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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force further provisions of Part I of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”), and related repeals and revocations.

Section 2(1) and (2) of, and paragraph 11(4)(b)(i) and (ii) of Schedule 3 to, the 2000 Act are brought into force on 4th February 2003 for the purpose of authorising the making of regulations (article 2).

Provisions of the 2000 Act which amend the child support scheme as provided for by the Child Support Act 1991 (“the 1991 Act”) are commenced by article 3 for the purposes of cases—

- (a) where the liability for child support maintenance is determined, as provided in the Order (see the definition of “effective date” in article 1, and article 8), to begin on or after 3rd March 2003; or
- (b) where there is liability to pay child support maintenance under the scheme in force prior to 3rd March 2003 and a “related decision” (defined in article 3(2)) falls to be made in connection with a liability under the new scheme.

The main provisions commenced by article 3 for the purposes of the cases referred to above concern the maintenance calculation and applications under section 4 of the 1991 Act (sections 1 and 2 and Schedule 1), default and interim maintenance decisions and variations (sections 4 to 7 and Schedule 2), decision making and appeals (sections 8 to 10), information and financial penalties (sections 12 and 18), and recovery by deduction from benefits, and jurisdiction (sections 21 and 22(4)). In addition, article 3 commences, for the cases described above, section 25 (regulations), Schedule 3 (amendment of enactments) except for paragraph 11(15) of that Schedule, and associated repeals in Part I of Schedule 9.

Sections 3 and 19 of the 2000 Act (applications by those claiming or receiving benefit, and reduced benefit decisions), which substitute new sections 6 and 46 in the 1991 Act, are commenced by article 4 for the purposes of cases—

- (a) where there is no existing liability to pay child support maintenance and a parent with care claims income support or income-based jobseeker’s allowance, or other prescribed benefits, on or after 3rd March 2003; or
- (b) where section 6 of the 1991 Act, before its substitution, has applied.

Article 5 commences section 20 of the 2000 Act which inserts into the 1991 Act a new section 28J concerning voluntary payments. The commencement applies to cases where child support liability is determined, as described above, to begin on or after 3rd March 2003. Article 6 commences section 23 of the 2000 Act on 3rd March 2003, which provides that section 10 of the Child Support Act 1995 (relating to child maintenance bonus) is to cease to have effect. Section 29 (interpretation, transitional provision, savings, etc.) and paragraph 11(15) of Schedule 3 to the 2000 Act, which substitutes section 30(2) in the 1991 Act (concerning the collection of payments other than child support maintenance), are brought into force on 3rd March 2003 (article 7).

This Order does not impose any new costs on business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003.