

Changes to legislation: Child Maintenance and Other Payments Act 2008 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1F1}SCHEDULE 1

Textual Amendments

F1 Sch. 1 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 71**

Constitution of the Commission

.....

Appointment of a person to chair the Commission

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Appointment of directors

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Terms of appointment and tenure of members

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Remuneration etc. of non-executive members

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Appointment of deputy chair

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Staff

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Committees

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Procedure

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Instruments

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Finance

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Accounts and audit

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Supplementary powers

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Status of the Commission

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Validity

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Civil service pensions

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F2F2 SCHEDULE 2

Textual Amendments

F2 Sch. 2 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 76

F2

SCHEDULE 3

Section 13

TRANSFER OF CHILD SUPPORT FUNCTIONS

PART 1

CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

- 1 The Child Support Act 1991 (c. 48) is amended as follows.
- 2 In section 2 (welfare of children: the general principle)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”;
 - (c) for “his” substitute “ its ”.
- 3 (1) Section 4 (child support maintenance) is amended as follows.
 - (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
 - (3) In subsection (2)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
 - (4) In subsection (3)—
 - (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (5) In subsection (4), for “Secretary of State” (in the first and third places where it occurs) substitute “ Commission ”.
 - (6) In subsection (5)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
 - (7) In subsections (6) and (7), for “Secretary of State” substitute “ Commission ”.
- 4 (1) Section 6 (applications by those claiming or receiving benefit) is amended as follows.
 - (2) After subsection (2) insert—

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- “(2A) The Secretary of State must notify the Commission of circumstances giving rise to the application of this section.”
- (3) In subsections (3) and (4), for “Secretary of State” substitute “ Commission ”.
- (4) In subsection (5)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (5) In subsection (7), for “Secretary of State's” substitute “ Commission's ”.
- (6) In subsection (8), for “Secretary of State” substitute “ Commission ”.
- (7) In subsection (9)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (8) In subsection (10), for “Secretary of State” substitute “ Commission ”.
- (9) In subsection (11), for “he” (in the second place where it occurs) substitute “ the Commission ”.
- (10) In subsection (12), for “Secretary of State's” substitute “ Commission's ”.
- 5 (1) Section 7 (right of child in Scotland to apply for calculation) is amended as follows.
- (2) In subsections (1) and (2), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (3)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (4) In subsection (4)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (5) In subsection (5), for “Secretary of State” (in the first and third places where it occurs) substitute “ Commission ”.
- (6) In subsections (6) and (7), for “Secretary of State” substitute “ Commission ”.
- (7) In subsection (8)(b), for “Secretary of State” substitute “ Commission ”.
- 6 In section 8 (role of the courts with respect to maintenance for children), in subsections (1) and (2), for “Secretary of State” substitute “ Commission ”.
- 7 (1) Section 10 (relationship between maintenance calculations and certain court orders etc.) is amended as follows.
- (2) In subsection (4)—
- (a) for “Secretary of State” (in the second and third places where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (3) In subsection (5), for “Secretary of State” substitute “ Commission ”.
- 8 (1) Section 11 (maintenance calculations) is amended as follows.

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- (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (3) In subsection (2)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- (4) In subsection (3)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ the Commission ”.
- (5) In subsection (4)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ the Commission ”;
 - (c) for “him” substitute “ the Commission ”.
- (6) In subsection (5)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ the Commission ”.
- (7) In subsection (7)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 9 (1) Section 12 (default and interim maintenance decisions) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him”, in the first place where it occurs, substitute “ the Commission ” and, in the second place where it occurs, substitute “ it ”;
 - (c) for “he” (in both places where it occurs) substitute “ it ”.
 - (3) In subsection (2), for “Secretary of State” substitute “ Commission ”.
- 10 (1) Section 14 (information required by Secretary of State) is amended as follows.
 - (2) In the title, for “Secretary of State” substitute “ Commission ”.
 - (3) In subsection (3), for “him” (in both places where it occurs) substitute “ the Commission ”.
 - (4) In subsection (4), for “Secretary of State” substitute “ Commission ”.
- 11 (1) Section 15 (powers of inspectors) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (3) In subsection (2), for “Secretary of State” substitute “ Commission ”.
- 12 In section 16 (revision of decisions)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;

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- (b) for “his” (in each place where it occurs) substitute “ its ”;
- (c) for “he” (in each place where it occurs) substitute “ it ”;
- (d) for “him” substitute “ it ”.

- 13 In section 17 (decisions superseding earlier decisions)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “his” (in each place where it occurs) substitute “ its ”;
 - (c) for “him” substitute “ it ”.

- 14 (1) Section 20 (appeals to appeal tribunals) is amended as follows.
- (2) In subsections (1)(a) and (b), (2)(a)(i), (7)(b) and (8)(b), for “Secretary of State” substitute “ Commission ”.

- 15 In section 23A (redetermination of appeals), in subsection (4), before paragraph (a) insert—
- “(za) the Commission;”.

- 16 (1) Section 24 (appeal to Child Support Commissioner) is amended as follows.
- (2) For subsection (1) substitute —
- “(1) Each of the following may appeal to a Child Support Commissioner on a question of law—
- (a) the Commission,
 - (b) the Secretary of State, and
 - (c) any person who is aggrieved by the decision of an appeal tribunal.”

- (3) ^{F3}
- (4) ^{F3}
- (5) ^{F3}

Textual Amendments

F3 Sch. 3 para. 16(3)-(5) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 228(s)**

- 17 ^{F4}

Textual Amendments

F4 Sch. 3 para. 17 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 228(s)**

- 18 In section 26 (disputes about parentage), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 19 In section 27 (applications for declaration of parentage) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 20 In section 27A (recovery of fees for scientific tests)—

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- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “him” (in each place where it occurs) substitute “ it ”.
- 21 In section 28 (power to initiate or defend actions of declarator), for “Secretary of State” (in each place where it occurs, including the title) substitute “ Commission ”.
- 22 In section 28ZA (decisions involving issues that arise on appeal in other cases)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” substitute “ its ”.
- 23 In section 28ZB (appeals involving issues that arise on appeal in other cases)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in both places where it occurs) substitute “ the Commission ”;
 - (c) for “him” substitute “ the Commission ”;
 - (d) for “his” substitute “ its ”.
- 24 In section 28ZC (restrictions on liability in certain cases of error), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 25 In section 28A (application for variation of usual rules for calculating maintenance), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 26 (1) Section 28B (preliminary consideration of applications) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (3) In subsection (2)—
 - (a) for “he” (in the first place where it occurs) substitute “ the Commission ”;
 - (b) for “he” (in each other place where it occurs) substitute “ it ”;
 - (c) for “his” (in both places where it occurs) substitute “ its ”;
 - (d) for “him” substitute “ the Commission ”.
- 27 In section 28C (imposition of regular payments condition), in subsections (1) and (3) to (7)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” (in each place where it occurs) substitute “ its ”.
- 28 In section 28D (determination of applications)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 29 In section 28E (matters to be taken into account)—
 - (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.

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- 30 In section 28F (agreement to variation)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”;
 - (c) for “his” (in each place where it occurs) substitute “ its ”.
- 31 In section 28J (voluntary payments), in subsections (1), (2) and (4)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”.
- 32 (1) Section 29 (collection of child support maintenance) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) in paragraph (b), for “him” substitute “ it ”.
- (3) In subsection (3), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 33 (1) Section 30 (collection and enforcement of other forms of maintenance) is amended as follows.
- (2) In subsections (1), (2) and (3)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) for “he” (in each place where it occurs) substitute “ it ”.
- (3) In subsection (4)—
- (a) for “him” substitute “ the Commission ”;
 - (b) for “he” (in the second place where it occurs) substitute “ it ”.
- (4) In subsection (5)—
- (a) for “him” (in both places where it occurs) substitute “ the Commission ”;
 - (b) for “he” (in the first place where it occurs) substitute “ it ”.
- 34 In section 31 (deduction from earnings orders)—
- (a) for “Secretary of State” (in each place where it occurs) substitute “ Commission ”;
 - (b) in subsection (6), for “he” substitute “ it ”.
- 35 In section 32 (regulations about deduction from earnings orders), in subsections (2) and (3), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 36 In section 33 (liability orders), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- 37 In section 34 (regulations about liability orders), in subsections (1)(a) and (c) and (2), for “Secretary of State” substitute “ Commission ”.
- 38 (1) Section 35 (enforcement of liability orders by distress) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (3)—

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- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “his” substitute “ its ”.
- 39 In section 37 (regulations about liability orders), in subsection (2), for “Secretary of State” (in the second place where it occurs) substitute “ Commission ”.
- 40 In section 38 (enforcement of liability orders by diligence), subsection (1) is amended as follows—
- (a) in paragraph (a), for “Secretary of State” substitute “ Commission ”;
 - (b) ^{F5}
 - (c) ^{F5}

Textual Amendments

F5 Sch. 3 para. 40(b)(c) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), [Sch. para. 94\(a\)](#)

Commencement Information

I2 Sch. 3 para. 40 partly in force; Sch. 3 para. 40 not in force at Royal Assent see s. 62; Sch. 3 para. 40(a)(c) in force at 1.11.2008 by [S.I. 2008/2675](#), [art. 3\(b\)](#)

- 41 In section 39A (commitment to prison and disqualification from driving)—
- (a) for “Secretary of State” (in both places where it occurs) substitute “ Commission ”;
 - (b) in subsections (1) and (4), for “he” substitute “ it ”.
- 42 (1) Section 40B (disqualification from driving) is amended as follows.
- (2) In subsections (5) to (8), for “Secretary of State” (in each place where it occurs) substitute “ Commission ”.
- (3) In subsection (9)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 43 (1) Section 41 (arrears of child support maintenance) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” (in both places where it occurs) substitute “ it ”.
- (4) In subsection (6)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- 44 (1) Section 41A (penalty payments) is amended as follows.
- (2) In subsection (1), for “him” substitute “ the Commission ”.
- (3) In subsections (2) and (4), for “Secretary of State” substitute “ Commission ”.
- (4) In subsection (6)—

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- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
- 45 (1) Section 41B (repayment of overpaid child support maintenance) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Commission ”.
- (3) In subsection (1A)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- (4) In subsection (2), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- (5) In subsection (3)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”;
 - (c) for “him” substitute “ it ”.
- (6) In subsections (4), (5) and (6)(a), for “Secretary of State” substitute “ Commission ”.
- (7) In subsection (9)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “him” substitute “ it ”.
- 46 In section 44 (jurisdiction), in subsection (1), for “Secretary of State” substitute “ Commission ”.
- 47 In section 46 (reduced benefit decisions), in subsection (3)(a), for “Secretary of State” substitute “ Commission ”.
- 48 In section 46A (finality of decisions), in subsection (1), after “decision of” insert “ the Commission, ”.
- 49 In section 46B (matters arising as respects decisions), in subsection (1)(a), for “Secretary of State” substitute “ Commission ”.
- 50 In section 48 (right of audience), in subsection (1), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- 51 After section 50 insert—

“50A Use of computers

Any decision falling to be made under or by virtue of this Act by the Commission may be made, not only by a person authorised to exercise the Commission's decision-making function, but also by a computer for whose operation such a person is responsible.”

- 52 (1) Schedule 1 (maintenance calculations) is amended as follows.
- (2) In paragraph 7(3), for “Secretary of State” substitute “ Commission ”.
- (3) In paragraph 10(2)—
- (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “his” substitute “ its ”.

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- (4) In paragraph 10B(a), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
 - (5) In paragraphs 12 and 13, for “Secretary of State” substitute “ Commission ”.
 - (6) In paragraph 15—
 - (a) for “Secretary of State” substitute “ Commission ”;
 - (b) for “he” substitute “ it ”.
 - (7) In paragraph 16(10), for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.
- 53 In paragraph 4 of Schedule 4A, for “Secretary of State” (in both places where it occurs) substitute “ Commission ”.

Social Security Act 1998 (c. 14)

54 F6

Textual Amendments

F6 Sch. 3 para. 54 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 228(s)**

PART 2

TRANSITIONAL PROVISION AND SAVINGS

55 F7

Textual Amendments

F7 Sch. 3 para. 55 omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 94(b)**

SCHEDULE 4

CHANGES TO THE CALCULATION OF MAINTENANCE

Introductory

1 Part 1 of Schedule 1 to the Child Support Act 1991 (c. 48) (calculation of weekly amount of child support maintenance) is amended as follows.

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Commencement Information

- I3** Sch. 4 para. 1 in force; Sch. 4 para. 1 not in force at Royal Assent see s. 62; Sch. 4 para. 1 in force for certain purposes at 8.10.2012 by S.I. 2012/2523, art. 2(2)(a); Sch. 4 para. 1 in force for certain further purposes at 10/12/2012 by S.I. 2012/3042, art. 2(a)
- I4** Sch. 4 para. 1 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(a), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I5** Sch. 4 para. 1 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Calculation by reference to gross weekly income

- 2 In Part 1 (under which the weekly amount of child support maintenance payable is calculated by reference to the non-resident parent's net weekly income), for “net”, in each place where it occurs, substitute “ gross ”.

Commencement Information

- I6** Sch. 4 para. 2 partly in force; Sch. 4 para. 2 not in force at Royal Assent see s. 62; Sch. 4 para. 2 in force for certain purposes at 8.10.2012 by S.I. 2012/2523, art. 2(2)(b); Sch. 4 para. 2 in force for certain further purposes at 10/12/2012 by S.I. 2012/3042, art. 2(b)
- I7** Sch. 4 para. 2 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I8** Sch. 4 para. 2 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Change to basic rate

- 3 For paragraph 2 (basic rate) substitute—
- “2 (1) Subject to sub-paragraph (2), the basic rate is the following percentage of the non-resident parent's gross weekly income—
- 12% where the non-resident parent has one qualifying child;
 - 16% where the non-resident parent has two qualifying children;
 - 19% where the non-resident parent has three or more qualifying children.
- (2) If the gross weekly income of the non-resident parent exceeds £800, the basic rate is the aggregate of the amount found by applying sub-paragraph (1) in relation to the first £800 of that income and the following percentage of the remainder—
- 9% where the non-resident parent has one qualifying child;
 - 12% where the non-resident parent has two qualifying children;
 - 15% where the non-resident parent has three or more qualifying children.
- (3) If the non-resident parent also has one or more relevant other children, gross weekly income shall be treated for the purposes of sub-paragraphs (1) and (2) as reduced by the following percentage—
- 12% where the non-resident parent has one relevant other child;
 - 16% where the non-resident parent has two relevant other children;

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19% where the non-resident parent has three or more relevant other children.”

Commencement Information

- I9** Sch. 4 para. 3 partly in force; Sch. 4 para. 3 not in force at Royal Assent see s. 62; Sch. 4 para. 3 in force for certain purposes at 10/12/2012 by S.I. 2012/3042, art. 2(b)
- I10** Sch. 4 para. 3 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I11** Sch. 4 para. 3 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Increase in flat rate and minimum amounts of liability

- 4 In the following provisions, for “£5” substitute “ £7 ”
- (a) paragraph 3(3) (minimum amount of liability in the case of reduced rate);
 - (b) paragraph 4(1) (amount of flat rate of liability);
 - (c) paragraph 7(7) (minimum amount of liability in the case of basic and reduced rates where reduction because of shared care applies).

Commencement Information

- I12** Sch. 4 para. 4 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Applicable rate where non-resident parent party to other maintenance arrangement

- 5 (1) In paragraph 1(1) (under which the weekly rate of child support maintenance is the basic rate unless a reduced rate, a flat rate or a nil rate applies), at the beginning insert “ Subject to paragraph 5A, ”.
- (2) After paragraph 5 insert—

“Non-resident parent party to other maintenance arrangement

- 5A (1) This paragraph applies where—
- (a) the non-resident parent is a party to a qualifying maintenance arrangement with respect to a child of his who is not a qualifying child, and
 - (b) the weekly rate of child support maintenance apart from this paragraph would be the basic rate or a reduced rate or calculated following agreement to a variation where the rate would otherwise be a flat rate or the nil rate.
- (2) The weekly rate of child support maintenance is the greater of £7 and the amount found as follows.
- (3) First, calculate the amount which would be payable if the non-resident parent's qualifying children also included every child with respect to whom the non-resident parent is a party to a qualifying maintenance arrangement.

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- (4) Second, divide the amount so calculated by the number of children taken into account for the purposes of the calculation.
- (5) Third, multiply the amount so found by the number of children who, for purposes other than the calculation under sub-paragraph (3), are qualifying children of the non-resident parent.
- (6) For the purposes of this paragraph, the non-resident parent is a party to a qualifying maintenance arrangement with respect to a child if the non-resident parent is—
 - (a) liable to pay maintenance or aliment for the child under a maintenance order, or
 - (b) a party to an agreement of a prescribed description which provides for the non-resident parent to make payments for the benefit of the child,
 and the child is habitually resident in the United Kingdom.”

Modifications etc. (not altering text)

- C1** Sch. 4 para. 5 partly in force; Sch. 4 para. 5 not in force at Royal Assent see s. 62; Sch. 4 para. 5(2) in force for certain purposes at 8.10.12 by S.I. 2012/2523, art. 2(2)(b); Sch. 4 para. 5 in force for certain further purposes at 10.12.2012 by S.I. 2012/3042, art. 2(b)

Commencement Information

- I13** Sch. 4 para. 5 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I14** Sch. 4 para. 5 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Shared care

- 6 In paragraph 7(2) (circumstances in which decrease for shared care applies in cases where child support maintenance is payable at the basic rate or a reduced rate), for “If the care of a qualifying child is shared” substitute “ If the care of a qualifying child is, or is to be, shared ”.

Commencement Information

- I15** Sch. 4 para. 6 partly in force; Sch. 4 para. 6 not in force at Royal Assent see s. 62; Sch. 4 para. 6 in force for certain purposes at 10/12/2012 by S.I. 2012/3042, art. 2(b)
- I16** Sch. 4 para. 6 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I17** Sch. 4 para. 6 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

- 7 In paragraph 8(2) (circumstances in which decrease for shared care applies in cases where child support maintenance payable at a flat rate), for “If the care of a qualifying child is shared” substitute “ If the care of a qualifying child is, or is to be, shared ”.

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Commencement Information

- I18** Sch. 4 para. 7 partly in force; Sch. 4 para. 7 not in force at Royal Assent see s. 62; Sch. 4 para. 7 in force for certain purposes at 8.10.12 by S.I. 2012/2523, art. 2(2)(b); Sch. 4 para. 7 in force for certain further purposes at 10.12.2012 by S.I. 2012/3042, art. 2(b)
- I19** Sch. 4 para. 7 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I20** Sch. 4 para. 7 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

- 8 (1) In paragraph 9 (regulations about shared care), the existing provision becomes sub-paragraph (1).
- (2) In that sub-paragraph, before paragraph (a) insert—
- “(za) for how it is to be determined whether the care of a qualifying child is to be shared as mentioned in paragraph 7(2);”.
- (3) In that sub-paragraph, after paragraph (b) insert—
- “(ba) for how it is to be determined how many nights count for those purposes;”.
- (4) After that sub-paragraph insert—
- “(2) Regulations under sub-paragraph (1)(ba) may include provision enabling the [F8Secretary of State] to proceed for a prescribed period on the basis of a prescribed assumption.”

Textual Amendments

- F8** Words in Sch. 4 para. 8(4) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 95(2)

Commencement Information

- I21** Sch. 4 para. 8 partly in force; Sch. 4 para. 8 not in force at Royal Assent see s. 62(3); Sch. 4 para. 8 in force for certain purposes at 8.10.2012 by S.I. 2012/2523, art. 2(b); Sch. 4 para. 8 in force for certain further purposes at 10.12.2012 by S.I. 2012/3042, art. 2(b) (with art. 5)
- I22** Sch. 4 para. 8 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I23** Sch. 4 para. 8 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Weekly income

- 9 In paragraph 10 (which confers power to make regulations about the manner in which weekly income is to be determined), for sub-paragraph (2) substitute—
- “(2) The regulations may, in particular—
- (a) provide for determination in prescribed circumstances by reference to income of a prescribed description in a prescribed past period;
- (b) provide for the [F9Secretary of State] to estimate any income or make an assumption as to any fact where, in [F10Secretary of State's] view,

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the information at [F10Secretary of State's] disposal is unreliable or insufficient, or relates to an atypical period in the life of the non-resident parent.”

Textual Amendments

- F9** Words in Sch. 4 para. 9 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 95(3)**
- F10** Words in Sch. 4 para. 9 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 95(3)**

Commencement Information

- I24** Sch. 4 para. 9 partly in force; Sch. 4 para. 9 not in force at Royal Assent see s. 62(3); Sch. 4 para. 9 in force for certain purposes at 8.10.2012 by [S.I. 2012/2523](#), **art. 2(b)**; Sch. 4 para. 9 in force for certain further purposes at 10.12.2012 by [S.I. 2012/3042](#), **art. 2(b)** (with art. 5)
- I25** Sch. 4 para. 9 in force at 29.7.2013 for specified purposes by [S.I. 2013/1860](#), **arts. 2(b)**, 3 (with arts. 5, 7) (as amended (24.6.2014) by [S.I. 2014/1635](#), art. 7)
- I26** Sch. 4 para. 9 in force at 25.11.2013 in so far as not already in force by [S.I. 2013/2947](#), **art. 2(a)** (with arts. 3-5)

- 10 In paragraph 10(3) (under which weekly income over £2,000 is to be ignored for the purposes of Schedule 1), for “£2,000” substitute “ £3,000 ”.

Commencement Information

- I27** Sch. 4 para. 10 partly in force; Sch. 4 para. 106 not in force at Royal Assent see s. 62; Sch. 4 para. 10 in force for certain purposes at 10/12/2012 by [S.I. 2012/3042](#), **art. 2(b)**
- I28** Sch. 4 para. 10 in force at 29.7.2013 for specified purposes by [S.I. 2013/1860](#), **arts. 2(b)**, 3 (with arts. 5, 7) (as amended (24.6.2014) by [S.I. 2014/1635](#), art. 7)
- I29** Sch. 4 para. 10 in force at 25.11.2013 in so far as not already in force by [S.I. 2013/2947](#), **art. 2(a)** (with arts. 3-5)

SCHEDULE 5

Section 19

MAINTENANCE CALCULATIONS: TRANSFER OF CASES TO NEW RULES

Power to require a decision about whether to stay in the statutory scheme

- 1 (1) The [F11Secretary of State] may require the interested parties in relation to an existing case to choose whether or not to stay in the statutory scheme, so far as future accrual of liability is concerned.
- (2) The reference in sub-paragraph (1) to an existing case is to any of the following—
- (a) a maintenance assessment,
 - (b) an application for a maintenance assessment,
 - (c) a maintenance calculation made under existing rules, and

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- (d) an application for a maintenance calculation which will fall to be made under existing rules.
- (3) For the purposes of this paragraph, a maintenance calculation is made (or will fall to be made) under existing rules if the amount of the periodical payments required to be paid in accordance with it is (or will be) determined otherwise than in accordance with Part 1 of Schedule 1 to the Child Support Act 1991 (c. 48) as amended by this Act.

Textual Amendments

F11 Words in Sch. 5 para. 1(1) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 96(2)

Commencement Information

I30 Sch. 5 para. 1 in force at 30.6.2014 by S.I. 2014/1635, art. 2 (with art. 3)

- 2 (1) The Secretary of State may by regulations make provision about the exercise of the power under paragraph 1(1).
- (2) Regulations under sub-paragraph (1) may, in particular—
- (a) make provision about timing in relation to exercise of the power;
 - (b) make provision for exercise of the power in stages;
 - (c) specify principles for determining the order in which particular cases are to be dealt with under the power;
 - (d) make provision about procedure in relation to exercise of the power;
 - (e) make provision for exercise of the power in accordance with a scheme prepared by the [^{F12}Secretary of State]^{F13}

Textual Amendments

F12 Words in Sch. 5 para. 2(2)(e) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 96(3)(a)

F13 Words in Sch. 5 para. 2(2)(e) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 96(3)(b)

Commencement Information

I31 Sch. 5 para. 2 in force at 9.3.2014 for specified purposes by S.I. 2014/576, art. 2(b)

I32 Sch. 5 para. 2 in force at 30.6.2014 in so far as not already in force by S.I. 2014/1635, art. 2 (with art. 3)

- 3 (1) The Secretary of State shall by regulations make such provision as he thinks fit about exercise of the right to make a choice required under paragraph 1(1).
- (2) Regulations under sub-paragraph (1) shall, in particular—
- (a) make provision about the time within which the choice must be made;
 - (b) make provision for a choice to stay in the statutory scheme to be made by means of an application to the [^{F14}Secretary of State] for a maintenance calculation;

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- (c) make provision about the form and content of any application required by provision under paragraph (b).

[^{F15}(3) The Commission may before accepting an application required by provision under sub-paragraph (2)(b) invite the applicant to consider with the Commission whether it is possible to make a maintenance agreement (within the meaning of section 9 of the Child Support Act 1991).]

Textual Amendments

- F14** Words in Sch. 5 para. 3(2)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), [Sch. para. 96\(4\)](#)
- F15** Sch. 5 para. 3(3) inserted (25.11.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 136(2)**, 150(3); [S.I. 2013/2947](#), art. 6

Commencement Information

- I33** Sch. 5 para. 3 in force at 9.3.2014 for specified purposes by [S.I. 2014/576](#), **art. 2(b)**
- I34** Sch. 5 para. 3 in force at 30.6.2014 in so far as not already in force by [S.I. 2014/1635](#), **art. 2** (with art. 3)

- 4 If, in a particular case, any of the interested parties chooses not to stay in the statutory scheme, that person's choice shall be disregarded if any of the other interested parties chooses to stay in the statutory scheme.

Commencement Information

- I35** Sch. 5 para. 4 in force at 30.6.2014 by [S.I. 2014/1635](#), **art. 2** (with art. 3)

Effect on accrual of liability of exercise of power under paragraph 1

- 5 (1) Where the power under paragraph 1(1) is exercised in relation to a maintenance assessment or maintenance calculation, liability under the assessment or calculation shall cease to accrue with effect from such date as may be determined in accordance with regulations made by the Secretary of State.
- (2) Where the power under paragraph 1(1) is exercised in relation to an application for a maintenance assessment or maintenance calculation, liability under any assessment or calculation made in response to the application shall accrue only in respect of the period ending with such date as may be determined in accordance with regulations made by the Secretary of State.

Commencement Information

- I36** Sch. 5 para. 5 in force at 9.3.2014 for specified purposes by [S.I. 2014/576](#), **art. 2(b)**
- I37** Sch. 5 para. 5 in force at 30.6.2014 in so far as not already in force by [S.I. 2014/1635](#), **art. 2** (with art. 3)

Additional powers

- 6 (1) The Secretary of State may by regulations make such provision as appears to the Secretary of State to be necessary or expedient for the purposes of, or in connection with, giving effect to a decision not to leave the statutory scheme.

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- (2) Regulations under sub-paragraph (1) may, in particular—
- (a) make provision about procedure in relation to determination of an application made in pursuance of regulations under paragraph 3;
 - (b) make provision about the application of the Child Support Act 1991 (c. 48) in relation to a maintenance calculation made in response to such an application;
 - (c) prescribe circumstances in which liability under such a maintenance calculation is to be subject to a prescribed adjustment.
- (3) The Secretary of State may by regulations make provision enabling the [F16Secretary of State] to treat an application of the kind mentioned in paragraph 1(2)(b) or (d) as withdrawn if none of the interested parties chooses to stay in the statutory scheme.

Textual Amendments

F16 Words in Sch. 5 para. 6(3) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 96(4)

Commencement Information

I38 Sch. 5 para. 6 in force at 9.3.2014 for specified purposes by S.I. 2014/576, art. 2(b)

I39 Sch. 5 para. 6 in force at 30.6.2014 in so far as not already in force by S.I. 2014/1635, art. 2 (with art. 3)

Interpretation

- 7 In this Schedule—
- “interested parties” has such meaning as may be prescribed;
- “maintenance assessment” means an assessment of maintenance made under the Child Support Act 1991;
- “maintenance calculation” means a calculation of maintenance made under that Act;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “statutory scheme” means the scheme for child support maintenance under that Act.

Commencement Information

I40 Sch. 5 para. 7 in force at 9.3.2014 for specified purposes by S.I. 2014/576, art. 2(b)

I41 Sch. 5 para. 7 in force at 30.6.2014 in so far as not already in force by S.I. 2014/1635, art. 2 (with art. 3)

F17F17 SCHEDULE 6

Textual Amendments

F17 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 89

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Powers in relation to use of information

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1 F18

Textual Amendments

F18 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

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2 F19

Textual Amendments

F19 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

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3 F20

Textual Amendments

F20 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

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4 F21

Textual Amendments

F21 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

.....
5 F22

Textual Amendments

F22 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

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Interpretation

6

F23

Textual Amendments

F23 Sch. 6 omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), **Sch. para. 89**

SCHEDULE 7

Section 57

MINOR AND CONSEQUENTIAL AMENDMENTS

Child Support Act 1991 (c. 48)

- 1 (1) The Child Support Act 1991 is amended as follows.
 - (2) In section 8 (role of the courts with respect to maintenance for children), in subsection (6)(b) (which refers to the non-resident parent's net weekly income), for “net” substitute “ gross ”.
 - F24(3)
 - F24(4)
 - F24(5)
 - F24(6)
 - (7) In section 30 (collection and enforcement of other forms of maintenance), in subsections (4) and (5) for “which he is authorised to collect under this section” substitute “ for the collection of which he is authorised under this section to make arrangements ”.
 - (8) In section 32(2)(i) (regulations about deduction from earnings orders), for “the liable person is in the employment” substitute “ any earnings are paid to the liable person by or on behalf ”.
 - (9) In section 32(7) (regulations about appeals), after “include” insert “—
 - (a) provision with respect to the period within which a right of appeal under the regulations may be exercised;
 - (b) ”.
 - (10) In section 36(1) (enforcement in county courts), for “garnishee proceedings” substitute “ a third party debt order ”.
 - (11) For section 39 substitute—

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“39 Enforcement in Great Britain of Northern Ireland liability orders

The Secretary of State may by regulations make provision for the enforcement in England and Wales and Scotland of any order made in Northern Ireland under provision corresponding to section 32M or the repealed section 33.”

- (12) In section 40 (commitment to prison), in subsection (4)(a)(i) of that section, for “mentioned in section 35(1)” substitute “sought to be recovered as mentioned in subsection (2A)(a)”.
- (13) In section 40A (commitment to prison: Scotland)—
- (a) in subsection (1), for “satisfied” substitute “of the opinion”;
 - (b) for subsection (2)(a)(i) substitute—
 - “(i) the amount sought to be recovered as mentioned in subsection (A1)(a), or so much of it as remains outstanding;”.
- (14) In that section, in subsection (6), the words from “for” to the end become paragraph (a), and after that paragraph insert—
- “(b) that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated.”
- (15) In section 40B (disqualification for driving), in subsection (3)—
- (a) in paragraph (a), for “mentioned in section 35(1)” substitute “sought to be recovered as mentioned in subsection (A1)(a)”;
 - (b) in paragraph (b), for “section 39A” substitute “this section”.
- (16) In subsection (7) of that section, for “section 39A” substitute “this section”.
- (17) In subsection (12) of that section (modifications for Scotland), for the subsection (11) substituted by paragraph (d) substitute—
- “(11) In relation to disqualification orders—
- (a) the Secretary of State may by regulations make provision that a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed by or on behalf of the liable person's employer, shall be sufficient evidence of the facts stated; and
 - (b) the power of the Court of Session by Act of Sederunt to regulate the procedure and practice in civil proceedings in the sheriff court shall include power to make provision corresponding to that which may be made by virtue of section 40A(8).”
- (18) At the end of that section, insert—
- “(13) In this section—
- “court” (except for the purposes of subsection (8)(c)) means—
 - (a) in England and Wales, a magistrates' court;
 - (b) in Scotland, the sheriff;

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“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.”

(19) In section 50 (unauthorised disclosure of information), in subsection (1) (offence of unauthorised disclosure), for “this section” substitute “ this subsection ”.

(20) In that section, after subsection (1) insert—

“(1A) Subsection (1) applies to employment as—

- (a) any clerk to, or other officer of, an appeal tribunal;
- (b) any member of the staff of an appeal tribunal;
- (c) a civil servant in connection with the carrying out of any functions under this Act;
- (d) any member of, or of the staff of, the Commission;
- (e) any person who provides, or is employed in the provision of, services to the Commission,

and to employment of any other kind which is prescribed for the purposes of this subsection.

(1B) Any person who is, or has been, employed in employment to which this subsection applies is guilty of an offence if, without lawful authority, he discloses any information which—

- (a) was acquired by him in the course of that employment;
- (b) is information which is, or is derived from, information acquired or held for the purposes of this Act; and
- (c) relates to a particular person.

(1C) Subsection (1B) applies to any employment which—

- (a) is not employment to which subsection (1) applies, and
- (b) is of a kind prescribed for the purposes of this subsection.”

(21) In that section, in subsection (7) (definition of “responsible person”)—

- (a) at the end of paragraph (b) insert—
 - “(ba) the person appointed to chair the Commission;”;
- (b) for paragraph (c) substitute—
 - “(c) any person authorised for the purposes of this subsection by the Lord Chancellor, the Secretary of State or the person appointed to chair the Commission;”.

(22) In section 52 (regulations and orders), in subsection (2)(a) (regulations subject to affirmative resolution procedure)—

- (a) after “30(5A),” insert “ “32A to 32C, 32E to 32J, ”;
- (b) after “41B(6),” insert “ “41E(1)(a), ”.

(23) In that section, for subsection (2A) substitute—

“(2A) No statutory instrument containing (whether alone or with other provisions)

- (a) the first regulations under section 17(2) to make provision of the kind mentioned in section 17(3)(a) or (b),
- (b) the first regulations under section 39F, 39M(4), 39P, 39Q, 41D(2), 41E(2) or 49A,

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- (c) the first regulations under paragraph 5A(6)(b) of Schedule 1,
- (d) the first regulations under paragraph 9(1)(ba) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2) of that paragraph, or
- (e) the first regulations under paragraph 10(1) of Schedule 1 to make provision of the kind mentioned in sub-paragraph (2)(a) or (b) of that paragraph,

shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”

(24) After that subsection insert—

“(2B) No statutory instrument containing (whether alone or with other provisions) regulations which by virtue of section 51A are to have effect for a limited period shall be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.”

(25) In section 54 (interpretation), the existing provision becomes subsection (1), and in that subsection—

(a) at the appropriate places insert—

““charging order” has the same meaning as in section 1 of the Charging Orders Act 1979;”;

““Commission” means the Child Maintenance and Enforcement Commission;”;

““curfew order” has the meaning given in section 39H(1);”;

““deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom;”;

(b) in the definition of “liability order”, for “section 33(2)” substitute “section 32M(2)”.

(26) In that section, after subsection (1) insert—

“(2) The definition of “deposit-taker” in subsection (1) is to be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act.”

(27) In section 57(4) (application to Crown), for “a liable person is in the employment” substitute “any sums which are defined as earnings for the purposes of sections 31 and 32 are paid to a liable person by or on behalf”.

(28) In Schedule 1 (maintenance calculations), in paragraph 5(b) (weekly rate of child support maintenance to be nil if the non-resident parent has a weekly income below £5), for “£5” substitute “£7”.

(29) In that Schedule, in paragraph 7 (reduction of basic and reduced rates for shared care), for sub-paragraph (1) substitute—

“(1) This paragraph applies where the rate of child support maintenance payable is the basic rate or a reduced rate or is determined under paragraph 5A.”

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- (30) In that Schedule, in paragraph 10A(1)(b) (regulations about amounts set out in Schedule 1)—
- (a) after “paragraph” insert “ “2(2), ”;
 - (b) after “5,” insert “ “5A(2), ”.
- (31) In that Schedule, in paragraph 10C(1) (references to “qualifying children” to be read as references to those qualifying children with respect to whom the maintenance calculation falls to be made), at end insert “ “or with respect to whom a maintenance calculation in respect of the non-resident parent has effect ”.
- (32) In that Schedule, for paragraph 14 substitute—
- “14 The Secretary of State may by regulations provide—
- (a) for two or more applications for maintenance calculations to be treated, in prescribed circumstances, as a single application; and
 - (b) for the replacement, in prescribed circumstances, of a maintenance calculation made on the application of one person by a later maintenance calculation made on the application of that or any other person.”
- (33) Schedule 2 (provision of information to Secretary of State) ceases to have effect.
- (34) In the Act as it has effect apart from the Child Support, Pensions and Social Security Act 2000 (c. 19), the following (which relate to section 6 or 46) are repealed—
- (a) sections 11(1A) to (1C), 41(4)(c) and (d) and 41A(5)(c) and (d);
 - (b) paragraph 16(3) and (4A)(b) of Schedule 1;
 - (c) in Schedule 4C—
 - (i) in paragraphs 1(a) and 2(1)(a), the words “, a reduced benefit direction”;
 - (ii) in paragraph 3, in sub-paragraph (1)(b), sub-paragraph (i) and the word “or” at the end of it, and sub-paragraph (3);
 - (iii) in paragraphs 4(1)(a)(i) and 6(1)(b)(ii) and (iii), the words “, a reduced benefit direction”.

Textual Amendments

- F24** Sch. 7 para. 1(3)–(6) omitted (20.9.2023) by virtue of Child Support (Enforcement) Act 2023 (c. 35), ss. 4(5), 6(3)

Commencement Information

- I42** Sch. 7 para. 1 partly in force; Sch. 7 para. 1 not in force at Royal Assent see s. 62; Sch. 7 para. 1(34) in force for certain purposes at 14.7.2008 by S.I. 2008/1476, art. 2(3)(b); Sch. 7 para. 1(19)–(21)(33) in force at 1.11.2008 by S.I. 2008/2675, art. 3(f); Sch. 7 para. 1(22)(a)(25)(a) in force for certain purposes and Sch. 7 para. 1(9)(10)(26)(32)(34) in force for all purposes at 1.6.2009 and Sch. 7 para. 1(22)(a) otherwise in force at 3.8.2009 by S.I. 2009/1314, art. 2(1)(d) {art. 2(2)(b)(i)}; Sch. 7 para. 1(22)(b)(23) in force at 27.6.2012 by S.I. 2012/1649, art. 2; Sch. 7 para. 1(24)(30)(31) in force at 8.10.2012 by S.I. 2012/2523, art. 2(1)(d); Sch. 7 para. 1(2)(29) in force for certain purposes at 10/12/2012 by S.I. 2012/3042, art. 2(e)
- I43** Sch. 7 para. 1(1) in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(d), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I44** Sch. 7 para. 1(1) in force at 25.11.2013 for specified purposes by S.I. 2013/2947, art. 2(b) (with arts. 3-5)

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- I45** Sch. 7 para. 1(2)(29) in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(e), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I46** Sch. 7 para. 1(2)(29) in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, art. 2(c) (with arts. 3-5)
- I47** Sch. 7 para. 1(28) in force at 25.11.2013 by S.I. 2013/2947, art. 2(c) (with arts. 3-5)

Social Security Administration Act 1992 (c. 5)

- 2 (1) The Social Security Administration Act 1992 is amended as follows.
- (2) In section 108 (certain maintenance orders to be enforceable by the Secretary of State), for subsection (8) substitute—
- “(8) In this section “maintenance order”—
- (a) in England and Wales, means—
- (i) any order for the making of periodical payments which is, or has at any time been, a maintenance order within the meaning of the Attachment of Earnings Act 1971;
- (ii) any order under Part 3 of the Matrimonial and Family Proceedings Act 1984 (overseas divorce) for the making of periodical payments;
- (iii) any order under Schedule 7 to the Civil Partnership Act 2004 for the making of periodical payments;
- (b) in Scotland, means any order, except an order for the payment of a lump sum, falling within the definition of “maintenance order” in section 106 of the Debtors (Scotland) Act 1987, but disregarding paragraph (h) (alimentary bond or agreement).”
- (3) In section 121E (supply of information held by Revenue and Customs to the Secretary of State or the Northern Ireland Department for use for the purposes of functions relating, inter alia, to child support), for subsection (2) substitute—
- “(2) Information to which this section applies may, and subject to subsection (2A), must if an authorised officer so requires, be supplied—
- (a) to the Secretary of State, or
- (b) to a person providing services to the Secretary of State,
- for use for the purposes of functions relating to social security, war pensions or employment or training.
- (2ZA) Information to which this section applies may, and subject to subsection (2A), must if an authorised officer so requires, be supplied—
- (a) to the Northern Ireland Department, or
- (b) to a person providing services to that Department,
- for use for the purposes of functions relating to social security, child support, war pensions or employment or training.”
- (4) ^{F25}
- (5) In section 121F (supply to Revenue and Customs of information held by Secretary of State or Northern Ireland Department, including information held for the purposes of functions relating to child support), for subsection (1) substitute—

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“(1) This section applies to information which is held for the purposes of functions relating to social security, war pensions or employment or training—

- (a) by the Secretary of State, or
- (b) by a person providing services to the Secretary of State, in connection with the provision of those services.

(1A) This section also applies to information which is held for the purposes of functions relating to social security, child support, war pensions or employment or training—

- (a) by the Northern Ireland Department, or
- (b) by a person providing services to that Department, in connection with the provision of those services.”

(6) F26

Textual Amendments

- F25** Sch. 7 para. 2(4) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 147, 150(2)(f), [Sch. 14 Pt. 13](#)
- F26** Sch. 7 para. 2(6) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 147, 150(2)(f), [Sch. 14 Pt. 13](#)

Commencement Information

- I48** Sch. 7 para. 2 wholly in force at 1.6.2009; Sch. 7 para. 2 not in force at Royal Assent see s. 62; Sch. 7 para. 2(1)(2) in force at 27.10.2008 by [S.I. 2008/2548](#), [art. 3\(c\)](#); Sch. 7 para. 2(3)-(6) in force at 1.6.2009 by [S.I. 2009/1314](#), [art. 2\(b\)\(i\)](#)

Social Security Act 1998 (c. 14)

- 3 (1) The Social Security Act 1998 is amended as follows.
- (2) In section 3 (use of information held by the Secretary of State or the Northern Ireland Department which relates to certain matters), in subsection (1A) (which lists the matters concerned)—
- (a) in paragraph (a), the words “, child support” are omitted;
 - (b) after that paragraph insert—
“(aa) child support in Northern Ireland;”.

(3) F27

Textual Amendments

- F27** Sch. 7 para. 3(3) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 147, 150, [Sch. 14 Pt. 13](#); [S.I. 2012/863](#), [art. 2\(3\)\(j\)](#)

Tax Credits Act 2002 (c. 21)

- 4 (1) Schedule 5 to the Tax Credits Act 2002 (use and disclosure of information) is amended as follows.

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- (2) In paragraph 4 (supply of information held by Revenue and Customs to the Secretary of State or the Northern Ireland Department for use for the purposes of functions relating, inter alia, to child support), for sub-paragraphs (2) and (3) substitute—

“(2) Information to which this paragraph applies may be supplied—

- (a) to the Secretary of State, or
- (b) to a person providing services to the Secretary of State,

for use for the purposes of functions relating to social security or war pensions or for such purposes relating to evaluation or statistical studies as may be prescribed.

- (3) An authorised officer may require information to which this paragraph applies to be supplied—

- (a) to the Secretary of State, or
- (b) to a person providing services to the Secretary of State,

for use for the purposes of functions relating to social security.

(3A) Information to which this paragraph applies may be supplied—

- (a) to the Northern Ireland Department, or
- (b) to a person providing services to the Northern Ireland Department,

for use for the purposes of functions relating to social security, child support or war pensions or for such purposes relating to evaluation or statistical studies as may be prescribed.

(3B) An authorised officer may require information to which this paragraph applies to be supplied—

- (a) to the Northern Ireland Department, or
- (b) to a person providing services to the Northern Ireland Department,

for use for the purposes of functions relating to social security or child support.”

- (3) In that paragraph, in sub-paragraph (4) (definition of “authorised officer”), for “sub-paragraph (3)” substitute “ sub-paragraphs (3) and (3B) ”.

- (4) In paragraph 6 (supply to Revenue and Customs of information held by Secretary of State or Northern Ireland Department for the purposes of functions including child support), for sub-paragraph (1) substitute—

“(1) This paragraph applies to information which is held for the purposes of functions relating to social security, war pensions or employment or training—

- (a) by the Secretary of State, or
- (b) by a person providing services to the Secretary of State, in connection with the provision of those services.

(1A) This paragraph also applies to information which is held for the purposes of functions relating to social security, child support, war pensions or employment or training—

- (a) by the Northern Ireland Department or the Department for Employment and Learning in Northern Ireland, or
- (b) by a person providing services to either of those Departments, in connection with the provision of those services.”

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PROSPECTIVE

Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)

- 5 In section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 (which defines certain terms used in section 10), in the definition of “decree”, in paragraph (i), for “section 33(2)” substitute “ section 32M(2) ”.

PROSPECTIVE

Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

- 6 In section 221 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (interpretation), in the definition of “decree”, in paragraph (i), for “section 33(2)” substitute “ section 32M(2) ”.

SCHEDULE 8

Section 58

REPEALS

Commencement Information

- I49** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent see s. 62; Sch. 8 in force for certain purposes at 14.7.2008 by S.I. 2008/1476, art. 2(2)(c)(3)(c); Sch. 8 in force for certain further purposes at 27.10.2008 by S.I. 2008/2548, art. 3(d); Sch. 8 in force for certain further purposes at 1.11.2008 by S.I. 2008/2675, art. 3(g); Sch. 8 in force for certain further purposes at 1.6.2009 by S.I. 2009/1314, art. 2(2)(c); Sch. 8 in force for certain further purposes at 8.10.2012 by S.I. 2012/2523, art. 2(2)(g); Sch. 8 in force for certain further purposes at 10/12/2012 by S.I. 2012/3042, art. 2(g)
- I50** Sch. 8 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(g), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I51** Sch. 8 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, art. 4
- I52** Sch. 8 in force at 25.11.2013 for specified purposes by S.I. 2013/2947, art. 2(e) (with arts. 3-5)

Short title and chapter

Debtors (Scotland) Act 1987 (c. 18)

Child Support Act 1991 (c. 48)

Extent of repeal

Section 1(5)(cc).

In section 4—

- (a) subsections (9) and (11);
- (b) in subsection (10), paragraph (b) and the word “or” immediately before it.

Section 6.

In section 7(1), paragraph (b) and the word “or” immediately before it.

In section 8(1), the words “(or treated as made)”.

In section 9(6), paragraphs (a) and (b) and the word “and” immediately preceding them.

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Section 11(3) to (5).

In section 12(2), the words from “(or” to “made)”.

In section 14(1), the words “or treated as made” and “(or application treated as made)”.

Sections 16(1A)(b), 17(1)(c) and 20(1)(c), (2)(b) and (6).

Section 20(1)(e).

In section 26(1), the words “or treated as made”.

In section 27(1)(a), the words “(or is treated as having been made)” and “or treated as made”.

In section 27A(1)—

- (a) in paragraph (a), the words “or treated as made”;
- (b) in paragraph (b), the words “or, as the case may be, treated as made”.

In section 28(1)(a), the words “or treated as made”, in both places.

In section 28ZA(1)(a), the words from “or with” to “section 46”.

In section 28ZC—

- (a) in subsection (1)(b)(i), the words from “or one” to “benefit”;
- (b) in subsection (3), the words “or the reduction of a person's benefit”.

In section 28A—

- (a) in subsection (1), the words “, or treated as made under section 6,”;
- (b) in subsection (3), the words from “(or” to “section 6)”.

In section 28F(4)(a), the words from “(including” to “made)”.

In section 28J(1)(a), the words from “, or is” to “section 6”.

In section 29(1), paragraph (a) and the word “or” at the end of it.

Section 32(2)(a).

Sections 33 and 34.

In section 36—

- (a) in subsection (1), the words “, if a county court so orders,”;
- (b) subsection (2).

Sections 37, 39A, 40A(8)(c) and 40B(12)(b) and (c).

In section 41(1)(a), the word “, 6”.

Sections 46, 47 and 50(5).

In section 52(2), the words “6(1),” and “, 46”.

In Schedule 1, in paragraph 9(1)(a), the words from “or” to the end.

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	Schedule 2. In Schedule 4A, paragraph 5(2). In Schedule 4B, in paragraph 2(3)— (a) in paragraphs (a), (d) and (e), the words “(or treated as made)”; (b) in paragraph (c), the words “(or treated as having been applied for)”. In Schedule 5, paragraph 8(2).
Social Security Administration Act 1992 (c. 5)	Sections 106(7) and 107. In section 122(3), the word “or” at the end of paragraph (b).
Child Support Act 1995 (c. 34)	In Schedule 3, paragraphs 9 and 10.
Welfare Reform and Pensions Act 1999 (c. 30)	Section 80.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Sections 3, 16(1), 19 and 28. In Schedule 3, paragraph 11(3)(b), (4)(a), (5)(a), (6), (8), (9), (10)(a), (11)(a), (13)(a) and (d), (17) and (22)(b).
Employment Act 2002 (c. 22)	In Schedule 6, paragraphs 11(a) and 13(a).
Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraph 3.
Welfare Reform Act 2007 (c. 5)	In Schedule 3, paragraph 7(2) to (5).
Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 13, paragraphs 96 and 97.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 30 repealed by [2009 c. 24 Sch. 7 Pt. 4](#)
- s. 45(2) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 59(5) word inserted by [2009 c. 24 Sch. 5 para. 10](#)
- s. 59(5) words repealed by [2009 c. 24 Sch. 7 Pt. 4](#)
- s. 59(6) word inserted by [2009 c. 24 Sch. 5 para. 10](#)
- s. 59(6) words repealed by [2009 c. 24 Sch. 7 Pt. 4](#)
- Sch. 3 para. 42 repealed by [2009 c. 24 Sch. 7 Pt. 4](#)
- Sch. 7 para. 2(2) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)
- Sch. 7 para. 1(15)-(18) repealed by [2009 c. 24 Sch. 7 Pt. 4](#)
- Sch. 7 para. 2(2) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)