

## 2008 No. 2111

### SOCIAL SECURITY

#### The Social Security (Child Maintenance Amendments) Regulations 2008

*Made* - - - - - *5th August 2008*

*Laid before Parliament* *8th August 2008*

*Coming into force in accordance with regulation 1*

The Secretary of State for Work and Pensions makes the following Regulations in the exercise of the powers conferred by—

- sections 123(1)(a), 136(3) and (5)(b), 137(1) and 175(1), (2) and (4) of the Social Security Contributions and Benefits Act 1992(a),

- sections 12(2) and (4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(b),

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(c).

#### **Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Child Maintenance Amendments) Regulations 2008 and, subject to paragraph (2) and (3), shall come into force on 27th October 2008 .

(2) In so far as they relate to a particular beneficiary, these Regulations shall come into force on the first day of the benefit week for that beneficiary that includes 27th October 2008.

(3) Regulations 2(8) and 3(8) shall come into force immediately after regulation 4 has come into force.

(4) In this regulation—

“benefit week” has the same meaning as in—

- (a) regulation 2(1) of the Income Support (General) Regulations 1987(d), so far as it relates to regulation 2, and
- (b) regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(e), so far as it relates to regulation 3.

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(a) 1992 c. 4. Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word “prescribed”. Section 175(1) and (4) was amended by section 2 of, and paragraph 29(1), (2) and (4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”. Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999. Section 36(1) was amended by Section 70 of and paragraph 29(1) and (6) of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c. 30) and section 86(1) of and paragraph 145 of Schedule 7 to the Social Security Act 1998 (c. 14).

(c) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992.

(d) S.I. 1987/1967; relevant amending instrument is S.I. 1988/1445.

(e) S.I. 1996/207.

[Regulation 2 makes various amendments to regulation 1987/1967.]

[Regulation 3 makes various amendments to regulation 1996/207.]

[Regulation 4 amends Schedules 1 and 2 of S.I. 2003/455.]

Signed by authority of the Secretary of State for Work and Pensions.

5th August 2008

*James Plaskitt*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967) (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) (“the Jobseeker’s Allowance Regulations”) and the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455).

Regulations 2 and 3 amend provisions in the Income Support Regulations and the Jobseeker’s Allowance Regulations about liable relatives so as to:

- revoke provisions no longer required as a consequence of the Child Maintenance and Other Payments Act 2008 (c. 6);
- provide a definition of “child maintenance”, “claimant’s family”, “housing costs” and “ordinary clothing and footwear”;
- clarify that child maintenance is included in the definition of “payment” for the purposes of the liable relative provisions;
- provide that payments of any child maintenance are subject to a disregard of £20 a week for which provision is made in a single set of rules for each benefit.

Regulation 2 also amends the Income Support Regulations so as to substitute a reference to a revoked provision in the Social Security Act 1986 with the relevant provision in the Social Security Administration Act 1992.

Regulation 4 makes consequential amendments to the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations to remove provisions amending the Income Support Regulations and the Jobseeker’s Allowance Regulations that are no longer required because the new child maintenance rules in these benefits apply to all relevant claimants.

A full impact assessment has not been published for this instrument as it has no impact on private and voluntary sectors.