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STATUTORY INSTRUMENTS

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**2002 No. 842**

**SOCIAL SECURITY**

**The Social Security Benefit (Computation of Earnings) (Child Care Charges) Regulations 2002**

<i>Made</i>	- - - -	<i>26th March 2002</i>
<i>Laid before Parliament</i>		<i>27th March 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The Treasury, in exercise of the powers conferred on them by sections 3(2) and (3) and 175(3) of the Social Security Contributions and Benefits Act 1992(1) and of all other powers enabling them in that behalf, and with the concurrence of the Secretary of State, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Child Care Charges) Regulations 2002 and shall come into force on 1st April 2002.

**Relevant Child Care Charges**

2. In paragraph 2 of Schedule 2 to the Social Security Benefit (Computation of Earnings) Regulations 1996(2), after sub-paragraph (d), insert—

“or

- (e) by persons registered under Part XA of the Children Act 1989(3); or
- (f) in schools or establishments which are exempted from registration under Part XA of the Children Act 1989 by virtue of paragraph 1 of Schedule 9A(4) to that Act; or
- (g) by
  - (i) persons registered under section 7(1) of the Regulation of Care (Scotland) Act 2001(5); or
  - (ii) local authorities registered under section 33(1) of that Act,

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(1) 1992 c. 4. Section 3(2) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999, section 2 and Schedule 3, paragraph 3.  
(2) S.I.1996/2745, to which there are amendments not relevant to these Regulations.  
(3) 1989 c. 41. Part XA, comprising sections 79A to 79X, was inserted by section 79 of the Care Standards Act 2000 (c. 14).  
(4) Schedule 9A to the Children Act 1989 was inserted by Schedule 3 to the Care Standards Act 2000.  
(5) 2001 asp 8.

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**Status:** This is the original version (as it was originally made).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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where the care provided is childminding or daycare of children within the meaning of that Act.”.

26th March 2002

*Tony McNulty*  
*Anne McGuire*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

Signed by authority of the Secretary of State for Work and Pensions who concurs in the making of these Regulations.

26th March 2002

*Malcolm Wicks*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security Benefit (Computation of Earnings) Regulations 1996 with effect from 1st April 2002.

The 1996 Regulations provide for the calculation of the earnings of employed and self-employed persons, to whom benefit is or may be payable, and of such a person's dependants, for the purposes of those provisions of the Social Security Contributions and Benefits Act 1992, and regulations made under that Act, by which the right to, or amount of, benefit depends on the amount of earnings. The 1996 Regulations also provide that certain specified childcare charges are to be deducted when determining a person's earnings for those purposes.

These Regulations extend and update the category of childcare charges, which are to be deducted from a person's earnings.