
STATUTORY INSTRUMENTS

1993 No. 846

SOCIAL SECURITY

The Social Security (Miscellaneous Provisions) Amendment Regulations 1993

<i>Made</i>	- - - -	<i>23rd March 1993</i>
<i>Laid before Parliament</i>		<i>29th March 1993</i>
<i>Coming into force</i>		
<i>for the purposes of regulations 1(1) and 4</i>		<i>4th April 1993</i>
<i>for all other purposes</i>		<i>19th April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 136(3) to (5) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, sections 74(1) and 189(1) of the Social Security Administration Act 1992⁽²⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Provisions) Amendment Regulations 1993 and shall come into force for the purposes of regulations 1(1) and 4 on 4th April 1993 and for all other purposes on 19th April 1993.

(2) Regulations 2 and 3 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 19th April 1993 which applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the principal Regulations.

(3) In these Regulations, “the principal Regulations” means the Income Support (General) Regulations 1987⁽⁴⁾.

(1) 1992 c. 4.

(2) 1992 c. 5.

(3) See the Social Security Administration Act 1992 (c. 5), section 173(1)(b).

(4) S.I. 1987/1967.

Insertion of regulation 25A of the principal Regulations

2. After regulation 25 of the principal Regulations there shall be inserted the following regulation—

“Child support

25A. Regulations 29, 31, 32, 40 and 42 and Chapter VII of this Part shall not apply to any payment which is to be calculated in accordance with Chapter VIIA of this Part (child support).”.

Insertion of Chapter VIIA of the principal Regulations

3. After Chapter VII of the principal Regulations there shall be inserted the following Chapter—

“CHAPTER VIIA

CHILD SUPPORT

Interpretation

60A. In this Chapter—

“child support maintenance” means such periodical payments as are referred to in section 3(6) of the Child Support Act 1991(5);

“maintenance assessment” has the same meaning as in the Child Support Act 1991 by virtue of section 54 of that Act.

Treatment of child support maintenance

60B. All payments of child support maintenance shall to the extent that they are not payments of income be treated as income and shall be taken into account on a weekly basis in accordance with the following provisions of this Chapter.

Calculation of the weekly amount of payments of child support maintenance

60C.—(1) The weekly amount of child support maintenance shall be determined in accordance with the following provisions of this regulation.

(2) Where payments of child support maintenance are made weekly, the weekly amount shall be the amount of that payment.

(3) Where payments of child support maintenance are made monthly, the weekly amount shall be determined by multiplying the amount of the payment by 12 and dividing the product by 52.

(4) Where payments of child support are made at intervals and those intervals are not a week or a month, the weekly amount shall be determined by dividing that payment by the number equal to the number of weeks (including any part of a week) in that interval.

(5) Where a payment is made and that payment represents a commutation of child support maintenance the weekly amount shall be the weekly amount of the individual child support maintenance payments so commuted as calculated in accordance with paragraphs (2) to (4) as appropriate.

(6) Paragraph (2), (3) or, as the case may be, (4) shall apply to any payments made at the intervals specified in that paragraph whether or not—

- (a) the amount paid is in accordance with the maintenance assessment, and
- (b) the intervals at which the payments are made are in accordance with the intervals specified by the Secretary of State under regulation 4 of the Child Support (Collection and Enforcement) Regulations 1992⁽⁶⁾.

Date on which child support maintenance is to be treated as paid

60D. A payment of child support maintenance is to be treated as paid—

- (a) in the case of a payment which is due to be paid before the first benefit week pursuant to the claim, on the day in the week in which it is due to be paid which corresponds to the first day of the benefit week;
- (b) in any other case, on the first day of the benefit week in which it is paid or the first day of the first succeeding benefit week in which it is practicable to take it into account.”.

Amendment of the Social Security (Payments on Account, Overpayments and Recovery) Amendment Regulations 1993

4.—(1) The Social Security (Payments on Account, Overpayments and Recovery) Amendment Regulations 1993⁽⁷⁾ shall be amended in accordance with the following provisions of this regulation.

(2) Regulation 1 shall be renumbered paragraph (1) of that regulation.

(3) In regulation 1, in paragraph (1) after the word “shall” there shall be inserted the words “except in a case to which paragraph (2) below applies”.

(4) Also in regulation 1, after paragraph (1) there shall be inserted the following paragraph—

“(2) Sub-paragraph (a) of paragraph (4) of regulation 2 below, in so far as it relates to regulation 7(1)(b) of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988⁽⁸⁾, and sub-paragraph (c) of paragraph (4) of that regulation, shall come into force on 19th April 1993.”.

Signed by authority of the Secretary of State for Social Security.

23rd March 1993

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

⁽⁶⁾ S.I. 1992/1989.
⁽⁷⁾ S.I. 1993/650.
⁽⁸⁾ S.I. 1988/664.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I.1987/1967) to provide that payments of maintenance made under the Child Support Act 1991 are to be treated as income for the purposes of calculating a claimant's entitlement to income support, and they specify how that income is to be calculated (regulations 2 and 3).

In addition, regulation 4 provides that provisions in the Social Security (Payments on Account, Overpayments and Recovery) Amendment Regulations 1993 (S.I.1993/650) which refer to these Regulations shall come into force on the day the provisions they refer to come into force.