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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 6**

**MEANING OF TERMS IN THE 1991 ACT**

**Meaning of “child” for the purposes of the 1991 Act**

**76.** The prescribed condition for the purposes of section 55(1) of the 1991 Act<sup>(1)</sup> (that is the condition that must be satisfied if a person who has attained the age of 16 but not the age of 20 is to fall with the meaning of “child”) is that the person is a qualifying young person as defined in section 142(2) of the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>.

**Relevant other child outside Great Britain**

**77.** For the purposes of paragraph 10C(2)(b) of Schedule 1 to the 1991 Act (which provides for other descriptions of relevant other children to be prescribed) “relevant other child” includes a child, other than a qualifying child, in respect of whom the non-resident parent or the non-resident parent’s partner would receive child benefit, but in respect of whom they do not do so, solely because the conditions set out in section 146 of the Social Security Contributions and Benefits Act 1992 (persons outside Great Britain) are not met.

**Persons who are not persons with care**

**78.—(1)** The following categories of person are not persons with care for the purposes of the 1991 Act—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 22C(2) or 23(5) of that Act<sup>(3)</sup>;
- (c) in Scotland, a family or relative with whom a child is placed by a local authority under the provisions of section 26 of the Children (Scotland) Act 1995<sup>(4)</sup>.

(2) In paragraph (1)—

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989 or section 17(6) of the Children (Scotland) Act 1995 as the case may be;

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(1) Section 55 was substituted by section 42 of the 2008 Act.  
(2) 1992 c. 4. Section 142 defines the terms “child” and “qualifying young person” for the purposes of entitlement to child benefit. A child is a person under 16 and a qualifying young person is a person aged 16 or over who satisfies conditions in regulations made by Her Majesty’s Treasury. The relevant regulations are [S.I.2006/223](#) amended by [S.I. 2007/2150](#), [2008/1879](#) and [2009/3268](#).  
(3) 1989 c. 41. Section 22C(2) was inserted prospectively by the Children Act 2008 (c. 23), section 8; when it is in force it will replace section 23(5).  
(4) 1995 c. 36.

“family” means a family other than a family defined in section 93(1) of the Children (Scotland) Act 1995.