

2001 No. 892

SOCIAL SECURITY

TAXES

The Tax Credits (Miscellaneous Amendments No. 3) Regulations 2001

Made 9th March 2001
Laid before Parliament 12th March 2001
Coming into force in accordance with regulation 1(2) and (3)

The Treasury, in exercise of the powers conferred upon them by sections 128(3), 129(6), 136(3) and (4), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), and section 2(1)(a) and (4) of, and paragraphs 1(c), (d) and (g) and 20(a) of Schedule 2 to, the Tax Credits Act 1999(b), and the Commissioners of Inland Revenue, in exercise of the powers conferred upon them by section 137(2)(c) and (d) of the Social Security Contributions and Benefits Act 1992(c), sections 5(1)(b) and (k) and (2)(c) and (d) and 189(1), (4) and (5) of the Social Security Administration Act 1992(d) and sections 2(1)(c) and 6 of, and paragraphs 7 and 20(a) and (c) of Schedule 2 to, the Tax Credits Act 1999, hereby make the following Regulations:

Citation, commencement and effect

1. — (1) These Regulations may be cited as the Tax Credits (Miscellaneous Amendments No. 3) Regulations 2001.

(2) Except for regulation 20, these Regulations shall come into force on 4th April 2001.

(3) Regulation 20 shall come into force on 10th April 2001 immediately after the Tax Credits (Claims and Payments) (Amendment) Regulations 2001(e).

(4) Regulations 4 to 9, 12 to 17 and 19 shall have effect in relation to claims which are made on or after 4th April 2001.

(5) Regulations 10 and 18 shall have effect in relation to award periods which are current on or after 4th April 2001.

(a) 1992 c. 4. Sections 128 and 129 were amended by paragraphs 1 and 2(g) and (h) of Schedule 1 to the Tax Credits Act 1999 (c. 10). Section 137(1) is cited because of the definition of the word “prescribed”.

(b) 1999 c. 10.

(c) Section 137(2)(d) was amended by paragraph 35 of Schedule 2 to the Jobseekers Act 1995 (c. 18).

(d) 1992 c. 5. Section 5(2)(c) and (d) was amended by paragraphs 1 and 3(a) of Schedule 1 to the Tax Credits Act 1999. Section 189(1), (4) and (5) was amended by paragraph 109(a), (c) and (d) of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14), and section 189(1) was further amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(e) S.I. 2001/567.

(6) Regulation 20 shall have effect in relation to claims which are made on or after 10th April 2001.

Interpretation

2. In these Regulations—

“award periods” means award periods of disabled person’s tax credit or working families’ tax credit;

“the Board” means the Commissioners of Inland Revenue;

“claims” means claims for working families’ tax credit or disabled person’s tax credit;

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(a);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(b).

[Regulation 3 amends regulation 2 of S.I. 1991/2887.]

[Regulation 4 amends regulation 6 of S.I. 1991/2887.]

[Regulation 5 amends regulation 16 of S.I. 1991/2887.]

[Regulation 6 amends regulation 21 of S.I. 1991/2887.]

[Regulation 7 amends regulation 22 of S.I. 1991/2887.]

[Regulation 8 amends regulation 24 of S.I. 1991/2887.]

[Regulation 9 amends regulation 51A of S.I. 1991/2887.]

[Regulation 10 inserts regulation 54A in S.I. 1991/2887.]

[Regulation 11 amends regulation 2 of S.I. 1987/1973.]

[Regulation 12 amends regulation 4 of S.I. 1987/1973.]

[Regulation 13 amends regulation 14 of S.I. 1987/1973.]

[Regulation 14 amends regulation 19 of S.I. 1987/1973.]

[Regulation 15 amends regulation 20 of S.I. 1987/1973.]

[Regulation 16 amends regulation 21 of S.I. 1987/1973.]

[Regulation 17 amends regulation 46A of S.I. 1987/1973.]

[Regulation 18 inserts regulation 49ZA in S.I. 1987/1973.]

[Regulation 19 amends regulation 2 of S.I. 1999/3219.]

[Regulation 20 amends regulation 6 of S.I. 1987/1968.]

*Greg Pope
Jim Dowd*

8th March 2001

Two of the Lords Commissioners of Her Majesty’s Treasury

*Tim Flesher
Dave Hartnett*

9th March 2001

Two of the Commissioners of Inland Revenue

(a) S.I. 1991/2887.

(b) S.I. 1987/1973.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) (“the Disability Working Allowance Regulations”) and the Family Credit (General) Regulations 1987 (S.I. 1987/1973) (“the Family Credit Regulations”). The amendments enable a person to claim, with effect from 4th April 2001, working families’ tax credit or disabled person’s tax credit in respect of a newly born or adopted child, or a surrogate child.

Regulation 1 provides for citation, commencement and effect and regulation 2 for interpretation.

Regulation 3 inserts definitions in regulation 2 of the Disability Working Allowance Regulations.

Regulation 4 amends regulation 6 of the Disability Working Allowance Regulations so as to ensure that, subject to certain conditions, a woman who is on maternity leave is treated as engaged in remunerative work for the purposes of disabled person’s tax credit.

Regulations 5 and 7 amend regulations 16 and 22 of the Disability Working Allowance Regulations so as to provide that payments made by an employer to an employee to supplement statutory maternity payments to the employee are taken into account for the purposes of computing the amount of disabled person’s tax credit to be paid to the employee.

Regulations 6 and 8 amend regulations 21 and 24 of the Disability Working Allowance Regulations and provide that maternity allowance paid to an employed or self-employed earner, and statutory maternity pay paid to an employed earner, are not to be treated as earnings for the purposes of disabled person’s tax credit.

Regulation 9 amends regulation 51A of the Disability Working Allowance Regulations so as to enable, subject to certain conditions, a person who is caring for a newly born child, or a recently adopted child or young person, or a surrogate child, to receive assistance in meeting childcare costs.

Regulation 10 inserts a new regulation 54A in the Disability Working Allowance Regulations so as to provide that an existing award of disabled person’s tax credit is terminated if the claimant or partner elects to surrender it following the birth of a child, the adoption of a child or young person or the granting of a parental order for a surrogate child.

Regulations 11 to 18 make similar amendments to the Family Credit Regulations for the purposes of working families’ tax credit as those made by regulations 3 to 10 in relation to disabled person’s tax credit.

Regulation 19 amends regulation 2 of the Tax Credits (Payment by Employers) Regulations 1999 (S.I. 1999/3219). The amendment has the effect that the following awards of working families’ tax credit or disabled person’s tax credit made to any claimant who is an employee are to be paid to the employee by the Inland Revenue and not by the employer –

- an award made in succession to the termination of an existing award following the birth of a child, the adoption of a child or young person, or the granting of a parental order for a Surrogate child
- an award made to an employee who is entitled to statutory maternity pay or maternity allowance.

Regulation 20 amends regulation 6 of the Social Security (Claims and Payments) Regulations 1987 so as to ensure that a claim which supersedes a claim that is terminated by virtue of either of the regulations inserted by regulations 10 and 18 of these Regulations may still be made within one month of notification of intention to make a claim, notwithstanding that it is a renewal claim.

