

EXPLANATORY MEMORANDUM TO
THE COURTS ACT 2003 (CONSEQUENTIAL AMENDMENT) ORDER 2006
2006 No. 1001

1. This memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by command of Her Majesty. The memorandum contains information for the Joint Committee on Statutory Instruments and the House of Lords Select Committee on the Merits of Statutory Instruments.

2. Description

This Order amends section 33(5) of the Child Support Act 1991 (c.48). The amendment substitutes the reference to the register of judgments held in accordance with section 73 of the County Courts Act 1984 with that of the register held in accordance with section 98 of the Courts Act 2003. The order must come into force on 6 April 2006.

3. Matters of Special interest to the Joint Committee on Statutory Instruments.

None

4. Legislative Background

This amendment is consequential to the repeal of section 73 of the County Courts Act 1984 (c.28) and the commencement of section 98(1)(c) of the Courts Act 2003 (c.39).

5. Extent

The Order applies to England and Wales and Scotland.

6. European Convention on Human Rights

The Lord Chancellor is satisfied that this instrument complies with the government's obligations under the European Convention on Human Rights.

7. Policy Background

Under Section 33(5) of the Child Support Act 1991, the Child Support Agency may register liability orders obtained through a magistrates' court in the Register of County Court Judgments as if they were county court judgments registered under section 73 of the County Courts Act 1984. The effect of this order will be that the CSA will continue to register their liability orders as they currently do, but they will form part of the Register of Judgments, Orders and Fines established under section 98 of the Courts Act 2003.

From 6 April, the Register of Judgments, Orders and Fines will replace the Register of County Court Judgments. The Register of Judgments, Orders and Fines Regulations 2005 were laid before Parliament on 16 January 2006.

8. Impact

No Regulatory Impact Assessment has been prepared for this consequential amendment, as it has no impact on current procedures for registration of CSA liability orders.

The Child Support Agency is content with this Order.

9. Contact

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