

EXPLANATORY NOTES

CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY ACT 2000

INTRODUCTION

Structure of the notes

Terminology

Financial effects

OVERVIEW

Background to the Act

The measures in the Act

Background

The current system

The proposals for reform

The measures in the Act

Commentary on Sections

Maintenance calculations and interim and default maintenance decisions

Section 1: Maintenance calculations and terminology

New section 11: Maintenance calculations

Schedule 1: Calculation of weekly amount of child support maintenance

Paragraph 1: General rule

Paragraph 2: Basic rate

Paragraph 3: Reduced rate

Paragraph 4: Flat rate

Paragraph 5: Nil rate

Paragraph 6: Apportionment

Paragraph 7: Shared care – basic and reduced rate

Paragraph 8: Shared care – flat rate

Paragraph 9: Regulations about shared care

Paragraph 10: Net weekly income

Paragraph 10A: Regulations about rates, figures, etc

Paragraph 10B: Regulations about income

Paragraph 10C: References to various terms

Section 2: Applications under section 4 of the Child Support Act 1991

Section 3: Applications by persons claiming or receiving benefit

New section 6: Applications by those claiming or receiving benefit

Section 4: Default and interim maintenance decisions

New section 12: Default and interim maintenance decisions

Applications for a variation

Section 5: Departure from usual rules for calculating maintenance

New section 28A: Applications for variation of usual rules for calculating maintenance

New section 28B: Preliminary consideration of applications

New section 28C: Imposition of regular payments condition

New section 28F: Agreement to a variation

Section 6: Applications for a variation: further provisions

Schedule 2

New Schedule 4A: Applications for a variation

New Schedule 4B: Applications for a variation: the cases and controls

Part I: The cases

Paragraph 2: Special expenses

Paragraph 3: Property or capital transfers

Paragraph 4: Additional cases

Part II: Regulatory controls

Section 7: Variations: revision and supersession

New section 28G: Variations: Revision and supersession

Section 8: Revision and supersession of decisions

Section 9: Decisions superseding earlier decisions

Section 10: Appeals to appeal tribunals

New section 20: Appeals to appeal tribunals

Section 11: Redetermination of appeals

New section 23A: Redetermination of appeals

Information

Section 12: Information required by the Secretary of State

Section 13: Information – offences

New section 14A: Information – offences

Section 14: Inspectors

Amended section 15: Inspectors

Parentage

Section 15: Presumption of parentage in child support cases

Section 82: Tests for determining parentage

Section 83: Declarations of status

New section 55A: Declarations of parentage

Disqualification from driving

Section 16: Disqualification from driving

New section 39A: Commitment to prison and disqualification from driving

New section 40B: Disqualification from driving: further provision

Section 17: Civil Imprisonment: Scotland

New section 40A: Commitment to Prison – Scotland

Financial penalties

Section 18: Financial Penalties

New section 41A: Penalty payments

Section 19: Reduced benefit decisions

New section 46: Reduced benefit decisions

Miscellaneous

Section 20: Voluntary payments

New section 28J: Voluntary payments

Section 21: Recovery of child support maintenance by deduction from benefit

New section 43 – recovery of child support maintenance by deduction from benefit

Section 22: Child Support jurisdiction

Section 23: Abolition of the child maintenance bonus

Section 24: Periodical reviews.

Section 25: Regulations

Section 26: Amendments

Schedule 3

Section 27: Temporary compensation payment scheme

Section 28: Pilot schemes

Section 29: Interpretation, transitional provisions, savings, etc.

Background – State Second Pension and Occupational and Personal Pensions

The current position

SERPS and contracting-out arrangements

Occupational and personal pensions regulatory framework

Recent developments

The measures in the Act

State Second Pension

Contracting-out arrangements

Contracted-out Personal Pension Schemes

Contracted-out Occupational Schemes

Reporting on the effect on the NI Fund of earnings uprating.

Protection of “inherited SERPS”

Improving pensions information

Improving the framework for occupational and personal pensions

Commentary on Sections

Chapter I: State Pensions

State second pension

Section 30: Earnings from which pension is derived

New section 44A: Deemed earnings factors

Section 31: Calculation

New Schedule 4A: Additional pension

Part I: The amount

Part II: Surplus earnings factors

Part III: Contracted-out employment etc

Paragraph 3: Introduction

Paragraph 4: The amount

Paragraph 5: Amount A

Paragraph 6: Amount B (first case)

Paragraph 7: Amount B (second case)

Paragraph 8: Interpretation

Part IV: Other cases

Section 32: Calculation of Category B retirement pension

Section 33: Revaluation

New section 148A: Revaluation of low earnings threshold

Section 34: Report of Government Actuary: rebates etc.

Section 35: Supplementary

Report on pensions uprating

Section 36: Report on cost of pension uprating in line with general earnings level

Earnings Factors

Section 37: Revaluation of earnings factors

Section 38: Modification of earnings factors

Preservation of rights in respect of additional pensions

Section 39: Preservation of rights in respect of additional pensions

Other provisions

Section 40: Home responsibilities protection

Section 41: Sharing of state scheme rights

Section 42: Disclosure of state pension information

Chapter II: Occupational and Personal Pension Schemes

Selection of trustees and of directors of corporate trustees

Section 43: Member-nominated trustees

Section 44: Corporate trustees

Section 45: Employer's proposals for selection of trustees or directors

New section 18A: Employer's proposals for selection of trustees or directors

Section 46: Non-compliance in relation to arrangements or proposals

Winding-up of schemes

Section 47: Information to be given to the Authority

New section 26A: Information to be given to the Authority in a s. 22 case

New section 26B: Information to be given in cases where s. 22 disappplied

New section 26C: Construction of ss. 26A and 26B

Section 48: Modification of scheme to secure winding-up

New section 71A: Modification by Authority to secure winding-up

Section 49: Reports about winding-up

New section 72A: Reports to Authority about winding-up

Section 50: Directions for facilitating winding-up

New section 72B: Directions by Authority for facilitating winding-up

New section 72C: duty to comply with directions under 72B

Other provisions

Section 51: Restriction on index-linking where annuity tied to investments

New section 51A: Restriction on increase where annuity tied to investments

Section 52: Information for members of schemes

Section 53: Jurisdiction of the Pensions Ombudsman

Section 54: Investigations by the Pensions Ombudsman

Section 55: Prohibition on different rules for overseas residents

New section 66A: Prohibition on different rules for overseas residents etc

Section 56: Miscellaneous amendments and alternative to anti-franking rules

Schedule 5

PART I: MISCELLANEOUS AMENDMENTS

Paragraph 1: Guaranteed minimum for widows and widowers

Paragraph 2: Transfer of rights to overseas personal pension schemes

Paragraph 3: Protected rights

Paragraph 4: Review and alteration of rates of contribution

Paragraph 5: Contributions equivalent premiums

Paragraph 6: Contribution equivalent premiums: Northern Ireland

Paragraph 7: Use of cash equivalent for annuity

Paragraph 8: Transfer values where pension in payment

Paragraph 9: Information about contracting-out

New section 156: Information for purposes of contracting-out

Paragraph 10: Register of disqualified trustees

Paragraph 11: Conditions of payment of surplus to an employee

Paragraph 12: Duties relating to statements of contributions

PART II ALTERNATIVE TO ANTI-FRANKING RULES

Paragraph 14: Cases in which alternative applies

Paragraph 15: Alternative rules

Paragraph 16: Relationship between alternative rules and other rules

Paragraph 17: Supplemental

Chapter III: War Pensions

Background

The Current Position

Appeals

The Pensions Appeal Tribunals

Composition of the Pensions Appeals Tribunals

The Central Advisory Committee on War Pensions

Recent Developments

The Measures in the Act

Extension of Appeal Rights

Appeal Time Limits

Jurisdiction of Tribunals

Composition of Tribunals

Composition of the Central Advisory Committee on War Pensions

Commentary on Sections

Section 57: Rights of Appeal

New section 5A: Appeals in other cases

Section 58: Time limits for appeals

Section 59: Matters relevant on appeal to Pensions Appeal Tribunal

Section 60: Constitution and procedure of Pensions Appeal Tribunals

Section 61: Composition of Central Advisory Committee

PART III: SOCIAL SECURITY ADMINISTRATION

Loss of Benefit

Background

The current position

The measures in the Act

Commentary on Sections

Section 62: Loss of benefit for breach of community order.

Section 63: Loss of joint-claim Jobseekers Allowance

Section 64: Information provision

Section 65: Loss of benefit regulations

Section 66: Appeals relating to loss of benefit

Investigation Powers

Background

The current position

Recent developments

The measures in the Act

Commentary on Sections

Section 67: Investigation powers

Schedule 6

Paragraph 2: Replacement for inspectors' powers

New section 109A: Authorisation for investigators

New section 109B: Power to require information

New section 109C: Powers of entry

Paragraph 3: Exercise of powers on behalf of local authorities

New section 110A: Authorisation by local authorities

Paragraphs 4 to 9: Consequential amendments

New section 121DA: Interpretation of Part VI

Housing Benefit and Council Tax Benefit

Revisions and Appeals

Current position

The measures in the Act

Commentary on Sections

Section 68: Housing benefit and council tax benefit: revisions and appeals

Schedule 7

Paragraph 1: Introductory

Paragraph 2: Decisions on claims for benefit

Paragraph 3: Revision of decisions

Paragraph 4: Decisions superseding earlier decisions

Paragraph 5: Use of experts by authorities

Paragraph 6: Appeal to appeal tribunal

Paragraph 7: Redetermination etc. of appeals by a tribunal

Paragraph 8: Appeal from tribunal to Commissioner

Paragraph 9: Appeal from Commissioner on a point of law

Paragraph 10: Procedure

Paragraph 11: Finality of decisions

Paragraph 12: Matters arising as respects decisions

Paragraph 13: Suspension in prescribed circumstances

Paragraph 14: Suspension for failure to furnish information etc

Paragraph 15: Termination in cases of failure to furnish information

Paragraph 16: Decisions involving issues that arise on appeal in other cases

Paragraph 17: Appeals involving issues that arise on appeal in other cases

Paragraph 18: Restrictions on entitlement to benefit in certain cases of error

Paragraph 19: Correction of errors and setting aside of decisions

Paragraph 20: Regulations

Paragraph 21: Consequential amendments of the Administration Act

Paragraph 22: Consequential amendments of the Social Security Act 1998

Paragraph 23: Interpretation

Discretionary Payments

Section 69: Discretionary financial assistance with housing

Section 70: Grants towards the cost of discretionary housing payments

Recovery of Housing Benefit

Current position

The measure in the Act

Section 71: Recovery of housing benefit

Child Benefit

Section 72: Child benefit disregards

Social Security Advisory Committee

Section 73: Social Security Advisory Committee

PART IV: NATIONAL INSURANCE CONTRIBUTIONS

Background

The current position

Recent developments

Benefits in kind

Share options

The measures in the Act

Benefits in kind

Share options

Commentary on Sections

Section 74: Contributions in respect of benefits in kind (Great Britain)

New section 10: Class 1A contributions: benefits in kind etc.

Section 75: Third party providers of benefits in kind: GB

New section 10ZA: Liability of third party provider of benefits in kind

New section 10ZB: Non-cash vouchers provided by third parties

Section 76: Collection etc. of NICs: Great Britain

Section 77: Liability of earner for secondary contributions: Great Britain

New paragraph 3A: Prohibition on recovery of employer's contributions

New paragraph 3B: Transfer of liability to be borne by earner

Sections 78, 79, 80 and 81

PART V: MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Supplemental

These notes refer to the Child Support, Pensions and Social Security Act 2000 (c.19)

Section 84: Expenses

Section 85: Repeals

Section 86: Commencement and transitional provisions

Commencement provisions

Transitional provisions

Section 87: Short title and extent

SCHEDULES

COMMENCEMENT

HANSARD REFERENCES