
STATUTORY INSTRUMENTS

2002 No. 499

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(Child Care Charges) Regulations 2002**

<i>Made</i>	- - - -	<i>5th March 2002</i>
<i>Laid before Parliament</i>		<i>8th March 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(d) and (e), 136(3) and (5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned⁽²⁾ and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Child Care Charges) Regulations 2002 and shall come into force on 1st April 2002.

Relevant child care charges

2. In regulation 21A (2ZC) of the Housing Benefit (General) Regulations 1987⁽⁴⁾ and regulation 13A (2ZC) of the Council Tax Benefit (General) Regulations 1992⁽⁵⁾, after subparagraph (e), insert—

“or

(f) by persons registered under Part XA of the Children Act 1989⁽⁶⁾; or

(1) 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 of the word “prescribed”.

(2) See section 176(1)(a) of the Social Security Administration Act 1992 (c. 5).

(3) See section 173(1)(b) of the Social Security Administration Act 1992.

(4) S.I. 1987/1971. Regulation 21A was inserted by S.I. 1994/1924. Paragraph (2ZC) was inserted by S.I. 1999/920 and amended by S.I. 2000/681.

(5) S.I. 1992/1814. Regulation 13A was inserted by S.I. 1994/1924. Paragraph (2ZC) was inserted by S.I. 1999/920 and amended by S.I. 2000/681.

(6) 1989 c. 41. Part XA (comprising sections 79A to 79X) was inserted by section 79 of the Care Standards Act 2000 (c. 14).

- (g) in schools or establishments which are exempted from registration under Part XA of the Children Act 1989 by virtue of paragraph 1 or 2 of Schedule 9A(7) to that Act; or
- (h) by—
 - (i) persons registered under section 7(1) of the Regulation of Care (Scotland) Act 2001(8), or
 - (ii) local authorities registered under section 33(1) of that Act,
 - (iii) where the care provided is childminding or daycare of children within the meaning of that Act.”

Signed by authority of the Secretary of State for Work and Pensions.

5th March 2002

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(7) Schedule 9A to the Children Act 1989 was inserted by Schedule 3 to the Care Standards Act 2000.
(8) 2001 asp 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Statutory Instrument amends the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 with effect from 1st April 2002.

The 1987 and 1992 Regulations referred to above stipulate that for Housing Benefit and Council Tax Benefit purposes, certain specified “relevant child care charges” shall be deducted from the income of a claimant when calculating entitlement to benefit. Regulation 2 of this instrument enlarges and updates the category of “relevant child care charges” to take account of changes to the Children Act 1989 brought in by the Care Standards Act 2000, in respect of England and Wales and provisions in the Regulation of Care (Scotland) Act 2001, which replace the relevant provisions in the Children Act 1989 in respect of Scotland.