
STATUTORY INSTRUMENTS

2004 No. 98

The Social Security (Child Maintenance Premium) Amendment Regulations 2004

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

4.—(1) For regulation 1 of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000⁽¹⁾ (citation and commencement) there shall be substituted the following regulation—

“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—
 - (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;

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“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.”.

(2) In regulation 2 of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000 (child maintenance: income support and jobseeker’s allowance) paragraphs (1)(b) and (2)(b) shall be omitted.