



## 2008 CHAPTER 10

### PART 1

#### ADDITIONAL FUNCTIONS OF THE DEPARTMENT

##### **Contracting out**

5.—(1) Any function relating to child support may be exercised by, or by employees of, such person (if any) as the Department may authorise for the purpose.

(2) An authorisation given by virtue of subsection (1) may authorise the exercise of the function concerned—

- (a) either wholly or to such extent as may be specified in the authorisation,
- (b) either generally or in such cases or areas as may be so specified, and
- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.

(3) An authorisation given by virtue of subsection (1)—

- (a) may specify its duration,
- (b) may be revoked at any time by the Department, and
- (c) shall not prevent the Department or any other person from exercising the function to which the authorisation relates.

(4) Where a person is authorised to exercise any function by virtue of subsection (1), anything done or omitted to be done by or in relation to that person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by or in relation to the Department.

(5) Subsection (4) shall not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).
- (6) Where—
- (a) a person is authorised to exercise any function by virtue of subsection (1), and
  - (b) the authorisation is revoked at a time when a relevant contract is subsisting,
- the authorised person shall be entitled to treat the relevant contract as repudiated by the Department (and not as frustrated by reason of the revocation).
- (7) In subsection (6), the reference to a relevant contract is to so much of any contract made between the authorised person and the Department as relates to the exercise of the function.