

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – Child Support etc.

Removal of compulsion for benefit claimants

Section 15: Repeal of sections 6 and 46

109. *Section 15* repeals sections 6 and 46 of the Child Support Act 1991.
110. Section 6 of the Child Support Act 1991 provides that parents with care who make a claim for, or are in receipt of, prescribed benefits, may be treated as making an application for child support maintenance. *Paragraph (a) of section 15* removes this power.
111. Section 46 of the Child Support Act 1991 gives power to the Secretary of State to reduce the amount of benefit parents with care receive where they are treated as having applied for a maintenance calculation under section 6 of the Child Support Act 1991, and they choose to opt out of the scheme without good cause for doing so. *Paragraph (b) of section 15* removes this power, which will become redundant when section 6 is repealed.