

STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 6

MEANING OF TERMS IN THE 1991 ACT

Persons who are not persons with care

78.—(1) The following categories of person are not persons with care for the purposes of the 1991 Act—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 22C(2) ^{F1}... of that Act ^{M1};
- (c) in Scotland, a family or relative with whom a child is placed by a local authority under the provisions of section 26 of the Children (Scotland) Act [^{F2}1995 [^{F3}or who is providing continuing care by virtue of arrangements made under section 26A of that Act]; ^{M2}
- (d) in Wales, a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of Part 6 of the Social Services and Well-being (Wales) Act 2014, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 81(2) of that Act.]

(2) In paragraph (1)—

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989 or section 17(6) of the Children (Scotland) Act 1995 [^{F4}or section 74 of the Social Services and Well-being (Wales) Act 2014] as the case may be;

“family” means a family other than a family defined in section 93(1) of the Children (Scotland) Act 1995.

Textual Amendments

- F1** Words in Pt. 6 reg. 78(1)(b) omitted (3.11.2017) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **28(3)**
- F2** Words in Pt. 6 reg. 78(1)(c) substituted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **14(5)(a)**
- F3** Words in Pt. 6 reg. 78(1)(c) inserted (7.11.2017) by [The Social Security and Child Support \(Care Payments and Tenant Incentive Scheme\) \(Amendment\) Regulations 2017 \(S.I. 2017/995\)](#), regs. 1, **19(2)**

F4 Words in Pt. 6 reg. 78(2) inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014](#) and the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **14(5)(b)**

Commencement Information

I1 Reg. 78 wholly in force; reg. 78 not in force at made date; reg. 78 in force at 29.7.2013 for certain purposes and reg. 78 in force at 25.11.2013 in so far as not already in force, see reg. 1, [SI 2013/1860](#) and [S.I. 2013/2947](#)

Marginal Citations

M1 [1989 c. 41](#). Section 22C(2) was inserted prospectively by section 8 of the [Children Act 2008 \(c. 23\)](#); when it is in force, it will replace section 23(5).

M2 [1995 c. 36](#).

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 78.