
STATUTORY INSTRUMENTS

2003 No. 2779

The Child Support (Miscellaneous Amendments) (No. 2) Regulations 2003

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000

6.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations 2000⁽¹⁾ shall be amended in accordance with the following paragraphs.

(2) In regulation 1(2) (citation, commencement and interpretation)⁽²⁾—

(a) in the definition of “home”, for “a residential care home or a nursing home” substitute “a care home or an independent hospital or the provision of a care home service or an independent health care service”;

(b) omit the definitions of “nursing home” and “residential care home”;

(c) after the definition of “the Act” insert—

““care home” has the meaning assigned to it by section 3 of the Care Standards Act 2000;

“care home service” has the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;”;

(d) after the definition of “Income Support Regulations” insert—

““independent health care service” has the meaning assigned to it by section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

“independent hospital” has the meaning assigned to it by section 2 of the Care Standards Act 2000;”;

(e) in the definition of “occupational pension scheme” after “1988” add “or is a statutory scheme to which section 594 of that Act applies”;

(f) for the definition of “training allowance” substitute—

““training allowance” means a payment under section 2 of the Employment and Training Act 1973 (“the 1973 Act”)⁽³⁾, or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (“the 1990 Act”)⁽⁴⁾, which is paid—

(a) to a person for his maintenance; and

(b) in respect of a period during which that person—

(i) is undergoing training pursuant to arrangements made under section 2 of the 1973 Act or section 2 of the 1990 Act; and

(ii) has no net weekly income of a type referred to in Part II or Part III of the Schedule;”;

⁽¹⁾ S.I. 2001/155.

⁽²⁾ Relevant amending instruments are S.I. 2002/3019 and 2003/328.

⁽³⁾ 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

⁽⁴⁾ 1990 c. 35.

(g) after the definition of “training allowance” insert—

““war widow’s pension” means any pension or allowance payable for a widow which is—

- (a) granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917(5), the Personal Injuries (Emergency Provisions) Act 1939(6), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(7), the Polish Resettlement Act 1947(8) or Part VII or section 151 of the Reserve Forces Act 1980(9);
 - (b) payable under so much of any Order in Council, Royal Warrant, order or scheme as relates to death due to service in the armed forces of the Crown, wartime service in the merchant navy or war injuries;
 - (c) payable in respect of death due to peacetime service in the armed forces of the Crown before 3rd September 1939, and payable at rates, and subject to conditions, similar to those of a pension within sub-paragraph (b); or
 - (d) payable under the law of a country other than the United Kingdom and of a character substantially similar to a pension within sub-paragraph (a), (b) or (c),
- and “war widower’s pension” shall be construed accordingly;”.

(3) In regulation 4(1) (flat rate)—

- (a) in sub-paragraph (e), omit “or war widow’s pension”; and
- (b) after sub-paragraph (e) add—

“and

(f) a war widow’s pension or a war widower’s pension.”.

(4) In regulation 5 (nil rate)(10), in paragraph (f), for “in a residential care home or nursing home” substitute “who is resident in a care home or an independent hospital or is being provided with a care home service or an independent health care service”.

(5) In regulation 11 (non-resident parent liable to pay maintenance under a maintenance order)—

- (a) in paragraph (3) after “applies,” insert “subject to paragraph (5),”; and
- (b) after paragraph (4) add—

“(5) If the application of paragraph (3) would decrease the weekly amount of child support maintenance (or the aggregate of all such amounts) payable by the non-resident

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- (5) 1917 c. 51. Section 3 was amended by and section 13 was repealed by S.I. 1964/488. Section 4 was amended by the Armed Forces Act 1981 (c. 55). Sections 5 and 11 were repealed by the Statute Law Revision Act 1927 (c. 42). Section 6 was repealed by the Statute Law (Repeals) Act 1976 (c. 16). Section 7 and Schedule 1 were repealed by the Naval Discipline Act 1957 (c. 53). Sections 8 to 10 were repealed by the Defence (Transfer of Functions) Act 1964 (c. 15). Section 12 and Schedule 2 were repealed by the Revision of the Army and Air Forces Acts (Transitional Provisions) Act 1955 (c. 20).
 - (6) 1939 c. 82. Section 2 was amended, and sections 3, 4 and 5 were repealed, by the Statute Law Revision Act 1953 (c. 5). Section 6 was repealed by the Theft Act 1968 (c. 60). Section 8 was modified by the Northern Ireland Act 1998 (c. 47). Section 9 was amended by the Statute Law Revision Act 1950 (c. 6).
 - (7) 1939 c. 83. Section 1 was repealed by S.I. 1964/488. Section 2 was repealed by the War Orphans Act 1942 (c. 8). Sections 3, 4, 5, 6, 7 and 10 were amended by the Pensions (Mercantile Marine) Act 1942 (c. 26). Section 4 was amended by the Pilotage Act 1983 (c. 21). Section 5 was amended by the Armed Forces Act 1981 (c. 55). Section 6 was amended by the Merchant Shipping Act 1970 (c. 36). Section 8 was repealed by the Theft Act 1968. Section 9 was repealed by S.I. 1965/145.
 - (8) 1947 c. 19. Section 2 and the Schedule were amended by the National Assistance Act 1948 (c. 29). Section 3 was amended by S.I. 1951/174 and 1968/1699, the Supplementary Benefits Act 1976 (c. 71) and the Social Security Act 1980 (c. 30). Section 4 was amended by S.I. 1968/1699, the National Health Service Act 1977 (c. 49), the Social Security Act 1980, the Mental Health Act 1983 (c. 20) and the Health Authorities Act 1995 (c. 17). Sections 6, 7 and 12 and the Schedule were amended by the Social Security Act 1980. Sections 8 and 9 were repealed, and sections 10 and 12 were amended, by the Statute Law Revision Act 1953. Section 11 was amended by the Mental Health Act 1983 and the Mental Health (Scotland) Act 1984 (c. 36).
 - (9) 1980 c. 9. Part VII was amended by the Armed Forces Act 1981, the Army Act 1992 (c. 39), the Statute Law (Repeals) Act 1993 (c. 50) and the Reserve Forces Act 1996 (c. 14).
 - (10) Relevant amending instruments are S.I. 2002/3019 and 2003/1195.

parent to the person with care (or all of them) to an amount which is less than a figure equivalent to the flat rate of child support maintenance payable under paragraph 4(1) of Schedule 1 to the Act, the non-resident parent shall instead be liable to pay child support maintenance at a rate equivalent to that flat rate apportioned (if appropriate) as provided in paragraph 6 of Schedule 1 to the Act.”.