

SCHEDULE 7

Regulation 60

DEDUCTIONS FROM BENEFIT IN RESPECT OF CHILD SUPPORT MAINTENANCE AND PAYMENT TO PERSONS WITH CARE

Interpretation

1. In this Schedule—

“beneficiary” means a person who has been awarded a specified benefit;

“maintenance”, except in paragraph 3, means child support maintenance which a non-resident parent is liable to pay under the 1991 Act⁽¹⁾ at a flat rate (or would be so liable but for a variation having been agreed to) where that rate applies (or would have applied) because the non-resident parent falls within paragraph 4(1)(b), (c) or (2) of Schedule 1 to the 1991 Act⁽²⁾, and includes such maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of the Child Support, Pensions and Social Security Act 2000⁽³⁾;

“person with care” has the same meaning as in section 3 (meaning of certain terms used in this Act) of the 1991 Act;

“specified benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker’s allowance;
- (c) universal credit.

Deductions

2.—(1) Subject to the following provisions of this paragraph and to paragraph 5 (flat rate maintenance), the Secretary of State may deduct from any specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance.

(2) A deduction may only be made from one specified benefit in respect of the same period.

(3) No amount may be deducted under this Schedule from any employment and support allowance or any jobseeker’s allowance awarded to the claimant if that would reduce the amount of the benefit payable to the claimant to less than 10 pence.

(4) No amount may be deducted from any universal credit awarded to the claimant under this Schedule if that would reduce the amount payable to the claimant to less than one penny.

Arrears

3.—(1) Except where universal credit is awarded to the beneficiary, the Secretary of State may deduct the sum of £1 per week from any employment and support allowance or jobseeker’s allowance which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary’s liability to pay arrears of maintenance.

(1) 1991 c.48.

(2) Paragraph 4 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act 2000 (c.19). It was amended by paragraphs 1 and 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (c.6) (which amendment is only in force for the purpose of making regulations).

(3) 2000 c.19.

Status: This is the original version (as it was originally made).

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992(4).

(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the 1991 Act whether before or after the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000, and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.

Apportionment

4. Where maintenance is payable to more than one person with care, the amount deducted must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 (maintenance assessments) to the 1991 Act(5).

Flat rate maintenance

5.—(1) This paragraph applies where the beneficiary and that person’s partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the 1991 Act and either of them has been awarded universal credit (whether as a single claimant or as joint claimants).

(2) Where this paragraph applies, an amount not exceeding an amount equal to the flat rate of maintenance may be deducted from such an award in respect of the total liability of both partners to pay maintenance, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001(6) or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012(7) and must be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance.

Notice

6. Where the Secretary of State commences making deductions under this Schedule, the Secretary of State must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.

(4) 1992/1816. Relevant amending instruments are S.I. 1995/3261, 1996/1345 and 2001/162.

(5) Part 1 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act 2000 (c.19). Paragraph 8 of Schedule 1 was amended by paragraphs 1 and 7 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (c.6) (which amendment is only in force for the purpose of making regulations). A relevant amending instrument is S.I. 2012/2007.

(6) S.I. 2001/155.

(7) S.I. 2012/2677.