

2001 No. 25

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Child Maintenance Premium and
Miscellaneous Amendments) Regulations
(Northern Ireland) 2001**

Made 23rd January 2001

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 4 and 19(1) of the Child Support (Northern Ireland) Order 1995(b), Articles 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d), and section 87(5) of the Northern Ireland Act 1998(e) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(f) in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(g), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations (Northern Ireland) 2001 and shall come into operation, in relation to any particular case, on the date on which section 22 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(h) comes into operation in relation to that type of case (“the commencement date”).

(2) The Interpretation Act (Northern Ireland) 1954(i) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (a) 1992 c. 7
 - (b) S.I. 1995/2702 (N.I. 13)
 - (c) S.I. 1995/2705 (N.I. 15)
 - (d) *See* Article 8(b) of S.R. 1999 No. 481
 - (e) 1998 c. 47
 - (f) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481 which transferred the consent function under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel
 - (g) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
 - (h) 2000 c. 4 (N.I.)
 - (i) 1954 c. 33 (N.I.)

Child maintenance: income support and jobseeker's allowance

2.—(1) In the Income Support (General) Regulations (Northern Ireland) 1987**(a)**—

- (a) in regulation 60A**(b)** (interpretation) at the end of the definition of “child support maintenance” there shall be added “and shall include any payments made by the Department in lieu of such payments”; and
- (b) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 68**(c)** there shall be added the following paragraph—

“69.—(1) Subject to sub-paragraph (3), any payment of child maintenance, whether under a court order or not, which is made or due to be made by the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one payment of child maintenance falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) No more than £10 shall be disregarded in any week pursuant to this paragraph.

(4) In this paragraph, “child maintenance” shall have the same meaning as that prescribed for the purposes of section 72A of the Social Security Administration (Northern Ireland) Act 1992**(d)** and shall include any payment made by the Department in lieu of such maintenance.”.

(2) In the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**(e)**—

- (a) in regulation 125 (interpretation) at the end of the definition of “child support maintenance” there shall be added “and shall include any payments made by the Department in lieu of such payments”; and
- (b) in Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 65**(f)** there shall be added the following paragraph—

“66.—(1) Subject to sub-paragraph (3), any payment of child maintenance, whether under a court order or not, which is made or due to be made by the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(a) S.R. 1987 No. 459; relevant amending regulations are S.R. 1993 No. 167 and S.R. 1999 No. 381

(b) Regulation 60A was inserted by regulation 4 of S.R. 1993 No. 167

(c) Paragraph 68 was added by regulation 2(10) of S.R. 1999 No. 381

(d) 1992 c. 8; section 72A was inserted by Article 18 of the Child Support (Northern Ireland) Order 1995. “Child maintenance” is defined for the purposes of section 72A in regulation 2 of S.R. 1996 No. 202

(e) S.R. 1996 No. 198; relevant amending regulations are S.R. 1999 No. 342

(f) Paragraph 65 was added by regulation 6(4) of S.R. 1999 No. 342

(2) For the purposes of sub-paragraph (1), where more than one payment of child maintenance falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) No more than £10 shall be disregarded in any week pursuant to this paragraph.

(4) In this paragraph, “child maintenance” shall have the same meaning as that prescribed for the purposes of section 72A of the Administration Act and shall include any payment made by the Department in lieu of such maintenance.”.

Housing benefit

3. In Schedule 4 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(a) (sums to be disregarded in the calculation of income other than earnings) in paragraph 50, after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) A payment made by the Department in lieu of maintenance shall, for the purposes of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in head (a) or (b) of that sub-paragraph.”.

Revocations and transitional provisions

4.—(1) Subject to paragraphs (2) to (4)—

(a) regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(b) (“the Child Maintenance Bonus Regulations”);

(b) the Child Maintenance Bonus (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1997(c) (“the Reciprocal Arrangements Regulations”);

(c) regulation 8 of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1997(d);

(d) regulation 2 of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998(e),

are hereby revoked.

(2) Subject to paragraph (3), regulations 2 to 13 of the Child Maintenance Bonus Regulations and the Reciprocal Arrangements Regulations shall continue to have effect as if paragraph (1) had not been made in relation to a person who—

(a) claimed a child maintenance bonus before the commencement date but whose claim was not determined until on or after that date; or

(a) S.R. 1987 No. 461; paragraph 50 was added by regulation 3(3)(b) of S.R. 1991 No. 520 and amended by regulation 8(a) of S.R. 1997 No. 4

(b) S.R. 1996 No. 622; relevant amending regulations are S.R. 1997 No. 130 and S.R. 1998 No. 81

(c) S.R. 1997 No. 126

(d) S.R. 1997 No. 130

(e) S.R. 1998 No. 81

(b) claims a child maintenance bonus on or after the commencement date but within the time specified in regulations 3(1)(f)(a), 10(1)(b) and, where applicable, 11(4) of the Child Maintenance Bonus Regulations.

(3) For the purposes of paragraph (2), regulation 3(1)(f)(iii) of the Child Maintenance Bonus Regulations shall have effect as if for “14 days” there were substituted “one month”.

(4) Nothing in this regulation shall prevent the Department from issuing a written statement pursuant to regulation 6(1)(c) of the Child Maintenance Bonus Regulations to a person who appears to it to satisfy the requirements of regulation 3 of those Regulations.

Sealed with the Official Seal of the Department for Social Development
on 23rd January 2001.

(L.S.)

John O'Neill

Senior Officer of the Department for
Social Development

The Department of Finance and Personnel hereby consents to regulation 3 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 23rd January 2001.

(L.S.)

Brian Delaney

Senior Officer of the Department of
Finance and Personnel

(a) Sub-paragraph (f) was substituted by regulation 2(3) of S.R. 1998 No. 81
(b) Paragraph (1) was amended by regulation 8(8) of S.R. 1997 No.130 and regulation 2(5) of S.R. 1998 No. 81
(c) Paragraph (1) was amended by regulation 8(6) of S.R. 1997 No. 130

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996 and the Housing Benefit (General) Regulations (Northern Ireland) 1987.

These Regulations come into operation at different times for different cases according to the dates on which section 22 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 which is relevant to these Regulations, is commenced for different types of cases.

Regulation 2(1)(b) and (2)(b) provides that for the purpose of ascertaining entitlement to income support and jobseeker's allowance, up to £10 of a payment of child maintenance shall be disregarded. That disregarded amount is known as the child maintenance premium. Child maintenance is defined for these purposes as a payment prescribed for the purposes of section 72A of the Social Security Administration (Northern Ireland) Act 1992 ("the 1992 Act") and payments by the Department for Social Development ("the Department") in lieu of such maintenance.

Regulation 2(1)(a) and (2)(a) provides that for the purpose of calculating the weekly amount of child support maintenance, payments by the Department in lieu of periodical payments of child support maintenance shall be treated as payments of child support maintenance.

Regulation 3 provides that payments by the Department in lieu of child maintenance shall, for the purpose of ascertaining entitlement to housing benefit, be treated as if they were payments of maintenance paid by a former partner of the claimant or his partner or by a parent of a child or young person.

Regulation 4 revokes, with transitional provisions, regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996, the Child Maintenance Bonus (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1997, regulation 8 of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and regulation 2 of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998.

In so far as these Regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 149(2) of the 1992 Act, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act,

are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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