

EXPLANATORY NOTES

CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

INTRODUCTION

BACKGROUND TO THE ACT

Child Maintenance

Mesothelioma

SUMMARY OF MEASURES IN THE ACT

Child Maintenance

Child Maintenance and Enforcement Commission

Current position

Proposed changes

Removal of compulsion for benefit claimants

Current position

Changes

Maintenance Calculations

Current position

Changes

Collection and Enforcement

Current position

Changes

Debt Management Powers

Current position

Proposed changes

Transfer of cases to new rules

Current Position

Changes

Other Provisions

Mesothelioma

Current position

Proposed changes

ACT OVERVIEW

TERRITORIAL EXTENT

TERRITORIAL APPLICATION: WALES

COMMENTARY ON SECTIONS

PART 1: THE CHILD MAINTENANCE AND ENFORCEMENT COMMISSION

Section 1: The Child Maintenance and Enforcement Commission

Section 2: Objectives of the Commission

Section 3: Functions of the Commission: general

Section 4: Promotion of child maintenance

Section 5: Provision of information and guidance

Section 6: Fees

Section 7: Agency arrangements and provision of services

Section 8: Contracting out

Section 9: Annual report to the Secretary of State

Section 10: Directions and guidance

Section 11: Review of the status of the Commission

Section 12: Supplementary provisions

PART 2 – TRANSFER OF CHILD SUPPORT FUNCTIONS ETC. TO THE COMMISSION

Section 13: Transfer of child support functions

Section 14: Transfer of property, rights and liabilities

PART 3 – CHILD SUPPORT ETC.

Removal of compulsion for benefit claimants

Section 15: Repeal of sections 6 and 46

Maintenance calculations

Section 16: Changes to the calculation of maintenance

Section 17: Power to regulate supersession

Section 18: Determination of applications for a variation

Section 19: Transfer of cases to new rules

Collection and enforcement

Section 20: Use of deduction from earnings orders as basic method of payment

Section 21: Deduction from earnings orders: the liable person's earnings

Section 22: Orders for regular deductions from accounts

Section 23: Lump sum deduction orders

Section 24: Orders preventing avoidance

Section 25: Administrative liability orders

Section 26: Enforcement in county courts

Section 27: Disqualification for holding or obtaining a travel authorisation

Section 28: Curfew orders

Section 29: Commitment to prison

Section 30: Disqualification for driving

Debt management powers

Section 31: Power to treat liability as satisfied

Section 32: Power to accept part payment of arrears in full and final satisfaction

Section 33: Power to write off arrears

Section 34: Transfer of arrears

Miscellaneous

Section 35: Registered Maintenance Agreements: Scotland

Section 36: Offence of failing to notify change of address

Section 37: Additional special case

Section 38: Recovery of arrears from deceased's estate

Section 39: Disclosure of information relating to family proceedings

Section 40: Disclosure of information to credit reference agencies

Section 41: Pilot schemes

Section 42: Meaning of 'child'

Section 43: Extinction of liability in respect of interest and fees

Section 44: Use of information

Section 45: Liable relative provisions: exclusion of parental duty to maintain

PART 4 – LUMP SUM PAYMENTS: MESOTHELIOMA ETC.

Mesothelioma lump sum payments

Section 46: Lump sum payments

Section 47: Conditions of entitlement

Section 48: Determination of claims

Section 49: Reconsideration

Section 50: Appeal to appeal tribunal

Section 51: Appeal to Social Security Commissioner

Section 52: Minors and people who lack capacity

Section 53: Regulations: Part 4

Recovery of mesothelioma and other lump sum payments

Section 54: Amendment of Social Security (Recovery of Benefits) Act 1997

PART 5 - GENERAL

Section 55: Regulations and orders: general

Section 56: General interpretation

Section 57: Minor and consequential amendments

Section 58: Repeals

Section 59: Transition

Section 60: Financial provisions

Section 61: Extent

Section 62: Commencement

Section 63: Citation

Schedule 1: The Commission

These notes refer to the Child Maintenance and Other Payments Act 2008 (c.6)

Schedule 2: Transfer of functions under subordinate legislation

Schedule 3: Transfer of child support functions

Schedule 4: Changes to the calculation of maintenance

Schedule 5: Maintenance calculations: transfer of cases to new rules

Schedule 6: Use of information

Powers in relation to use of information

Schedule 7: Minor and consequential amendments

Schedule 8: Repeals

COMMENCEMENT

Hansard References