

## SCHEDULE 5

Article 2(5)

### Transitory provisions relating to child support

#### Transitory provisions

**1.** In this Schedule—

“the Act” means the Civil Partnership Act 2004<sup>(1)</sup>;

“the 2000 Act” means the Child Support, Pensions and Social Security Act 2000<sup>(2)</sup>;

“the 1991 Act” means the Child Support Act 1991<sup>(3)</sup> before its amendment by the 2000 Act;

“maintenance assessment” has the same meaning as it has in the 1991 Act by virtue of section 54 of that Act as read with any regulations in force under that section;

“an old scheme case” means any type of case which is not one in relation to which 3rd March 2003 is the day appointed for the coming into force of Part I and section 85 (so far as it relates to Part 1 of Schedule 9) of, and Schedules 1, 2, 3 and Part 1 of Schedule 9 to, the 2000 Act in so far as they are not already in force in relation to that type of case.

**2.**—(1) This paragraph applies to an old scheme case, until the day on which Part I and section 85 (so far as it relates to Part 1 of Schedule 9) of, and Schedules 1, 2, 3 and Part 1 of Schedule 9 to, the 2000 Act in so far as they are not already in force in relation to that type of case come into force in relation to that type of case.

(2) Where this paragraph applies, paragraph 49(7) to (11) of Schedule 5 to the Act (duration of continuing orders in favour of children, and age limit on making certain orders in their favour) shall apply as if—

(a) in sub-paragraph (7)(a), (9), (10) and (11), for “maintenance calculation” there were substituted “maintenance assessment” (in each place);

(b) in sub-paragraph (7)(a), (7)(b)(ii) and (8)(b), for “current calculation” there were substituted “current assessment”;

(c) in sub-paragraph (8)(b), for—

(i) “maintenance calculations” there were substituted “maintenance assessments”;

(ii) “those calculations” there were substituted “those assessments”;

(d) in sub-paragraph (9)—

(i) in paragraph (a), after “ceases to have effect” there were inserted “or is cancelled”;

(ii) in paragraph (b), after “ceased to have effect” there were inserted “or was cancelled”;

(iii) after “ceased to have effect” the second time it occurs, there were inserted “, or as the case may be, the date with effect from which it was cancelled”;

(e) after sub-paragraph (10), there were inserted—

“(10A) Where the maintenance assessment was cancelled, the relevant date is the later of—

(a) the date on which the person who cancelled it did so; and

(b) the date from which the cancellation first had effect.”.

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(1) 2004 c. 33.

(2) 2000 c. 19. 3rd March 2003 is the day appointed by the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (S.I. 2003/192 (C.11)), as amended by the Child Support, Pensions and Social Security Act 2000 (Commencement No.13) Order 2003 (S.I. 2003/346 (C. 21)).

(3) 1991 c. 34.

*Status: This is the original version (as it was originally made).*

(3) Where this paragraph applies, paragraph 62(1) to (5) of Schedule 5 to the Act (power to direct when variation etc. is to take effect) shall apply as if in—

- (a) sub-paragraph (1)(c), (2)(a), (2)(c) and (5), for “maintenance calculation” there were substituted “maintenance assessment”;
- (b) sub-paragraph (1), for “the calculation” there were substituted “the assessment” (in each place).

(4) Where this paragraph applies, paragraph 27(7) to (11) of Schedule 6 to the Act (age limit on making orders for financial provision for children and duration of such orders) shall apply as if—

- (a) in sub-paragraph (7)(a), (9), (10) and (11), for “maintenance calculation” there were substituted “maintenance assessment” (in each place);
- (b) in sub-paragraph (7)(a), (7)(b)(ii) and (8)(b), for “current calculation” there were substituted “current assessment”;
- (c) in sub-paragraph (8)(b), for—
  - (i) “maintenance calculations” there were substituted “maintenance assessments”;
  - (ii) “those calculations” there were substituted “those assessments”;
- (d) in sub-paragraph (9)—
  - (i) in paragraph (a), after “ceases to have effect” there were inserted “or is cancelled”;
  - (ii) in paragraph (b), after “ceased to have effect” there were inserted “or was cancelled”;
  - (iii) after “ceased to have effect” the second time it occurs, there were inserted “, or as the case may be, the date with effect from which it was cancelled”;
- (e) after sub-paragraph (10), there were inserted—
  - “(10A) Where the maintenance assessment was cancelled, the relevant date is the later of—
    - (a) the date on which the person who cancelled it did so; and
    - (b) the date from which the cancellation first had effect.”.

(5) Where this paragraph applies, paragraph 33(1) to (3) of Schedule 6 to the Act (power to specify when order as varied is to take effect) shall apply as if in—

- (a) sub-paragraph (1)(c), (2)(a) and (2)(c), for “maintenance calculation” there were substituted “maintenance assessment”;
- (b) sub-paragraph (1), for “the calculation” there were substituted “the assessment” (in each place).