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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Paragraph 109(f) of the Schedule comes into force on the day after that on which the other provisions of this Order come into force.

(4) In this Order—

“the 1991 Act” means the Child Support Act 1991(1);

“the 2008 Act” means the Child Maintenance and Other Payments Act 2008(2);

“the Commission” means the Child Maintenance and Enforcement Commission established by section 1 of the 2008 Act;

“the commencement date” means the date on which this Order (other than paragraph 109(f) of the Schedule) comes into force.

**Abolition of the Commission**

2. The Commission is abolished.

**Transfer of functions of the Commission to the Secretary of State**

3.—(1) The functions of the Commission that were transferred to it by section 13 of the 2008 Act (transfer of child support functions) are transferred back to the Secretary of State.

(2) The Schedule, making consequential, incidental and supplementary amendments, has effect.

(3) All property, rights and liabilities to which the Commission was entitled or subject immediately before the commencement date are transferred to and vested in the Secretary of State.

**Accounts and audit**

4.—(1) It is the duty of the Secretary of State to take such action as may be necessary for the winding up of the affairs of the Commission, including the preparation of a statement of accounts for the period beginning on 1st April 2012 and ending on the commencement date.

(2) The Secretary of State must send a copy of the statement of accounts referred to in paragraph (1) to the Comptroller and Auditor General before the end of the period of five months beginning with the commencement date.

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(1) 1991 c.48.

(2) 2008 c.6.

- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement of accounts received under paragraph (2); and
  - (b) send a copy of that report and certified statement to the Secretary of State.
- (4) The Secretary of State must lay before Parliament a copy of the report and statement sent under paragraph (3)(b).

**Provision for the continuity of the exercise of functions**

**5.—(1) Anything which—**

- (a) relates to any function transferred to the Secretary of State by virtue of article 3, and
- (b) immediately before the commencement date, is in the process of being done by or in relation to the Commission,

may be continued by or in relation to the Secretary of State.

(2) Anything done (or having effect as if done) by or in relation to the Commission before the commencement date for the purpose of, or in connection with, any function transferred by virtue of article 3 shall, so far as is required for continuing its effect from that date, have effect as if done by or in relation to the Secretary of State.

(3) Any enactment, instrument or other document has effect, so far as necessary for the purposes of or in consequence of the transfer effected by article 3, as if any reference to the Commission were a reference to the Secretary of State.

(4) Nothing in article 3 shall affect the validity of anything done (or having effect as if done) by or in relation to the Commission before the commencement date.

(5) Where, on or after the commencement date, any document or notice relating to a function transferred to the Secretary of State by virtue of article 3 is given or sent to any person by the Secretary of State which contains a reference to the Commission, that document or notice is not to be invalidated by virtue of that reference.

Signed by authority of the Secretary of State for Work and Pensions.

Date

*Name*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions