

These notes refer to the Child Maintenance Act (Northern Ireland) 2008 (c.10) which received Royal Assent on 2 July 2008

Child Maintenance Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - General

Section 40: Transition

Subsection (1) gives the Department power to make regulations modifying the effect of Articles 9 and 43 of the Order before they are repealed. This is to enable changes to be made in preparation for the removal of compulsion for benefit claimants.

Subsections (2) and *(3)* ensure that some of the new provisions which the Act inserts into the Order will apply in relation to cases under the Department 'old scheme'.

Subsection (2) provides that new *Articles 22(5A), 32A, 32E, 32F, 32J, 32L, 32M, 38C to 38E, 40A, 45A, 45B and 45D* of the Order will have effect as if references to child support maintenance included maintenance due under an old scheme assessment.

Subsection (3) provides that new *Articles 22(7A), 32A, 32C, 32E, 32F, 32J, 32L, 32M, 36B, 36G, 37, 37A and 45B* of the Order will have effect as if references to maintenance calculations included assessments made under the old scheme.

Subsection (4) provides that *Articles 35, 36B, 36G, 36J, 37, 37A and 45D* of the Order will have effect as if orders made under Article 33 of that Order had been made under Article 32M of that Order. This ensures that any references to the new administrative liability order include an order made by the court before Article 32M comes into operation.

Subsection (6) is a general power enabling the Department to make transitional provision or savings in relation to the coming into operation of any provision under this Act.