



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 5

GENERAL

55 Regulations and orders: general

- (1) This section has effect in relation to regulations under this Act, except Part 4.
- (2) Power to make regulations is exercisable by statutory instrument.
- (3) Power to make regulations includes power to make incidental, supplementary, consequential or transitional provision or savings.
- (4) Power to make regulations may be exercised—
 - (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition;
 - (c) so as to provide for a person to exercise a discretion in dealing with any matter.
- (5) A statutory instrument containing—
 - (a) regulations under section 6(1) or (4),
 - (b) the first regulations under paragraphs 2(1), 3(1), 5(1) or (2), 6(1) or (3) or 7 of Schedule 5, or

(c) an order under section 11(6),
shall not be made unless a draft of the statutory instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.

- (6) A statutory instrument that—
- (a) contains regulations, and
 - (b) is not subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

56 General interpretation

- (1) In this Act, “the Commission” has the meaning given by section 1(1).
- (2) Where—
- (a) this Act amends or repeals an enactment contained in the Child Support Act 1991 (c. 48) which has been amended by the Child Support, Pensions and Social Security Act 2000 (c. 19), and
 - (b) the amendment by the 2000 Act has been brought into force for limited purposes only,
- the reference to the enactment shall, unless the contrary intention appears, be read as a reference to the enactment as it has effect apart from the 2000 Act, as well as to the enactment as amended by that Act.

57 Minor and consequential amendments

- (1) Schedule 7 (which makes minor and consequential amendments) has effect.
- (2) The Secretary of State may by regulations make provision consequential on this Act amending, repealing or revoking any provision of—
- (a) an Act passed on or before the last day of the Session in which this Act is passed, or
 - (b) an instrument made under an Act before the passing of this Act.

58 Repeals

The enactments specified in Schedule 8 are repealed to the extent specified.

59 Transition

- (1) Until the coming into force of section 13, the Child Support Act 1991 (c. 48) shall have effect as if references to the Commission were to the Secretary of State.
- (2) The Secretary of State may by regulations make provision for the Child Support Act 1991, as amended by Schedule 3, to have effect, until the coming into force of section 15, with such modifications as the Secretary of State considers necessary in consequence of the retention of functions under section 46 of that Act.
- (3) The Secretary of State may, in relation to section 6 or 46 of the Child Support Act 1991, by regulations make provision for the section to have effect with such modifications

as the Secretary of State considers expedient in anticipation of the coming into force of section 15.

- (4) Sections 20(5A), 32A, 32E, 32F, 32J, 32L, 32M, 41C to 41E, 43A, 49A, 49B and 49D of the Child Support Act 1991 shall have effect as if “child support maintenance” included periodical payments required to be paid in accordance with a maintenance assessment under the Act.
- (5) Sections 20(7A), 32A, 32C, 32E, 32F, 32J, 32L, 32M, 39B, 39H, 40, 40A, 40B and 49B of the Child Support Act 1991 shall have effect as if “maintenance calculation” included a maintenance assessment under the Act.
- (6) Sections 35, 36, 38, 39B, 39H, 39K, 40, 40B and 49D of the Child Support Act 1991 shall have effect as if orders made under section 33 of that Act had been made under section 32M of that Act.
- (7) An order may be made under section 32M of the Child Support Act 1991 in respect of an amount even though the time within which an application could have been instituted under section 33 of that Act for an order in respect of that amount has expired.
- (8) The Secretary of State may by regulations make in connection with the coming into force of any provision of this Act such transitional provision or savings as the Secretary of State considers necessary or expedient.

60 Financial provisions

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenditure incurred by the Secretary of State or a government department in consequence of this Act, and
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be authorised the extinguishing in consequence of this Act of liabilities owed to the Crown under the Child Support Act 1991.

61 Extent

- (1) Subject to the following provisions, this Act extends to England and Wales and Scotland only.
- (2) The following provisions also extend to Northern Ireland—
 - (a) this section and sections 55, 57(2), 62 and 63;
 - (b) paragraphs 4 to 6 of Schedule 6, and section 44 so far as relating to those paragraphs.
- (3) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.

62 Commencement

- (1) This section and sections 55, 59(8), 61 and 63 shall come into force on the day on which this Act is passed.
- (2) Section 35 shall come into force on the day after the day on which this Act is passed.

Status: This is the original version (as it was originally enacted).

- (3) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.
- (4) An order under subsection (3) may include such transitional provision or savings as the Secretary of State considers necessary or expedient in connection with bringing any provision of this Act into force.
- (5) An order under subsection (3) appointing the day on which section 39 is to come into force in England and Wales may be made only with the consent of the Lord Chancellor.

63 Citation

This Act may be cited as the Child Maintenance and Other Payments Act 2008.