

# Child Support, Pensions and Social Security Act 2000

# **CHAPTER 19**

# CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY ACT 2000

# PART I

# CHILD SUPPORT

#### Maintenance calculations and interim and default maintenance decisions

- 1 Maintenance calculations and terminology
- 2 Applications under section 4 of the Child Support Act 1991
- 3 Applications by persons claiming or receiving benefit
- 4 Default and interim maintenance decisions

# Applications for a variation

- 5 Departure from usual rules for calculating maintenance
- 6 Applications for a variation: further provisions
- 7 Variations: revision and supersession

#### Revision and supersession of decisions

- 8 Revision of decisions
- 9 Decisions superseding earlier decisions

#### Appeals

- 10 Appeals to appeal tribunals
- 11 Redetermination of appeals

# Information

- 12 Information required by Secretary of State
- 13 Information—offences
- 14 Inspectors

# Parentage

15 Presumption of parentage in child support cases

# Disqualification from driving

- 16 Disqualification from driving
- 17 Civil imprisonment: Scotland

# Financial penalties

- 18 Financial penalties
- 19 Reduced benefit decisions

# Miscellaneous

- 20 Voluntary payments
- 21 Recovery of child support maintenance by deduction from benefit
- 22 Jurisdiction
- 23 Abolition of the child maintenance bonus
- 24 Periodical reviews
- 25 Regulations
- 26 Amendments
- 27 Temporary compensation payment scheme
- 28 Pilot schemes
- 29 Interpretation, transitional provisions, savings, etc

# PART II

# PENSIONS

# CHAPTER I

# STATE PENSIONS

# State second pension

- 30 Earnings from which pension derived
- 31 Calculation
- 32 Calculation of Category B retirement pension
- 33 Revaluation
- 34 Report of Government Actuary: rebates etc
- 35 Supplementary

# Report on pensions uprating

36 Report on cost of pension uprating in line with general earnings level

# Earnings factors

- 37 Revaluation of earnings factors
- 38 Modification of earnings factors

#### Preservation of rights in respect of additional pensions

39 Preservation of rights in respect of additional pensions

#### Other provisions

- 40 Home responsibilities protection
- 41 Sharing of state scheme rights
- 42 Disclosure of state pension information

#### **CHAPTER II**

#### OCCUPATIONAL AND PERSONAL PENSION SCHEMES

#### Selection of trustees and of directors of corporate trustees

- 43 Member-nominated trustees
- 44 Corporate trustees
- 45 Employer's proposals for selection of trustees or directors
- 46 Non-compliance in relation to arrangements or proposals

#### Winding-up of schemes

- 47 Information to be given to the Authority
- 48 Modification of scheme to secure winding-up
- 49 Reports about winding-up
- 50 Directions for facilitating winding-up

#### Other provisions

- 51 Restriction on index-linking where annuity tied to investments
- 52 Information for members of schemes etc
- 53 Jurisdiction of the Pensions Ombudsman
- 54 Investigations by the Pensions Ombudsman
- 55 Prohibition on different rules for overseas residents etc
- 56 Miscellaneous amendments and alternative to anti-franking rules

# CHAPTER III

#### WAR PENSIONS

- 57 Rights of appeal
- 58 Time limit for appeals
- 59 Matters relevant on appeal to Pensions Appeal Tribunal
- 60 Constitution and procedure of Pensions Appeal Tribunals
- 61 Composition of central advisory committee

#### PART III

#### SOCIAL SECURITY

#### Loss of benefit

- 62 Loss of benefit for breach of community order
- 63 Loss of joint-claim jobseeker's allowance
- 64 Information provision
- 65 Loss of benefit regulations

# 66 Appeals relating to loss of benefit

#### Investigation powers

67 Investigation powers

# Housing benefit and council tax benefit etc.

- 68 Housing benefit and council tax benefit: revisions and appeals
- 69 Discretionary financial assistance with housing
- 70 Grants towards cost of discretionary housing payments
- 71 Recovery of housing benefit

# Child benefit

72 Child benefit disregards

# Social Security Advisory Committee

73 Social Security Advisory Committee

# PART IV

#### NATIONAL INSURANCE CONTRIBUTIONS

# Great Britain

- 74 Contributions in respect of benefits in kind: Great Britain
- 75 Third party providers of benefits in kind: Great Britain
- 76 Collection etc. of NICs: Great Britain
- 77 Liability of earner for secondary contributions: Great Britain

#### Northern Ireland

- 78 Contributions in respect of benefits in kind: Northern Ireland
- 79 Third party providers of benefits in kind: Northern Ireland
- 80 (1) Schedule 1 to the Social Security Contributions and Benefits...
- 81 Liability of earner for secondary contributions: Northern Ireland

# PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

#### Miscellaneous

- 82 Tests for determining parentage
- 83 Declarations of status

#### Supplemental

- 84 Expenses
- 85 Repeals
- 86 Commencement and transitional provisions
- 87 Short title and extent

# SCHEDULES

SCHEDULE 1 — Substituted Part I of Schedule 1 to the Child Support Act 1991

SCHEDULE 2 — Substituted Schedules 4A and 4B to the 1991 Act Part I — SUBSTITUTED SCHEDULE 4A Part II — SUBSTITUTED SCHEDULE 4B SCHEDULE 3 — Amendment of enactments relating to child support The Army Act 1955 (3 & 4 Eliz. 2 c.18) 1 (1) Section 150A of the Army Act 1955 (enforcement of... *The Air Force Act 1955 (3 & 4 Eliz. 2 c.19)* 2 (1) Section 150A of the Air Force Act 1955 (enforcement... The Matrimonial Causes Act 1973 (c. 18) (1) The Matrimonial Causes Act 1973 shall be amended as... 3 The Domestic Proceedings and Magistrates Courts Act 1978 (c. 22) (1) The Domestic Proceedings and Magistrates Courts Act 1978 shall... 4 The Family Law (Scotland) Act 1985 (c. 37) 5 (1) The Family Law (Scotland) Act 1985 shall be amended... The Insolvency Act 1986 (c. 45) In section 281 of the Insolvency Act 1986 (effect of... 6 The Debtors (Scotland) Act 1987 (c. 18) (1) The Debtors (Scotland) Act 1987 shall be amended as... 7 The Income and Corporation Taxes Act 1988 (c. 1) (1) The Income and Corporation Taxes Act 1988 shall be... 8 The Finance Act 1988 (c. 39) In the Finance Act 1988, in each of subsection (5A)... 9 The Children Act 1989 (c. 41) 10 (1) Schedule 1 to the Children Act 1989 (financial provision... The Child Support Act 1991 (c. 48) 11 (1) The 1991 Act shall be amended as follows. The Social Security Administration Act 1992 (c. 5) 12 In section 7A of the Social Security Administration Act 1992... The Child Support Act 1995 (c. 34) 13 (1) The Child Support Act 1995 shall be amended as...

Prisoners' Earnings Act 1996 (c. 33)

14 In section 1 of the Prisoners' Earnings Act 1996 (power...

The Social Security Act 1998 (c. 14)

15 (1) The Social Security Act 1998 shall be amended as...

SCHEDULE 4 — Additional pension

SCHEDULE 5 — Pensions: miscellaneous amendments and alternative to antifranking rules Part I — MISCELLANEOUS AMENDMENTS

Guaranteed minimum for widows and widowers

1 (1) In section 17 of the 1993 Act (guaranteed minimum...

Transfer of rights to overseas personal pension schemes

2 (1) In section 20(1) of the 1993 Act (power to...

Protected rights

3 (1) Section 28 of the 1993 Act (ways of giving...

Review and alteration of rates of contribution

4 In section 42(1)(a)(i) and (3) of the 1993 Act (review...

Contributions equivalent premiums: Great Britain

5 (1) For subsection (4) of section 58 of the 1993...

Contributions equivalent premiums: Northern Ireland

6 (1) For subsection (4) of section 54 of the Pension...

Use of cash equivalent for annuity

7 Section 95(4) of the 1993 Act (cash equivalent of rights...

Transfer values where pension in payment

8 (1) In section 97(2) of the 1993 Act (regulations about...

Information about contracting-out

9 For section 156 of the 1993 Act (provision of information...

Register of disqualified trustees

10 (1) In subsection (7) of section 30 of the 1995...

*Conditions of payment of surplus to employer* 

11 (1) Section 37 of the 1995 Act (payment of surplus...

# Duties relating to statements of contributions

12 (1) In section 41 of the 1995 Act (provision of...

# Interpretation of Part I

13 In this Part of this Schedule— "the 1993 Act" means... Part II — ALTERNATIVE TO ANTI-FRANKING RULES

# Cases in which alternative applies

14 (1) Subject to the following provisions of this paragraph, this...

#### Alternative rules

15 (1) Where this Part of this Schedule applies in the...

# Relationship between alternative rules and other rules

16 (1) Paragraph 15 shall not apply to benefits consisting in...

# Supplemental

17 (1) In this Part of this Schedule references to rights...

SCHEDULE 6 — Social security investigation powers

#### Preliminary

1 Part VI of the Social Security Administration Act 1992 (enforcement)...

#### *Replacement for inspector's powers*

2 The following sections shall be substituted for section 110 (appointment...

# Exercise of powers on behalf of local authorities

3 For sections 110A and 110B (inspectors appointed by local authorities...

#### Consequential amendments

- 4 In section 111 (delay and obstruction of inspector)—
- 5 In section 111A(1) (dishonest representations), before "social security legislation" there...
- 6 In section 112(1) (false representations), before "social security legislation" there...
- 7 (1) In subsection (1) of section 113 (breach of regulations)—...
- 8 After section 121D (but still in Part VI) there shall...
- 9 In paragraph 5 of Schedule 10 to the Social Security...

SCHEDULE 7 — Housing benefit and council tax benefit: revisions and appeals

#### Introductory

1 (1) In this Schedule "relevant authority" means an authority administering...

# Decisions on claims for benefit

2 Where at any time a claim for housing benefit or...

# Revision of decisions

3 (1) Any relevant decision may be revised or further revised...

Decisions superseding earlier decisions

4 (1) Subject to sub-paragraph (4), the following, namely—

Use of experts by relevant authorities

5 Where it appears to a relevant authority that a matter...

Appeal to appeal tribunal

6 (1) Subject to sub-paragraph (2), this paragraph applies to any...

Redetermination etc. of appeals by tribunal

7 (1) This paragraph applies where an application is made to...

Appeal from tribunal to Commissioner

8 (1) Subject to the provisions of this paragraph, an appeal...

Appeal from Commissioner on point of law

9 (1) Subject to sub-paragraphs (2) and (3), an appeal on...

#### Procedure

10 (1) Regulations may make for the purposes of this Schedule...

Finality of decisions

11 Subject to the provisions of this Schedule, any decision made...

Matters arising as respects decisions

12 Regulations may make provision as respects matters arising—

Suspension in prescribed circumstances

13 (1) Regulations may provide for— (a) suspending, in whole or...

Suspension for failure to furnish information etc.

14 (1) The powers conferred by this paragraph are exercisable in...

Termination in cases of a failure to furnish information

15 Regulations may provide that, except in prescribed cases or circumstances—...

Decisions involving issues that arise on appeal in other cases

16 (1) This paragraph applies where— (a) a relevant decision, or...

Appeals involving issues that arise on appeal in other cases

17 (1) This paragraph applies where— (a) an appeal ("appeal A")...

Restrictions on entitlement to benefit in certain cases of error

18 (1) Subject to sub-paragraph (2), this paragraph applies where—

Correction of errors and setting aside of decisions

19 (1) Regulations may make provision with respect to—

#### Regulations

20 (1) The power to make regulations under this Schedule shall...

Consequential amendments of the Administration Act

21 (1) In section 5(1)(hh) of the Administration Act (regulations about...

Consequential amendments of the Social Security Act 1998

22 (1) Section 34(4) and (5) and section 35 of the...

#### Interpretation

23 (1) In this Schedule— "the Administration Act" means the Social...

SCHEDULE 8 — Declarations of status: consequential amendments

The Births and Deaths Registration Act 1953 (c. 20)

1 In section 14A(1)(a) of the Births and Deaths Registration Act...

The Magistrates' Courts Act 1980 (c. 43)

2 (1) Section 65 of the Magistrates' Courts Act 1980 (meaning...

#### The Family Law Act 1986 (c. 55)

- 3 The Family Law Act 1986 shall be amended as follows....
- 4 In section 55 (declarations as to marital status)—
- 5 In section 56 (declarations as to legitimacy or legitimation)—
- 6 In section 57(1) (application to the court for declaration as...
- 7 In section 58 (general provisions)— (a) in subsection (1), after...
- 8 In section 59 (provisions relating to the Attorney-General)—

The Family Law Reform Act 1987 (c. 42)

9 In section 23(1) of the Family Law Reform Act 1987—...

The Children Act 1989 (c. 41)

10 (1) Part I of Schedule 11 to the Children Act...

# The Child Support Act 1991 (c. 48)

- 11 The Child Support Act 1991 shall be amended as follows....
- 12 In section 26(2) (cases where Secretary of State may make...

- 13 For section 27 (declarations of parentage) there shall be substituted—...
- 14 In section 27A(2)(b) (Secretary of State to recover fees for...

The Access to Justice Act 1999 (c. 22)

15 In Schedule 2 to the Access to Justice Act 1999...

SCHEDULE 9 — Repeals and revocations

Part I — CHILD SUPPORT

Part II — STATE PENSIONS

- Part III OCCUPATIONAL AND PERSONAL PENSION SCHEMES
- Part IV WAR PENSIONS
- Part V LOSS OF BENEFIT
- Part VI INVESTIGATION POWERS
- Part VII HOUSING BENEFIT AND COUNCIL TAX BENEFIT
- Part VIII NICS IN RESPECT OF BENEFITS IN KIND
  - Part IX Tests for determining parentage and declarations of status