

2003 No. 1050

SOCIAL SECURITY

FAMILY LAW

CHILD SUPPORT

The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003

Made - - - - 7th April 2003

Laid before Parliament 14th April 2003

Coming into force in accordance with regulation 1(1)

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 17(3) and (5) and 54 of the Child Support Act 1991(a) sections 5(1)(hh), (i) and (j), 189(1) and (4) and 191 of the Social Security Administration Act 1992(b) sections 9(1), 10(3) and (6) and 84 of the Social Security Act 1998(c) and paragraphs 4(4) and (6), 10(1) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(d), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(e) and so far as they concern housing benefit and council tax benefit after consultation with organisations appearing to the Secretary of State to be representative of the authorities concerned(f), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 and shall come into force as follows—

- (a) regulations 1, 2, 3(1) to (3) and (5), ►¹and 4 to 6◀ shall come into force on 5th May 2003;
- (b) regulation 3(4) and (6) shall come into force—
 - (i) except for the purposes of any type of case referred to in head (ii), on 5th May 2003; and

¹Words in reg. 1(1)(a) substituted by reg. 3 of S.I. 2003/1189 as from 4.5.03.

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- (a) 1991 c. 48. Section 17 was substituted by the Social Security Act 1998, section 41; section 54 is cited because of the meaning ascribed to the word “prescribed”.
 - (b) 1992 c. 5. Sub-paragraph (hh) of section 5(1) was inserted by the Social Security Act 1998 (c. 14), section 74 and amended by the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 7, paragraph 21(1); there are amendments to section 189(1) and (4) which are not relevant to these Regulations; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
 - (c) 1998 c. 14. Section 84 is cited because of the meaning ascribed to the word “prescribe”.
 - (d) 2000 c. 19. Paragraph 23(1) of Schedule 7 is cited because of the meaning ascribed to the word “prescribed”.
 - (e) See the Social Security Administration Act 1992, section 173(1)(b).
 - (f) See the Social Security Administration Act 1992, section 176(1)(a).

- (ii) for the purposes of any type of case which is not one in relation to which 3rd March 2003 is the day appointed for the coming into force of section 9 of the Child Support, Pensions and Social Security Act 2000(a), on the day on which that section comes into force in relation to that type of case.

(2) In these Regulations—

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(b);

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(c);

“the Housing Benefit and Council Tax Benefit Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(d);

“the Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(e).

[Regulation 2 substitutes regulation 32 in S.I. 1987/1968.]

[Regulation 3 makes various amendments to S.I. 1999/991.]

[Regulation 3(1) revoked by S.I. 2008/2683]

[Regulation 4 makes various amendments to S.I. 2001/1002.]

[Regulation 5 makes various amendments to S.I. 1992/1813 that is reproduced in The Law relating to Child Support.]

¹Reg. 6 inserted by reg. 4 of S.I. 2003/1189 as from 4.5.03.

►¹**Tax Credits**

6. Nothing in these Regulations shall affect the application of the Claims and Payments Regulations and the Decisions and Appeals Regulations to working families' tax credit and disabled person's tax credit.◀

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

P. Hollis
Parliamentary Under-Secretary of State,

(a) S.I. 2003/192 (C. 11), article 3.

(b) S.I. 1987/1968.

(c) S.I. 1999/991.

(d) S.I. 2001/1002.

(e) S.I. 1992/1813, which is revoked with savings, by S.I. 2001/157.

7th April 2003

Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 in respect of benefit payments. They also amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the Decisions and Appeals Regulations”), the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 and the Child Support (Maintenance Assessment Procedure) Regulations 1992 (“the Maintenance Assessment Procedure Regulations”) in respect of decision making.

Regulation 1 provides for the commencement of these Regulations and in particular in relation to regulation 3(4) and (6) provides that any type of case which is not one in relation to which 3rd March 2003 is the appointed day for the coming into force of section 9 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”), shall come into force on the day that section comes into force in relation to that type of case. In all other cases and for all other provisions in these Regulations, the commencement date is 5th May 2003.

Regulation 2 amends regulation 32(1) of the Social Security (Claims and Payments) Regulations 1987 to clarify the Secretary of State’s power to require information from beneficiaries which might affect a continuing award of benefit, or its payment, and beneficiaries’ duty to notify him of changes of circumstances which might affect a continuing award or its payment.

Regulation 3 amends regulations 1, 3, 6, 6A, 7, and 7B of the Decisions and Appeals Regulations. Regulation 3(1) amends the definition of “out of jurisdiction appeal” to include certain decisions in respect of Housing Benefit and Council Tax Benefit. Regulation 3(2) makes a consequential amendment to the grounds for revision.

Regulation 3(3) amends the ground for supersession on change of circumstances and adds a new ground for the supersession of a decision of an appeal tribunal or of a Commissioner in a case where an appeal has been decided under section 26(4)(b) of the Social Security Act 1998 (c. 14) (“the 1998 Act”) and the Secretary of State has decided to supersede in accordance with section 26(5) of that Act. This regulation also makes minor clarifying amendments. Regulation 3(4) makes amendments to child support provisions which correspond to the amendments made by regulation 3(3)(b) of these Regulations.

Regulation 3(5)(a) to (c) makes minor consequential and clarifying amendments. Regulation 3(5)(d) (substituted paragraph (a)) provides a new effective date specifically for Disability Living Allowance and Attendance Allowance where there is a change to relevant legislation so that the decision takes effect on the date the new legislation takes effect. Regulation 3(5)(e) (new paragraph (30)) mirrors the provision set out in regulation 3(5)(d). This sub-paragraph (new paragraphs (31) and (32)) also provides a new effective date in a case where a “personal capability assessment” is conducted before the “own occupation test” expires. The decision giving effect to the early assessment takes effect on the day immediately following the day on which the own occupation test no longer applies. This sub-paragraph (new paragraph (33)) also provides a new effective date where the Secretary of State supersedes in accordance with section 26(5) of the 1998 Act to give effect to that decision on the date it would have taken effect if the appeal tribunal or the Commissioner had decided in accordance with the determination of the Commissioner or the court. Regulation 3(6) makes amendments to child support provisions which correspond to the amendments made by regulation 3(5)(e) (new paragraph (33)).

Regulation 4 amends regulations 7 and 8 of the Housing Benefit and Council Tax

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Benefit (Decisions and Appeals) Regulations 2001 which correspond to the amendments made by regulation 3(3)(a) and (b), (5)(e) (new paragraphs (30) and (33)).

Regulation 5 amends the Maintenance Assessment Procedure Regulations so as to make corresponding provision for child support cases which continue to be dealt with under the Child Support Act 1991 prior to its amendment by the 2000 Act and the coming into force of those provisions in any particular case, as the amendments made by regulations 3(4) and 3(6) of these Regulations.

Regulation 6 confirms that these Regulations do not affect the application of the Social Security (Claims and Payments) Regulations 1987 and the Decisions and Appeals Regulations to two specified tax credits.

These Regulations do not impose a charge on business.