

## [<sup>F1</sup>SCHEDULE 9B

Regulation 35

### DEDUCTIONS FROM BENEFIT IN RESPECT OF CHILD SUPPORT MAINTENANCE AND PAYMENT TO PERSONS WITH CARE

#### Textual Amendments

- F1** Sch. 9B inserted (31.1.2001) by [The Social Security \(Claims and Payments\) Amendment Regulations 2001 \(S.I. 2001/18\)](#), regs. 1(1), 2(b), **Sch.** (with reg. 3)

#### Interpretation

1. In this Schedule—

“the Act” means the Child Support Act 1991,

“beneficiary” means a person who has been awarded a specified benefit and includes each member of a joint-claim couple awarded joint-claim jobseeker’s allowance,

[<sup>F2</sup>“fee” means any collection fee under Part 3 of the Child Support Fees Regulations 2014 which is payable by the non-resident parent,]

“maintenance” [<sup>F3</sup>, except in paragraph 3,] means maintenance which a non-resident parent is liable to pay under the Act at a flat rate of child support maintenance (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because he falls within paragraph 4(1)(b) or (c) or 4(2) of Schedule 1 to the Act, and includes such maintenance payable at a transitional rate in accordance with Regulations made under section 29(3)(a) of the Child Support, Pensions and Social Security Act 2000,

“specified benefit” means either a benefit, pension or allowance mentioned in section 5(2) of the Social Security Administration Act 1992 and which is prescribed for the purpose of paragraph 4(1)(b) or (c) of Schedule 1 to the Act or a war disablement pension or a war widow’s pension within the meaning of section 150(2) of the Social Security Contributions and Benefits Act 1992.

#### Textual Amendments

- F2** Words in [Sch. 9B para. 1](#) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(2)**
- F3** Words in [Sch. 9B para. 1](#) inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **3(a)**

#### Deductions

2.—(1) Subject to paragraphs 5 and 6, the Secretary of State may deduct from a specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance [<sup>F4</sup>and any fee] which is payable by the beneficiary (or in the case of income support [<sup>F5</sup>, state pension credit] [<sup>F6</sup>, income-based jobseeker’s allowance or income-related employment and support allowance], payable either by the beneficiary or his partner) and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance [<sup>F7</sup>, and retain any amount deducted in discharge of any liability to pay a fee].

**Status:** Point in time view as at 06/04/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, SCHEDULE 9B. (See end of Document for details)

(2) A deduction [<sup>F8</sup>for maintenance and fees] may only be made from one of the specified benefits in any one week.

[<sup>F9</sup>(2A) Where paragraph 5 (flat rate maintenance) of Schedule 7 (deductions from benefit in respect of child support maintenance and payment to persons with care) to the 2013 Regulations applies, the Secretary of State shall not make deductions under paragraphs 5 and 6 of this Schedule, unless the amount of “specified benefit” within the meaning of paragraph 1 of Schedule 7 to the 2013 Regulations is insufficient to meet the deduction under paragraph 5 of that Schedule.]

(3) No deduction may be made unless the amount of the relevant specified benefit is not less than the total of the amounts to be deducted under this Schedule plus 10 pence.

#### Textual Amendments

- F4** Words in Sch. 9B para. 2(1) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(3)(a)(i)**
- F5** Words in Sch. 9B para. 2(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F6** Words in Sch. 9B para. 2(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(2)**
- F7** Words in Sch. 9B para. 2(1) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(3)(a)(ii)**
- F8** Words in Sch. 9B para. 2(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(3)(b)**
- F9** Sch. 9B para. 2(2A) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **2(4)**

#### Arrears

3.—(1) Except where income support<sup>F10</sup>, state pension credit<sup>F11</sup>, income-based jobseeker's allowance or income-related employment and support allowance] is payable to the beneficiary or his partner, the Secretary of State may deduct the sum of [<sup>F12</sup>£1.20] per week from a specified benefit which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance<sup>F13</sup>, and retain any amount deducted in discharge of any liability to pay a fee].

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992.

[<sup>F14</sup>(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the Act—

- (a) before the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000;
- (b) after the amendment of the definition; or
- (c) both before and after the amendment of the definition,

and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.]

### Textual Amendments

- F10** Words in Sch. 9B para. 3(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F11** Words in Sch. 9B para. 3(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(3)**
- F12** Sum in Sch. 9B para. 3(1) substituted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(4)(a)**
- F13** Words in Sch. 9B para. 3(1) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(4)(b)**
- F14** Sch. 9B para. 3(3) added (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **3(b)**

### Apportionment

4. Where maintenance is payable to more than one person with care, the amount deducted [<sup>F15</sup>in respect of maintenance] shall be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 to the Act.

### Textual Amendments

- F15** Words in Sch. 9B para. 4 inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(5)**

### Flat rate maintenance

5.—(1) This sub-paragraph applies where the beneficiary and his partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act and either of them has been awarded income support [<sup>F16</sup>, state pension credit] [<sup>F17</sup>, income-based jobseeker's allowance or income-related employment and support allowance].

(2) Where sub-paragraph (1) applies, an amount not exceeding [<sup>F18</sup>the flat rate of maintenance] [<sup>F19</sup>and any fee] may be deducted in respect of the sum of both partners' liability to pay maintenance [<sup>F20</sup>and any fee], in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 [<sup>F21</sup>or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012] and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance [<sup>F22</sup>or retained in discharge of any liability to pay a fee].

### Textual Amendments

- F16** Words in Sch. 9B para. 5(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F17** Words in Sch. 9B para. 5(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(4)**
- F18** Words in Sch. 9B para. 5(2) substituted (25.11.2013) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3), **3(a)**
- F19** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(6)(a)**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, SCHEDULE 9B. (See end of Document for details)*

- F20** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(6)(b)**
- F21** Words in Sch. 9B para. 5(2) inserted (25.11.2013) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3), **3(b)**
- F22** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(6)(c)**

### Flat rate maintenance (polygamous marriage)

6.—(1) This sub-paragraph applies where two or more members of a polygamous marriage are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act and any member of the polygamous marriage has been awarded income support<sup>[F23]</sup>, state pension credit<sup>[F24]</sup>, income-based jobseeker's allowance or income-related employment and support allowance].

(2) Where sub-paragraph (1) applies, an amount not exceeding <sup>[F25]</sup>the flat rate of maintenance<sup>[F26]</sup>and any fee] may be deducted in respect of the sum of all the members' liability to pay maintenance <sup>[F27]</sup>and any fee], in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 <sup>[F28]</sup>or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012] and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance <sup>[F29]</sup>or retained in discharge of any liability to pay a fee].

(3) In this paragraph “polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy.

#### Textual Amendments

- F23** Words in Sch. 9B para. 6(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F24** Words in Sch. 9B para. 6(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(5)**
- F25** Words in Sch. 9B para. 6(2) substituted (25.11.2013) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3), **3(a)**
- F26** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(7)(a)**
- F27** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(7)(b)**
- F28** Words in Sch. 9B para. 6(2) inserted (25.11.2013) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3), **3(b)**
- F29** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(7)(c)**

### Notice

7. When the Secretary of State commences making deductions, he shall notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is

made and shall give further such notice when there is a change to any of the particulars specified in the notice.

## General

8. A deduction made in accordance with this Schedule is a deduction by way of recovery for the purposes of regulation 40(3) of the Income Support (General) Regulations 1987<sup>F30</sup>, regulation 104(3) of the Employment and Support Allowance Regulations] and regulation 103(3) of the Jobseeker's Allowance Regulations 1996.]

### Textual Amendments

**F30** Words in Sch. 9B para. 8 inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(6)**

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, SCHEDULE 9B.