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STATUTORY INSTRUMENTS

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**2008 No. 2675 (C.116)**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Maintenance and Other Payments Act 2008  
(Commencement No. 4 and Transitional Provision) Order 2008**

*Made - - - - 7th October 2008*

The Secretary of State, in exercise of the powers conferred by sections 62(3) and (4) of the Child Maintenance and Other Payments Act 2008(1), makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Child Maintenance and Other Payments Act 2008 (Commencement No. 4 and Transitional Provision) Order 2008.

(2) In this Order “the relevant date” means 1st November 2008.

(3) In this Order, except where otherwise stated, any reference to a numbered section or Schedule is a reference to a section of, or Schedule to, the Child Maintenance and Other Payments Act 2008.

**Appointed day for paragraph 40(b) of Schedule 3**

2. Paragraph 40(b) of Schedule 3 (transfer of child support functions) and section 13, in so far as it relates to that sub-paragraph, come into force—

- (a) in relation to Scotland, immediately after paragraph 18(a)(i) of Schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007(2) comes into force; and
- (b) in relation to England and Wales, immediately after paragraph 18(a)(i) of Schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 extends to England and Wales.

**Appointed day for other provisions**

3. The following provisions come into force on the relevant date—

- (a) section 3(1)(a) (functions of the Commission: general);
- (b) section 13 (transfer of child support functions) and Schedules 2 and 3, except in relation to paragraph 40(b) of Schedule 3;

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(1) 2008 c. 6.  
(2) 2007 asp. 3.

- (c) section 14 (transfer of property, rights and liabilities);
- (d) section 44 and Schedule 6 (use of information);
- (e) sections 57(1) and 58, so far as relating to the paragraphs and entries referred to in subparagraphs (f) and (g) below;
- (f) paragraph 1(19), (20), (21) and (33) of Schedule 7 (minor and consequential amendments); and
- (g) in Schedule 8 (repeals), the entries relating to the repeals in—
  - (i) section 50(5) of, and Schedule 2 to, the Child Support Act 1991<sup>(3)</sup>; and
  - (ii) section 80 of the Welfare Reform and Pensions Act 1999<sup>(4)</sup>.

**Transitional provision**

4. Where, on or after the relevant date, any document or notice relating to a function transferred to the Commission by virtue of section 13 is given or sent to any person by the Commission which contains a reference to the Secretary of State, that document or notice is not to be invalidated by virtue of that reference.

7th October 2008

*James Purnell*  
Secretary of State for Work and Pensions

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<sup>(3)</sup> 1991 c. 48.  
<sup>(4)</sup> 1999 c.30.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the [Child Maintenance and Other Payments Act 2008](#) (“the Act”) (c.6) as follows:

Article 2 commences paragraph 40(b) of Schedule 3 to the Act on different dates in relation to Scotland, and England and Wales.

Article 3 brings various other provisions of the Act into force on 1st November 2008. These include sections 3(1)(a) and 13, which transfer child support functions from the Secretary of State to the Child Maintenance and Enforcement Commission (“the Commission”), section 14, which enables the Secretary of State to make schemes for the transfer of property, rights and liabilities to the Commission; Schedule 6 which provides for the use of information by the Commission, and Schedules 7 and 8, which contain consequential provisions and repeals.

Article 4 provides that, where any document or notice that relates to a function transferred to the Commission is sent to a person by the Commission on or after 1st November 2008, any reference in that document or notice to the Secretary of State is not to invalidate that document or notice.

A full impact assessment has not been published for this instrument as it has no impact on the costs of business, charities and voluntary bodies.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Child Maintenance and Other Payments Act 2008 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
part 1 (partially)	18th July 2008	<a href="#">2008/2033</a>
section 1 (partially)	10th June 2008	<a href="#">2008/1476</a>
section 15 (partially)	14th July 2008	<a href="#">2008/1476</a>
section 15 (for all other purposes)	27th October 2008	<a href="#">2008/2548</a>
section 20 (partially)	26th September 2008	<a href="#">2008/2548</a>
section 20 (for all other purposes)	27th October 2008	<a href="#">2008/2548</a>
section 36 (partially)	26th September 2008	<a href="#">2008/2548</a>
section 36 (for all other purposes)	27th October 2008	<a href="#">2008/2548</a>
section 43	5th August 2008	<a href="#">2008/2033</a>
section 45	14th July 2008	<a href="#">2008/1476</a>
section 46 (partially)	10th June 2008	<a href="#">2008/1476</a>
section 46 (for all other purposes)	1st October 2008	<a href="#">2008/1476</a>
section 47 (partially)	10th June 2008	<a href="#">2008/1476</a>

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 47 (for all other purposes)	1st October 2008	2008/1476
section 48 (partially)	10th June 2008	2008/1476
section 48 (for all other purposes)	1st October 2008	2008/1476
section 49 (partially)	10th June 2008	2008/1476
section 49 (for all other purposes)	1st October 2008	2008/1476
section 50 (partially)	10th June 2008	2008/1476
section 50 (for all other purposes)	1st October 2008	2008/1476
section 51	1st October 2008	2008/1476
section 52	1st October 2008	2008/1476
section 53 (partially)	10th June 2008	2008/1476
section 53 (for all other purposes)	1st October 2008	2008/1476
section 54 (partially)	10th June 2008	2008/1476
section 54 (for all other purposes)	1st October 2008	2008/1476
section 56	10th June 2008	2008/1476
section 57 (partially)	10th June 2008	2008/1476
section 57 (partially)	27th October 2008	2008/2548
Section 58 (partially)	27th October 2008	2008/2548
section 59	10th June 2008	2008/1476
section 60 (partially)	10th June 2008	2008/1476
schedule 1 (partially)	10th June 2008	2008/1476
schedule 1 (for all other purposes)	18th July 2008	2008/2033
schedule 7 (partially)	14th July 2008	2008/1476
schedule 7 (partially)	27th October 2008	2008/2548
schedule 8 (partially)	14th July 2008	2008/1476
schedule 8 (partially)	27th October 2008	2008/2548