
STATUTORY INSTRUMENTS

1993 No. 478

SOCIAL SECURITY

The Social Security (Claims and Payments) Amendment Regulations 1993

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| <i>Made</i> | - - - - | <i>4th March 1993</i> |
| <i>Laid before Parliament</i> | | <i>11th March 1993</i> |
| <i>Coming into force</i> | - - | <i>1st April 1993</i> |

The Secretary of State for Social Security, in exercise of the powers conferred by section 5(1)(p), as extended by section 43(2) of the Child Support Act 1991⁽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 the proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation and interpretation

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 1993 and shall come into force on 1st April 1993.

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

2. Schedule 9 to the Social Security (Claims and Payments) Regulations 1987⁽⁴⁾ shall be amended as follows—

(a) in paragraph 2(1)—

- (i) the word “and” shall be omitted at the end of sub-paragraph (d);
- (ii) for the full stop at the end of sub-paragraph (e) there shall be substituted “; and”; and
- (iii) after sub-paragraph (e) there shall be inserted the following sub-paragraph—
 - “(f) payments in place of payments of child support maintenance under section 43(1) of the Child Support Act 1991⁽⁵⁾ and regulation 28

(1) 1991 c. 48. Section 43(2) was amended by paragraph 113 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6).
(2) 1992 c. 5.
(3) See section 173(1) of The Social Security Administration Act 1992.
(4) S.I.1987/1968. The relevant amending instruments are S.I. 1989/136, 1991/2284 and 1992/1026.
(5) 1991 c. 48.

of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(6).”;

(b) the following paragraph shall be inserted after paragraph 7—

“Payments in place of payments of child support maintenance

7A.—(1) Subject to paragraph (2), where a child support officer (within the meaning of section 13 of the Child Support Act 1991) has determined that a beneficiary or his partner is liable in respect of payments under section 43(1) of that Act and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 in place of payments of child support maintenance, the adjudicating authority shall, subject to paragraph 8, determine whether there is sufficient specified benefit in payment to enable a deduction to be made by the Secretary of State for transmission to the person or persons entitled to it.

(2) Not more than one deduction shall be made under paragraph (1) in any one benefit week as defined in paragraph 4 of Schedule 7.

(3) The amount of specified benefit to be paid under this paragraph shall be the amount prescribed by regulation 28(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 for the purposes of section 43 (2)(a) of the Child Support Act 1991 (that is to say 5 per cent of the personal allowance for a single claimant aged not less than 25).;”

Signed by authority of the Secretary of State for Social Security

4th March 1993

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

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 Order)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 so as to provide that where a person in receipt of income support, either alone or in conjunction with certain other benefits, has a liability to make payments in place of child support maintenance under section 43(1) of the Child Support Act 1991, then, subject to certain restrictions, a deduction may be made from those benefits towards satisfying that liability.