in section 16(2) must also be taken into account by the Commission when considering any advice to be given under such regulations.
133. *Paragraph 8* requires the Secretary of State to publish a statement in relation to each renewed target year, stating whether the targets have been met in relation to that year and, if not, explaining why not.
134. *Paragraph 9(1)(a)* provides that regulations may amend the target percentage and base year of the absolute low income target in its application to any financial year later than

*These notes refer to the Child Poverty Act 2010 (c.9)
which received Royal Assent on 25 March 2010*

the target year. This provision is required for the purposes of measuring absolute low income because in order for it to remain an accurate measure, it will be necessary to reset the current baseline of 2010-2011 at regular intervals. This regulation-making power is subject to the affirmative resolution procedure.

135. Alternatively, *paragraph 9(1)(b)* provides that regulations may make provision to repeal section 4 (the absolute low income target), and the reference to this target in section 25(3)(a). This power is subject to the affirmative resolution procedure. If the necessary growth in incomes has been achieved by 2020, it may be decided that it is not necessary to establish a new absolute low income target.
136. *Paragraph 9(2)* makes it clear that paragraph 9(1)(b) is not intended to have effect in relation to financial years before the regulations are made.