

2000 No. 3176

SOCIAL SECURITY

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

Made - - - - 30th November 2000

Laid before Parliament 6th December 2000

Coming into force in accordance with 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(a), sections 12(1) and (4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(b), sections 10 and 26(1) to (3) of the Child Support Act 1995(c) and section 87(4) of the Northern Ireland Act 1998(d), 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(e) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(f), hereby makes the following Regulations:

►Citation, commencement and interpretation

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—

Reg. 1 substituted by reg. 4(1) of S.I. 2004/98 as from 16.2.04.

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- (a) 1992 c. 4; s. 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Sch. 9, para. 1(1); s. 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
 - (b) 1995 c. 18; s. 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
 - (c) 1995 c. 34; the meaning ascribed to the word “prescribed” is given in s. 54 of the Child Support Act 1991 (c. 48) which is applied to s. 10 of the Child Support Act 1995 by s. 27(2) of that Act.
 - (d) 1998 c. 47.
 - (e) See s. 176(1) of the Social Security Administration Act 1992 (c. 5).
 - (f) See ss. 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); para. 67 of Sch. 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regs. must normally be referred to the Committee; para. 20 of Sch. 3 to the Child Support Act 1995 added s. 10 of that Act to that list.

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- (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.◀

[Regulation 2(1) amends regulation 60A and Schedule 9 of S.I. 1987/1967.]

[Regulation 2(2) amends regulation 125 and Schedule 7 of S.I. 1996/207.]

[Regulation 3 amends Schedule 4 of S.I.'s 1987/1971 and 1992/1814.]

Reg. 4 substituted by reg. 2 of S.I. 2003/231 in accordance with reg. 1 of S.I. 2003/231.

▶4.—(1) Subject to paragraphs (2) to (8) below—

- (a) regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations 1996(a) (“the Child Maintenance Bonus Regulations”);
- (b) the Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997(b) (“the Reciprocal Arrangements Regulations”);
- (c) regulation 8 of the Social Security (Miscellaneous Amendments) Regulations 1997(c); and
- (d) regulation 2 of the Social Security (Miscellaneous Amendments) Regulations 1998(d),

are hereby revoked.

(2) Subject to paragraph (6) below, the Reciprocal Arrangements Regulations and regulations 2 to 13 of the Child Maintenance Bonus Regulations shall continue to have effect as if paragraph (1) above had not been made in relation to a person—

- (a) who—
 - (i) satisfied the requirements of regulation 10 (claiming a bonus) or, as the case may be, regulation 11(4) (claims: further provisions) of the Child Maintenance Bonus Regulations; and

(a) S.I. 1996/3195, as amended by S.I. 1997/454, 1998/563, 1999/2566, 2002/1397 and 2497.

(b) S.I. 1997/645.

(c) S.I. 1997/454.

(d) S.I. 1998/563.

- (ii) satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations (entitlement to a bonus: the work condition),
before the commencement date, but whose claim has not been determined before that date;
 - (b) to whom regulation 8(1) or (2) of the Child Maintenance Bonus Regulations (retirement) applied before the commencement date but whose entitlement has not been determined before that date;
 - (c) who—
 - (i) satisfied the requirements of regulation 10 or, as the case may be, regulation 11(4) of the Child Maintenance Bonus Regulations; and
 - (ii) satisfied the requirements of regulation 8(4) of the Child Maintenance Bonus Regulations,
before the commencement date, but whose claim has not been determined before that date; or
 - (d) who—
 - (i) satisfied the requirements of regulation 3(1)(b) to (f) of the Child Maintenance Bonus Regulations before the commencement date; and
 - (ii) satisfies the requirements of regulation 10 (claiming a bonus) or, as the case may be, regulation 11(4) (claims: further provisions) of the Child Maintenance Bonus Regulations on or after the commencement date.
- (3) Subject to paragraphs (5) and (6) below, the Reciprocal Arrangements Regulations and regulations 2 to 6 and 9 to 13 of the Child Maintenance Bonus Regulations shall continue to have effect as if paragraph (1) above had not been made in relation to—
- (a) a person who—
 - (i) satisfied the requirements of regulation 10 of the Child Maintenance Bonus Regulations before the commencement date; and
 - (ii) has not satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations before that date; or
 - (b) a person—
 - (i) who has not claimed a child maintenance bonus before the commencement date; and
 - (ii) to whom the provisions of paragraph (4) below apply on the day immediately before the commencement date.
- (4) For the purposes of paragraph (3)(b)(ii) above, the provisions of this paragraph are that—
- (a) the person or, where the person has a partner, her partner is entitled to, or is treated as entitled to a qualifying benefit whether it is payable or not;
 - (b) the person has residing with her a qualifying child;
 - (c) child maintenance is either—
 - (i) paid or payable to the person; or
 - (ii) retained by the Secretary of State in accordance with section 74A(3) of the Social Security Administration Act 1992; and
 - (d) the person has not satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations.
- (5) For the purposes of paragraph (3) above, regulation 3 of the Child Maintenance Bonus Regulations shall have effect as if in paragraph (1)—
- (a) the words “no later than the day immediately before the commencement date” were inserted after—
 - (i) “dies” in sub-paragraph (f)(i); and
 - (ii) “has” where that word first appears in sub-paragraph (f)(ii); and

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(b) for the words “14 days” in sub-paragraph (f)(iii) there were substituted “one month”.

(6) For the purposes of paragraphs (2) and (3) above, regulation 4 of the Child Maintenance Bonus Regulations (bonus period) shall have effect as if for paragraph (7) there were substituted the following paragraph—

“(7) A bonus period which would, but for this paragraph, have continued shall end—

- (a) where the applicant or, where the applicant has a partner, her partner, satisfies the work condition and claims a bonus, on the last day of entitlement to a qualifying benefit to which any award made on that claim applies;
- (b) on the date of death of a person with care of a qualifying child to whom child maintenance is payable; or
- (c) on the day immediately before the commencement date, whichever is the earlier.”

(7) 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 (Secretary of State to issue estimates) to a person who appears to him to satisfy the requirements of regulation 3 of those Regulations.

(8) For the purposes of this regulation “child maintenance” has the meaning given by regulation 1(2) of the Child Maintenance Bonus Regulations(a) (interpretation).◀

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

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

30th November 2000

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.

(a) The definition of “child maintenance” was substituted by S.I. 1998/563.

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.

