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DRAFT STATUTORY INSTRUMENTS

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**2012 No. 0000**

**PUBLIC BODIES**

**FAMILY LAW**

**CHILD SUPPORT**

**The Public Bodies (Child Maintenance and Enforcement  
Commission: Abolition and Transfer of Functions) Order 2012**

*Made* - - - - - *2012*

*Coming into force in accordance with article 1*

**THE PUBLIC BODIES (CHILD MAINTENANCE  
AND ENFORCEMENT COMMISSION: ABOLITION  
AND TRANSFER OF FUNCTIONS) ORDER 2012**

1. Citation, commencement and interpretation
  2. Abolition of the Commission
  3. Transfer of functions of the Commission to the Secretary of State
  4. Accounts and audit
  5. Provision for the continuity of the exercise of functions
- Signature

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SCHEDULE — Consequential, supplementary and incidental amendments

PART 1 — Amendments to Acts

1. The Child Support Act 1991
2. In section 2 (welfare of children: the general principle)—
3. In section 4 (child support maintenance)— (a) in subsection (1),...
4. In section 7 (right of child in Scotland to apply...
5. In section 8 (role of the courts with respect to...
6. In section 10 (relationship between maintenance calculations and certain court...
7. In section 11 (as substituted by the Child Support, Pensions...
8. (1) Section 12 (as substituted by the Child Support, Pensions...
9. In section 14 (information required by Commission), in the title...
10. In section 15 (powers of inspectors)— (a) in subsection (1), for...

11. (1) Section 16 (revision of decisions) is amended as follows...
12. (1) Section 17 (decisions superseding earlier decisions) is amended as...
13. In section 20 (appeals to First-tier Tribunals) (as substituted by...
14. In section 23A (redetermination of appeals), omit subsection (4)(za).
15. In section 24 (appeals to Upper Tribunal)—
16. In section 26 (disputes about parentage), in subsection (1) and...
17. In section 27 (applications for declaration of parentage under Family...
18. In section 27A (recovery of fees for scientific tests)—
19. In section 28 (power to initiate or defend actions of...
20. In section 28ZA (decisions involving issues that arise on appeal...
21. In section 28ZB (appeals involving issues that arise on appeal...
22. In section 28ZC (restrictions on liability in certain cases of...
23. In section 28A (as substituted by the Child Support, Pensions...
24. (1) Section 28B (as substituted by the Child Support, Pensions...
25. In section 28C (as substituted by the Child Support, Pensions...
26. In section 28D (determination of applications)— (a) in subsection (1)...
27. In section 28E (matters to be taken into account)—
28. (1) Section 28F (as substituted by the Child Support, Pensions...
29. In section 28J (voluntary payments)— (a) in subsection (1)(b), for...
30. In section 29 (collection of child support maintenance)—
31. In section 30 (collection and enforcement of other forms of...
32. In section 31 (deduction from earnings orders)—
33. In section 32 (regulations about deduction from earnings orders), in...
34. In section 32A (orders for regular deductions from accounts)—
35. In section 32B (orders under section 32A: joint accounts), for...
36. In section 32C (regulations about orders under section 32A)—
37. In section 32E (lump sum deductions: interim orders), in subsections...
38. In section 32F (lump sum deductions: final orders)—
39. In section 32H (orders under section 32F: deductions and payments),...
40. In section 32I (power to disapply sections 32G(1) and (2))...
41. In section 32J (regulations about orders under section 32E or...
42. In section 32L (orders preventing avoidance), in subsections (1) and...
43. In section 33 (liability orders), in subsections (1)(b), (2), (3)...
44. In section 34 (regulations about liability orders), in subsections (1)(a)...
45. In section 35 (enforcement of liability orders by taking control...
46. In section 37(2) (regulations about liability orders: Scotland), for “Commission”...
47. In section 38 (enforcement of liability orders by diligence), in...
48. In section 39A (commitment to prison and disqualification from driving) —...
49. In section 40B (disqualification from driving: further provision)—
50. In section 41 (arrears of child support maintenance)—
51. In section 41A (as substituted by the Child Support, Pensions...
52. In section 41B (repayment of overpaid child support maintenance)—
53. In section 41C (power to treat liability as satisfied), in...
54. In section 43A(2)(a) (recovery of arrears from deceased’s estate), for...
55. In section 44 (jurisdiction), in subsections (1) and (4), for...
56. In section 46A(1) (finality of decisions), omit “the Commission,”.
57. In section 46B(1)(a) (matters arising as respects decisions), for “Commission”...
58. In section 48(1) (right of audience), for “Commission” (in both...
59. In section 50 (unauthorised disclosure of information)—
60. In section 50A (use of computers)— (a) for “Commission” substitute...

61. In section 54 (interpretation), in subsection (1), omit the definition...
62. (1) Schedule 1 (calculations) is amended as follows.
63. In Schedule 4A (as substituted by Schedule 2 to the...
64. Social Security Act 1998
65. Regulation of Investigatory Powers Act 2000
66. Employment Act 2002
67. Sexual Offences Act 2003
68. In section 94 (supply of information to Secretary of State...
69. In section 95 (supply of information by Secretary of State...
70. Child Maintenance and Other Payments Act 2008
71. Omit sections 1 to 5 and Schedule 1 (the Commission)....
72. (1) Section 6 (fees) is amended as follows.
73. Omit section 7 (agency arrangements and provision of services).
74. (1) Section 8 (contracting out) is amended as follows.
75. Omit sections 9 to 12 (the Commission).
76. Omit sections 13 and 14 and Schedule 2 (transfer of...
77. In section 17 (power to regulate supersession), in subsection (3)(b)...
78. (1) Section 18(2) (determination of applications for a variation) is...
79. (1) In section 25 (administrative liability orders), section 32M to...
80. (1) Section 27 (disqualification for holding or obtaining travel authorisation)...
81. (1) Section 28 (curfew orders) is amended as follows.
82. (1) Section 29 (commitment to prison) is amended as follows....
83. (1) In section 30(1) (disqualification for driving), the provisions to...
84. (1) In section 32 (power to accept part payment of...
85. In section 33 (power to write off arrears), in section...
86. (1) In section 34 (transfer of arrears), section 49A to...
87. (1) In section 39 (disclosure of information relating to family...
88. In section 40 (disclosure of information to credit reference agencies),...
89. Omit section 44 and Schedule 6 (use of information).
90. In section 55 (regulations and orders: general), in subsection (5)—...
91. In section 56 (general interpretation), omit subsection (1).
92. In section 59 (transition), omit subsection (1).
93. In section 61 (extent), omit subsection (2)(b).
94. In Schedule 3— (a) omit paragraphs 40(b) and (c) (amendment...
95. (1) Schedule 4 (changes to the calculation of maintenance) is...
96. (1) Schedule 5 (maintenance calculations: transfer of cases to new...
97. (1) In Schedule 7 (minor and consequential amendments), paragraph 1...
98. Welfare Reform Act 2009
99. (1) Section 51 (disqualification for holding etc driving licence or...
100. (1) Schedule 5 (consequential amendments etc.) is amended as follows....
101. Welfare Reform Act 2012
102. In section 127 (information-sharing between Secretary of State and HMRC),...
103. (1) Section 128 (information-sharing between Secretary of State and DPP)...
104. In section 129 (unlawful disclosure of information supplied under section...
105. (1) Section 136 (supporting maintenance agreements) is amended as follows....
106. (1) Section 137 (collection of child support maintenance) is amended...
107. (1) In section 138 (indicative maintenance calculations), section 9A to...
108. (1) Schedule 11 (power to require consideration of revision before...
109. Other Acts

PART 2 — Amendments to Statutory Instruments

110. Child Support (Maintenance Assessments and Special Cases) Regulations 1992
111. Child Support (Collection and Enforcement) Regulations 1992
112. Child Support Departure Direction and Consequential Amendments Regulations 1996
113. Social Security and Child Support (Decisions and Appeals) Regulations 1999
114. Child Support (Maintenance Calculations and Special Cases) Regulations 2000
115. Child Support (Variations) Regulations 2000
116. Child Support Information Regulations 2008
117. Tribunal Procedure (First Tier Tribunal) (Social Entitlement Chamber) Rules 2008
118. Tribunal Procedure (Upper Tribunal) Rules 2008
119. Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2009
120. Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009
121. Child Support (Management of Payments and Arrears) Regulations 2009
122. Regulation of Investigatory Powers (Communications Data) Order 2010
123. Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
124. Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010
125. Family Procedure Rules 2010

Explanatory Note