
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the transitional provisions contained in the Schedule to the Child Support Act 1991 (Commencement No. 3 and Transitional Provisions) Order 1992.

Part I of the Schedule (phased take-on of cases) is substituted. The main differences are—

- (a) for England and Wales, a definition of when an application is pending before a court is included in paragraph 1;
- (b) paragraph 2 now applies only where benefit is being paid to a parent with care of a child rather than simply to a parent of that child, and in that paragraph and paragraph 3 the references to maintenance agreements are now references to written maintenance agreements made before 5th April 1993;
- (c) paragraph 5 now provides that a court may, until such time as a maintenance assessment under the Child Support Act is made, vary an existing maintenance order or written agreement, and may also continue to exercise its existing powers where an application for an order is pending when the Child Support Act comes into force.

Additionally, paragraph 7(1)(a) in Part II of the Schedule is amended so that the provisions of Part II of the Schedule (which modify maintenance assessments in certain cases) apply only where one or more of the orders, arrangements or agreements mentioned in that sub-paragraph are in force throughout the period beginning on 4th April 1993 and ending on the date a maintenance assessment is made, and paragraph 7(2) is amended to take account of the introduction of two categories of interim maintenance assessment by regulation 3(2) of the Child Support (Miscellaneous Amendments) Regulations 1993 which inserts new provisions into regulation 8 of the Child Support (Maintenance Assessment Procedure) Regulations 1992.