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STATUTORY INSTRUMENTS

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**2002 No. 1950**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments)  
Amendment (No. 2) Regulations 2002**

*Made* - - - - - *24th July 2002*  
*Laid before Parliament* *30th July 2002*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 5(1)(l) and (p) and 189(1), (5) and (6) of the Social Security Administration Act 1992<sup>(1)</sup> and section 43(2) of the Child Support Act 1991<sup>(2)</sup>, and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it<sup>(3)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) Amendment (No. 2) Regulations 2002.

(2) This regulation and regulation 2 shall come into force on 2nd September 2002 and regulation 3 shall come into force in relation to a particular case on the day on which section 43 of the Child Support Act 1991 as substituted by section 21 of the Child Support, Pensions and Social Security Act 2000<sup>(4)</sup> (recovery of child support maintenance by deduction from benefit) comes into force for the purposes of that type of case.

**Amendment of regulation 28 of the Social Security (Claims and Payments) Regulations 1987**

2. In the Social Security (Claims and Payments) Regulations 1987<sup>(5)</sup>, regulation 28 (fractional amounts of benefit) shall be renumbered paragraph (1) of regulation 28 and—

- (a) at the beginning of paragraph (1) there shall be inserted “Subject to paragraph (2),”; and
- (b) after paragraph (1) there shall be added—

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(1) 1992 c. 5. There are amendments to section 189(1), (5) and (6) but they are not relevant to these Regulations.  
(2) 1991 c. 48. Section 43 is substituted by section 21 of the Child Support, Pensions and Social Security Act 2000 (c. 19).  
(3) See section 173(1)(b) of the Social Security Administration Act 1992.  
(4) 2000 c. 19; section 21 was brought into force by S.I.2000/2994 (C. 94) for the purpose of exercising powers to make regulations and Acts of Sederunt only.  
(5) S.I. 1987/1968.

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

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“(2) Where the amount of any maternity allowance payable would, but for this regulation, include a fraction of a penny, that fraction shall be treated as a penny.”.

### **Amendment of Schedule 9B to the Social Security (Claims and Payments) Regulations 1987**

**3.** In the Social Security (Claims and Payments) Regulations 1987(6), in Schedule 9B(7) (deductions from benefit in respect of child support maintenance and payment to persons with care)

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- (a) in paragraph 1 (interpretation) in the definition of “maintenance”, before the word “means”, there shall be inserted the words “, except in paragraph 3,”; and
  - (b) in paragraph 3 (arrears), after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the Act—

- (a) before the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000(8);
- (b) after the amendment of the definition; or
- (c) both before and after the amendment of the definition,

and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.”.

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

24th July 2002

*P. Hollis*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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(6) S.I. 1987/1968; relevant amending instruments are S.I. 1988/522 and 2001/18.

(7) Schedule 9B was inserted by S.I. 2001/18.

(8) 2000 c. 19; section 21 was brought into force by S.I. 2000/2994 (C. 94) for the purpose of exercising powers to make regulations and Acts of Sederunt only.

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## EXPLANATORY NOTE

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

These Regulations make further amendments to the Social Security (Claims and Payments) Regulations 1987.

Regulation 2 provides that where the amount of maternity allowance payable includes any fraction of a penny it shall be rounded up to the next whole penny.

Regulation 3 provides that deductions from benefit may be made in respect of arrears of child support maintenance calculated under the Child Support Act 1991 (c. 48) or assessed under that Act prior to its amendment by the Child Support, Pensions and Social Security Act 2000 (c. 19), or both such arrears, including arrears of maintenance payable at a transitional rate under the latter Act.

These Regulations do not impose any cost on business.