

# **CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008**

---

## **EXPLANATORY NOTES**

### **BACKGROUND TO THE ACT**

#### ***Child Maintenance***

3. The current system of child support maintenance is administered by the Child Support Agency (“CSA”) and dates back to 1993. It was established by the Child Support Act 1991, and developed further by the Child Support Act 1995 and the Child Support, Pensions and Social Security Act 2000.
4. The CSA was set up to help ensure that parents take financial responsibility for their children. However performance has fallen short of expectations.
5. In February 2006, Sir David Henshaw was asked to consider proposals for the fundamental redesign of the child support maintenance system. His report ‘*Recovering child support: routes to responsibility*’ was published in July 2006 and set out recommendations to improve both child support maintenance policy and its delivery.
6. The Government’s response to Sir David Henshaw, ‘*A fresh start: child support redesign – the Government’s response to Sir David Henshaw*’ accepted many of his recommendations and agreed to investigate others further. This was followed by a period of consultation and more detailed policy proposals were then published in the White Paper ‘*A new system of child maintenance*’, in December 2006 (hereafter referred to as ‘the White Paper’) which was followed by a further consultation period.
7. The House of Commons Work and Pensions Committee reviewed the proposals contained in the White Paper. The Government’s response to the Committee’s report, together with its summary of the White Paper consultation, were published on 15 May 2007.

#### ***Mesothelioma***

8. In July 2006 the Secretary of State announced a number of interim measures to ensure faster compensation payments to sufferers of mesothelioma, and his intention to put in place a long term solution to pay compensation in life wherever possible.
9. A consultation followed this announcement, a summary of which was published by the Government in March 2007.
10. In March 2007, the Secretary of State announced proposals to provide faster compensation to all those diagnosed with mesothelioma, providing up-front financial support within six weeks to those who were exposed to asbestos outside the workplace.
11. The Secretary of State also announced that the cost of this proposal would be met through compensation recovery whereby payments under the Pneumoconiosis etc. (Workers’ Compensation) Act 1979 and the newly proposed scheme are recovered if a civil claim for compensation is subsequently successful. Payments under the

*These notes refer to the Child Maintenance and Other Payments  
Act 2008 (c.6) which received Royal Assent on 5 June 2008*

new scheme would initially correspond to what can be afforded out of the projected compensation recovery amounts, and would increase as those funds allow.