

2003 No. 231

SOCIAL SECURITY

**The Social Security (Child Maintenance Premium and
Miscellaneous Amendments) Amendment Regulations 2003**

Made - - - - - *5th February 2003*

Laid before Parliament *10th February 2003*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 29(2) of the Child Support, Pensions and Social Security Act 2000(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Amendment Regulations 2003 and shall come into force, in relation to any particular case, on the date on which section 23 of the Child Support, Pensions and Social Security Act 2000 (abolition of the child maintenance bonus) comes into force in relation to that type of case.

Amendment of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000

2. For regulation 4 of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000(b) (revocations and transitional provisions) there shall be substituted the following regulation—

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

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

(a) 2000 c. 19.

(b) S.I. 2000/3176.

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

(d) S.I. 1997/645.

(e) S.I. 1997/454.

(f) S.I. 1998/563.

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
 - (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
 - (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 Work and Pensions.

5th February 2003

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000 (S.I. 2000/3176) (“the Child Maintenance Premium Regulations”).

The Child Maintenance Premium Regulations will come into force on the dates on which section 23 of the Child Support, Pensions and Social Security Act 2000 (c. 19) is commenced for different types of cases. The date that section comes into force in respect of a particular case is referred to in regulation 1 of the Child Maintenance Premium Regulations as the “commencement date”. These Regulations have the same provision for their coming into force.

These Regulations substitute a new regulation for regulation 4 of the Child Maintenance Premium Regulations (revocations and transitional provisions) (regulation 2).

New paragraph (1) provides for the revocation of the Social Security (Child Maintenance Bonus) Regulations 1996 (S.I. 1996/3195) (“the Child Maintenance Bonus Regulations”), related amending regulations and the Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997 (S.I. 1997/645) (“the Reciprocal Arrangements Regulations”).

New paragraph (2) provides that the Child Maintenance Bonus Regulations and the Reciprocal Arrangements Regulations shall continue to have effect despite their revocation in respect of the following people:

- a person who had satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations (entitlement to a bonus: the work condition) and claimed a child maintenance bonus before the commencement date but whose claim has not been determined before that date;
- a person to whom regulation 8 of the Child Maintenance Bonus Regulations (retirement) applied before the commencement date, but whose entitlement or, as the case may be, claim has not been determined before that date; and
- a person who was entitled to claim a child maintenance bonus before the commencement date who claims the bonus after the commencement date, but within the time limits for claiming a bonus in regulation 10 or 11 of the Child Maintenance Bonus Regulations.

New paragraphs (3) and (4) provide that regulations 2 to 6 and 9 to 13 of the Child Maintenance Bonus Regulations and the Reciprocal Arrangements Regulations shall continue to have effect despite their revocation in respect of a person who:

- has made a claim for a child maintenance bonus before the commencement date but before that date had not satisfied the work condition; or
- has not claimed a child maintenance bonus before the commencement date, is in receipt of income support or income-based jobseeker’s allowance, has a qualifying child residing with her and is in receipt of child maintenance on the day immediately before the commencement date.

In respect of a person to whom new paragraph (3) applies, regulation 3 of the Child Maintenance Bonus Regulations is modified to provide that that regulation shall only apply to such a person as follows:

- if the only child being cared for by a person with care dies no later than the day immediately before the commencement date then the person with care has 12 months from the date of death to satisfy the work condition;
- if the absent parent dies, ceases to reside in the UK, or is found not to be the parent of the child in question no later than the day immediately before the commencement

date, the person with care has 12 weeks from the date of the relevant event to satisfy the work condition; or

- if the person with care or her partner starts work and thereby satisfies the work condition within one month after the commencement date (new paragraph (5)).

In respect of all categories, regulation 4 of the Child Maintenance Bonus Regulations (bonus period) is modified to provide that the bonus period shall end in all cases on the day immediately before the commencement date if it has not already ended before that day (new paragraph (6)).

New paragraph (8) provides that, for the purposes of regulation 4 of the Child Maintenance Premium Regulations, the term “child maintenance” has the meaning given by the Child Maintenance Bonus Regulations.

These Regulations do not impose a charge on business.

STATUTORY INSTRUMENTS

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The Social Security (Child Maintenance Premium and
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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0152 02/2003 130231 19585

ISBN 0-11-044801-4



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