

## STATUTORY INSTRUMENTS

# 2000 No. 3176

## SOCIAL SECURITY

### The Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000

Made - - - - 30th November 2000  
6th December 2000  
Coming into force  
in accordance with  
Laid before Parliament regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(3) and (5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992<sup>M1</sup>, sections 12(1) and (4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995<sup>M2</sup>, sections 10 and 26(1) to (3) of the Child Support Act 1995<sup>M3</sup> and section 87(4) of the Northern Ireland Act 1998<sup>M4</sup>, and of all other powers enabling him in that behalf, after consultation, in respect of regulation 3 of these Regulations, with organisations appearing to him to be representative of the authorities concerned<sup>M5</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>M6</sup>, hereby makes the following Regulations:

#### Commencement Information

- II** This S. I. is in force for certain purposes at 3.3.2003 by [S. I. 2003/192](#); otherwise 27.10.2008 by [S.I. 2008/2545](#)

#### Marginal Citations

- M1** 1992 c. 4; section 123(1)(e) was substituted by the [Local Government Finance Act 1992 \(c. 14\), Schedule 9, paragraph 1\(1\)](#); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
- M2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- M3** 1995 c. 34; the meaning ascribed to the word "prescribed" is given in section 54 of the [Child Support Act 1991 \(c. 48\)](#) which is applied to section 10 of the Child Support Act 1995 by section 27(2) of that Act.
- M4** 1998 c. 47.
- M5** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- M6** See sections 170 and 173(1)(b) of the [Social Security Administration Act 1992 \(c. 5\)](#); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect

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**Changes to legislation:** *The Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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of which regulations must normally be referred to the Committee; [paragraph 20](#) of Schedule 3 to the Child Support Act 1995 added section 10 of that Act to that list.

## [<sup>F1</sup> Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000 and shall come into force—

- (a) in relation to any particular case, on the date on which section 23 of the 2000 Act comes into force in relation to that type of case (“the commencement date”);
- (b) in relation to a person who, on or after 16th February 2004—
  - (i) makes a claim for income support or an income-based jobseeker’s allowance; and
  - (ii) on or after the date of that claim receives any payment of child maintenance made voluntarily,
 on 16th February 2004; or
- (c) in relation to a person who—
  - (i) on 16th February 2004 is entitled to income support or an income-based jobseeker’s allowance; and
  - (ii) on or after 16th February 2004 receives any payment of child maintenance made voluntarily and that payment is the first payment of child maintenance received by that person whilst he is entitled to income support or an income-based jobseeker’s allowance,
 on 16th February 2004 if a payment referred to in head (ii) above is received on that day, or on the day on which such a payment is received where it is received after 16th February 2004.

(2) In this regulation—

“the 1991 Act ” means the Child Support Act 1991;

“the 2000 Act ” means the Child Support, Pensions and Social Security Act 2000;

“child maintenance” shall have the same meaning as that prescribed for the purposes of section 74A of the Social Security Administration Act 1992;

“an income-based jobseeker’s allowance” has the meaning given by section 1(4) of the Jobseekers Act 1995;

“payment of child maintenance made voluntarily” means any payment of child maintenance other than such a payment made—

- (a) under a court order;
- (b) under a maintenance assessment made under the 1991 Act prior to its amendment by the 2000 Act or under a maintenance calculation made under the 1991 Act after its amendment by the 2000 Act ;
- (c) under an agreement for maintenance;
- (d) in accordance with section 28J of the 1991 Act ; or
- (e) by the Secretary of State in lieu of child maintenance, including any payment made by the Secretary of State under section 27 of the 2000 Act . ]

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### Textual Amendments

- F1** Reg. 1 substituted (16.2.2004) by [The Social Security \(Child Maintenance Premium\) Amendment Regulations 2004 \(S.I. 2004/98\)](#), regs. 1(2), **4(1)**

## Child maintenance: income support and jobseeker's allowance

- 2.—(1) In the Income Support (General) Regulations 1987 <sup>M7</sup>—
- (a) at the end of the definition of “child support maintenance” in regulation 60A <sup>M8</sup> (child support: interpretation) there shall be added the words “ and shall include any payments made by the Secretary of State in lieu of such payments ”; and
- <sup>F2</sup>(b) .....
- (2) In the Jobseeker's Allowance Regulations 1996 <sup>M9</sup>—
- (a) at the end of the definition of “child support maintenance” in regulation 125 (child support: interpretation) there shall be added the words “ and shall include any payments made by the Secretary of State in lieu of such payments ”; and
- <sup>F3</sup>(b) .....

### Textual Amendments

- F2** Reg. 2(1)(b) omitted (16.2.2004) by virtue of [The Social Security \(Child Maintenance Premium\) Amendment Regulations 2004 \(S.I. 2004/98\)](#), regs. 1(2), **4(2)**
- F3** Reg. 2(2)(b) omitted (16.2.2004) by virtue of [The Social Security \(Child Maintenance Premium\) Amendment Regulations 2004 \(S.I. 2004/98\)](#), regs. 1(2), **4(2)**

### Marginal Citations

- M7** [S.I. 1987/1967](#).
- M8** Regulation 60A was inserted by [S.I. 1993/846](#).
- M9** [S.I. 1996/207](#).

## Housing benefit and council tax benefit

- <sup>F4</sup>3. ....

### Textual Amendments

- F4** Reg. 3 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

## Revocations and transitional provisions

- 4.—(1) Subject to paragraphs (2) to (4) below—
- (a) regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations 1996 <sup>M10</sup> (“the Child Maintenance Bonus Regulations”);
- (b) the Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997 <sup>M11</sup> (“the Reciprocal Arrangements Regulations”);

**Changes to legislation:** *The Social Security (Child Maintenance Premium and Miscellaneous Amendments)*

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- (c) regulation 8 of the Social Security (Miscellaneous Amendments) Regulations 1997 <sup>M12</sup>,  
and
- (d) regulation 2 of the Social Security (Miscellaneous Amendments) Regulations 1998 <sup>M13</sup>,  
are hereby revoked.
- (2) Subject to paragraph (3) below, regulations 2 to 13 of the Child Maintenance Bonus Regulations and the Reciprocal Arrangements Regulations shall continue to have effect as if paragraph (1) above had not been made in relation to a person who—
- (a) claimed a child maintenance bonus before the commencement date but whose claim was not determined until on or after that date; or
- (b) claims a child maintenance bonus on or after the commencement date but within the time specified in regulations 3(1)(f) <sup>M14</sup>, 10(1) and, where applicable, 11(4) of the Child Maintenance Bonus Regulations.
- (3) For the purposes of paragraph (2) above, regulation 3(1)(f)(iii) of the Child Maintenance Bonus Regulations shall have effect as if for the words “14 days” there were substituted the words “one month”.
- (4) Nothing in this regulation shall prevent the Secretary of State from issuing a written statement pursuant to regulation 6(1) of the Child Maintenance Bonus Regulations to a person who appears to him to satisfy the requirements of regulation 3 of those Regulations.

**Marginal Citations**

**M10** [S.I. 1996/3195](#).

**M11** [S.I. 1997/645](#).

**M12** [S.I. 1997/454](#).

**M13** [S.I. 1998/563](#).

**M14** [Regulation 3\(1\)\(f\)](#) was substituted by [S.I. 1998/563](#).

Signed by authority of the Secretary of State for Social Security.

*P. Hollis,*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Changes to legislation:** *The Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## EXPLANATORY NOTE

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

These Regulations come into force at different times for different cases according to the dates on which section 23 of the Child Support, Pensions and Social Security Act 2000 (c. 19) which is relevant to these Regulations, is commenced for different types of cases.

Regulations 2 and 3 of these Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, regulation 2(1)(b) and (2)(b) of these Regulations provides that for the purpose of ascertaining entitlement to income support and jobseeker's allowance, up to £10 of a payment of child maintenance shall be disregarded. That disregarded amount is known as the child maintenance premium. Child maintenance is defined for these purposes as a payment prescribed for the purposes of section 74A of the Social Security Administration Act 1992 (c. 5) and payments by the Secretary of State in lieu of such maintenance.

Regulation 2(1)(a) and (2)(a) provides that for the purpose of calculating the weekly amount of child support maintenance, payments by the Secretary of State in lieu of periodical payments of child support maintenance shall be treated as payments of child support maintenance.

Regulation 3 provides that payments by the Secretary of State in lieu of child maintenance shall, for the purpose of ascertaining entitlement to housing benefit and council tax benefit, be treated as if they were payments of maintenance paid by a former partner of the claimant or his partner or by a parent of a child or young person.

Regulation 4 revokes, with transitional provisions, regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations 1996 (S.I. 1996/3195), the Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997 (S.I. 1997/645), regulation 8 of the Social Security (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/454) and regulation 2 of the Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563).

These Regulations do not impose a charge on business.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 4 substituted by [S.I. 2003/231 reg. 2](#)