
STATUTORY INSTRUMENTS

2011 No. 100

The Social Fund Maternity Grant Amendment Regulations 2011

Amendment of the principal Regulations

- 2.—(1) The principal Regulations are amended as follows (but subject to regulation 3).
(2) In Part 2, before regulation 5 insert—

“Persons to be treated as responsible for children

4A.—(1) For the purposes of this Part, subject to paragraph (4), a person (“P”) is to be treated as responsible for a child if paragraph (2) or (3) applies.

(2) This paragraph applies if—

- (a) P is receiving child benefit in respect of the child, unless P is a child in respect of whom another person is receiving child benefit; or
- (b) no one is receiving child benefit in respect of the child but the child usually lives with P.

(3) This paragraph applies where P is receiving child benefit in respect of a child who is in receipt of child benefit in respect of another child in which case P is to be treated as responsible for both children.

(4) P is not to be treated as responsible for a child if the child is—

- (a) being looked after by a local authority within the meaning of section 22 of the Children Act 1989⁽¹⁾, or section 93 of the Children (Scotland) Act 1995⁽²⁾, unless the child usually lives with P; or
- (b) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.”.

(3) In regulation 5 (entitlement)⁽³⁾—

- (a) in paragraph (1), for “regulation 6” substitute “regulations 5A and 6”;
- (b) for paragraph (3)(b), substitute—

“**(b)** the child’s parents are not partners at the date of the claim and the claimant—

- (i) is the parent (but not the mother) of the child (who must not exceed the age of twelve months at the date of the claim), or is responsible for that parent, and

(ii) is responsible for the child;”.

(4) After regulation 5 insert—

⁽¹⁾ 1989 c.41.

⁽²⁾ 1995 c.36.

⁽³⁾ Regulation 5 was substituted by S.I. 2010/2760.

“Award not to be made where another member of the claimant’s family is under 16 unless an exception applies

5A.—(1) In this regulation “C” is the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed.

(2) Except where paragraph (3) or (4) applies, a Sure Start Maternity Grant shall not be awarded if, at the date of the claim, any member of the claimant’s family apart from C is under the age of 16.

(3) This paragraph applies where—

(a) C is one of two or more children—

(i) born or still-born as a result of the same pregnancy, or

(ii) (if the claim is made before the confinement in a case where regulation 5(3)(a) applies) who are expected to be born as a result of the same pregnancy; and

(b) at the date of claim there is no member of the claimant’s family apart from either C or the other child or children born as a result of that pregnancy who is under the age of 16.

(4) This paragraph applies where at the date of claim—

(a) a parent of C (“P”) is under 20 years of age and a member of the claimant’s family; and

(b) except in the circumstances set out in paragraph (3)(a), the claimant’s family does not include any child of P who is under 16 years of age apart from C.”.