
STATUTORY INSTRUMENTS

2008 No. 1476

**The Child Maintenance and Other Payments
Act 2008 (Commencement) Order 2008**

Citation and interpretation

1.—(1) This Order may be cited as the Child Maintenance and Other Payments Act 2008 (Commencement) Order 2008.

(2) In this Order—

“the 1991 Act” means the Child Support Act 1991(1);

“the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(2);

(3) In this Order, unless the context requires otherwise, any reference to a numbered section, Part or Schedule is a reference to a section, Part or Schedule of the Child Maintenance and Other Payments Act 2008.

Appointed days for provisions in Parts 1, 3 and 5

2.—(1) 10th June 2008 is the day appointed for the coming into force of section 1 (the Child Maintenance and Enforcement Commission), except in relation to paragraph 1(c) of Schedule 1, for the purpose only of conferring power to appoint the members of the Commission.

(2) 14th July 2008 is the day appointed for the coming into force of—

(a) section 15(b) (repeal of section 46 of the 1991 Act),

(b) section 45 (liable relative provision: exclusion of parental duty to maintain),

(c) Schedule 8 (repeals) so far as it relates to repeals in—

(i) sections 16, 17, 20, 28ZA, 28ZC and 46 of the 1991 Act,

(ii) section 106(7) of the Social Security Administration Act 1992(3),

(iii) section 19 of and sub-paragraphs (11)(a) and (13)(d) of paragraph 11 of Schedule 3 to the 2000 Act.

(3) Subject to paragraph (4), 14th July 2008 is the day appointed for the coming into force of—

(a) Section 15(a) (repeal of section 6 of the 1991 Act),

(b) paragraph 1(34) of Schedule 7,

(c) Schedule 8 so far as it relates to the repeals in section 4(10), section 6 and section 7(1) of the 1991 Act.

(4) Paragraph (3) does not apply in relation to existing cases as defined in paragraph (5) and, insofar as section 6 of the 1991 Act remains in force for such cases, it shall have effect as if the reference to section 46 in subsection (4) were omitted.

(1) 1991 c.48.

(2) 2000 c.19.

(3) 1992 c.5.

(5) In paragraph (4) an existing case is one in which, immediately before 14th July 2008, section 6 of the 1991 Act applies in relation to a parent with care and—

- (a) a maintenance calculation or maintenance assessment is in force as a result of the Secretary of State acting under that section, or
- (b) no maintenance calculation or maintenance assessment has been made but the Secretary of State has given notice in accordance with regulation 5 of the Child Support (Maintenance Calculation Procedure) Regulations 2000⁽⁴⁾ or regulation 5 of the Child Support (Maintenance Assessment Procedure) Regulations 1992⁽⁵⁾.

(6) 10th June 2008 is the day appointed for the coming into force of section 56 (general interpretation), section 57(2) (power to make consequential amendments), section 59 (transition) and section 60(1) (financial provisions).

Appointed days for provisions in Part 4

3.—(1) 10th June 2008 is the day appointed for the coming into force of—

- (a) the provisions specified in the Schedule, for the purpose only of conferring power to make regulations,
- (b) section 54 (amendment of Social Security (Recovery of Benefits) Act 1997⁽⁶⁾) for the purpose only of conferring power to make regulations under section 1A of the Social Security (Recovery of Benefits) Act 1997 (Lump sum payments: regulation-making power).

(2) 1st October 2008 is the day appointed for the coming into force of—

- (a) sections 46 to 50, 53 and 54 insofar as they are not already in force,
- (b) sections 51 and 52.

Signed by authority of the Secretary of State for Work and Pensions

William.D.McKenzie
Parliamentary Under-Secretary of State
Department for Work and Pensions

9th June 2008

⁽⁴⁾ S.I. 2000/157.
⁽⁵⁾ S.I. 1992/1813.
⁽⁶⁾ 1997 c.27.