

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

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

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## **EXPLANATORY NOTES**

### **SUMMARY OF MEASURES IN THE ACT**

#### *Child Maintenance*

#### *Transfer of cases to new rules*

#### *Current Position*

47. There are two child support maintenance schemes in operation:
- ‘Old scheme’ cases are applications made between 5<sup>th</sup> April 1993 (when the CSA began) and 2<sup>nd</sup> March 2003. These cases are subject to the formula for assessing maintenance as set out in the Child Support Act 1991 before it was amended by the Child Support, Pensions and Social Security Act 2000; and
  - ‘New scheme’ cases are applications made since 3<sup>rd</sup> March 2003 (when the scheme was introduced) or any old scheme cases which were converted to the new scheme because they linked to a new scheme case. These cases are subject to the method of calculating maintenance as set out in the Child Support Act 1991, as amended by the Child Support, Pensions and Social Security Act 2000.

#### *Changes*

48. The Act provides a general power enabling the Secretary of State to set out a framework for existing cases to move to the new maintenance calculation rules so far as future accrual of liability is concerned. Once the Commission comes into existence it will advise Ministers on the regulations which govern that process.