INTRODUCTION

BACKGROUND TO THE ACT

Child Maintenance

Mesothelioma

SUMMARY OF MEASURES IN THE ACT

Child Maintenance

Child Maintenance and Enforcement Commission

Current position

Proposed changes

Removal of compulsion for benefit claimants

Current position

Changes

Maintenance Calculations

Current position

Changes

Collection and Enforcement

Current position

Changes

Debt Management Powers

Current position

Proposed changes

Transfer of cases to new rules

Current Position
These notes refer to the Child Maintenance and Other Payments Act 2008 (c.6)

Changes

Other Provisions

Mesothelioma

Current position

Proposed changes

ACT OVERVIEW

TERRITORIAL EXTENT

TERRITORIAL APPLICATION: WALES

COMMENTARY ON SECTIONS

PART 1: THE CHILD MAINTENANCE AND ENFORCEMENT COMMISSION

Section 1: The Child Maintenance and Enforcement Commission

Section 2: Objectives of the Commission

Section 3: Functions of the Commission: general

Section 4: Promotion of child maintenance

Section 5: Provision of information and guidance

Section 6: Fees

Section 7: Agency arrangements and provision of services

Section 8: Contracting out

Section 9: Annual report to the Secretary of State

Section 10: Directions and guidance

Section 11: Review of the status of the Commission

Section 12: Supplementary provisions

PART 2 – TRANSFER OF CHILD SUPPORT FUNCTIONS ETC. TO THE COMMISSION

Section 13: Transfer of child support functions

Section 14: Transfer of property, rights and liabilities

PART 3 – CHILD SUPPORT ETC.

Removal of compulsion for benefit claimants

Section 15: Repeal of sections 6 and 46
Maintenance calculations

Section 16: Changes to the calculation of maintenance
Section 17: Power to regulate supersession
Section 18: Determination of applications for a variation
Section 19: Transfer of cases to new rules

Collection and enforcement

Section 20: Use of deduction from earnings orders as basic method of payment
Section 21: Deduction from earnings orders: the liable person’s earnings
Section 22: Orders for regular deductions from accounts
Section 23: Lump sum deduction orders
Section 24: Orders preventing avoidance
Section 25: Administrative liability orders
Section 26: Enforcement in county courts
Section 27: Disqualification for holding or obtaining a travel authorisation
Section 28: Curfew orders
Section 29: Commitment to prison
Section 30: Disqualification for driving

Debt management powers

Section 31: Power to treat liability as satisfied
Section 32: Power to accept part payment of arrears in full and final satisfaction
Section 33: Power to write off arrears
Section 34: Transfer of arrears

Miscellaneous

Section 35: Registered Maintenance Agreements: Scotland
Section 36: Offence of failing to notify change of address
Section 37: Additional special case
Section 38: Recovery of arrears from deceased’s estate
Section 39: Disclosure of information relating to family proceedings
These notes refer to the Child Maintenance and Other Payments Act 2008 (c.6)

Section 40: Disclosure of information to credit reference agencies
Section 41: Pilot schemes
Section 42: Meaning of ‘child’
Section 43: Extinction of liability in respect of interest and fees
Section 44: Use of information
Section 45: Liable relative provisions: exclusion of parental duty to maintain

PART 4 – LUMP SUM PAYMENTS: MESOTHELIOMA ETC.

Mesothelioma lump sum payments
Section 46: Lump sum payments
Section 47: Conditions of entitlement
Section 48: Determination of claims
Section 49: Reconsideration
Section 50: Appeal to appeal tribunal
Section 51: Appeal to Social Security Commissioner
Section 52: Minors and people who lack capacity
Section 53: Regulations: Part 4

Recovery of mesothelioma and other lump sum payments
Section 54: Amendment of Social Security (Recovery of Benefits) Act 1997

PART 5 - GENERAL
Section 55: Regulations and orders: general
Section 56: General interpretation
Section 57: Minor and consequential amendments
Section 58: Repeals
Section 59: Transition
Section 60: Financial provisions
Section 61: Extent
Section 62: Commencement
Section 63: Citation
Schedule 1: The Commission
These notes refer to the Child Maintenance and Other Payments Act 2008 (c.6)

- Schedule 2: Transfer of functions under subordinate legislation
- Schedule 3: Transfer of child support functions
- Schedule 4: Changes to the calculation of maintenance
- Schedule 5: Maintenance calculations: transfer of cases to new rules
- Schedule 6: Use of information
  - Powers in relation to use of information
- Schedule 7: Minor and consequential amendments
- Schedule 8: Repeals

COMMENCEMENT

Hansard References