



Child Support Act 1995

1995 CHAPTER 34

Miscellaneous

25 Payment of benefit where maintenance payments collected by Secretary of State.

In the Social Security Administration Act 1992, insert after section 74—

“74A Payment of benefit where maintenance payments collected by Secretary of State.

- (1) This section applies where—
 - (a) a person (“the claimant”) is entitled to a benefit to which this section applies;
 - (b) the Secretary of State is collecting periodical payments of child or spousal maintenance made in respect of the claimant or a member of the claimant’s family; and
 - (c) the inclusion of any such periodical payment in the claimant’s relevant income would, apart from this section, have the effect of reducing the amount of the benefit to which the claimant is entitled.
- (2) The Secretary of State may, to such extent as he considers appropriate, treat any such periodical payment as not being relevant income for the purposes of calculating the amount of benefit to which the claimant is entitled.
- (3) The Secretary of State may, to the extent that any periodical payment collected by him is treated as not being relevant income for those purposes, retain the whole or any part of that payment.
- (4) Any sum retained by the Secretary of State under subsection (3) shall be paid by him into the Consolidated Fund.
- (5) In this section—
 - “child” means a person under the age of 16;
 - “child maintenance”, “spousal maintenance” and “relevant income” have such meaning as may be prescribed;

Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Section 25. (See end of Document for details)

“family” means—

- (a) a married or unmarried couple;
- (b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“married couple” means a man and woman who are married to each other and are members of the same household; and

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances.

- (6) For the purposes of this section, the Secretary of State may by regulations make provision as to the circumstances in which—
 - (a) persons are to be treated as being or not being members of the same household;
 - (b) one person is to be treated as responsible or not responsible for another.
- (7) The benefits to which this section applies are income support, an income-based jobseeker’s allowance and such other benefits (if any) as may be prescribed.”

Changes to legislation:

There are currently no known outstanding effects for the Child Support Act 1995, Section 25.