

1996 No. 940

SOCIAL SECURITY

The Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996

Made - - - - - 27th March 1996
Laid before Parliament 1st April 1996
Coming into force - - 19th April 1996

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 74A(5) and (6), 189(1) and (3) to (5) and 191 of the Social Security Administration Act 1992(a), sections 136(5)(b), 137(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(b), and of all other powers enabling him in that behalf, by this instrument which contains only regulations made by virtue of, or consequential upon, section 74A of the Social Security Administration Act 1992, and is made before the end of the period of 6 months beginning with the coming into force of that section(c) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996 and shall come into force on 19th April 1996.

(2) In these Regulations—

“the Act” means the Social Security Administration Act 1992;

▶¹ “the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;◀

“the Income Support Regulations” means the Income Support (General) Regulations 1987(d);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(e).

¹Defn. of “the Employment and Support Allowance Regulations” inserted by reg. 59(2) of S.I. 2008/1554 as from 27.10.08.

Interpretation for the purposes of section 74A of the Act

2. In section 74A of the Act (payment of benefit where maintenance payments collected by the Secretary of State)—

(a) “child maintenance” means any payment towards the maintenance of a child or young person, including payments made—

(i) under a court order;

(a) 1992 c. 5; section 74A was inserted by section 25 of the Child Support Act 1995 (c. 34); section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.

(b) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

(c) See section 173(5)(b) of the Social Security Administration Act 1992.

(d) S.I. 1987/1967.

(e) S.I. 1996/207.

Regs. 2-5

¹Word substituted in reg. 2(a)(ii) by reg. 8 of S.I. 2001/158 as from date on which S.I. of the Child Support, and Pensions and Social Security Act 2000 comes into force in relation to that case.

²Words inserted in reg. 2(b) by para. 27 of Sch. 3 to S.I. 2005/2877 as from 5.12.05.

³Words inserted & omitted in reg. 2(c); regs. 3 & 5 by reg. 59(3)-(5) of S.I. 2008/1554 as from 27.10.08.

- (ii) under a maintenance ►¹calculation◄ made under the Child Support Act 1991(a);
- (iii) under an agreement for maintenance; or
- (iv) voluntarily,
and for this purpose a “young person” is a person referred to in regulation 3 of these Regulations (persons of a prescribed description);
- (b) “spousal maintenance” means any payment made by a person towards the maintenance of that person’s spouse ►²or civil partner◄, including payments made–
 - (i) under a court order;
 - (ii) Under an agreement for maintenance; or
 - (iii) voluntarily;
- (c) “relevant income” means–
 - (i) any income support is taken into account under Part V of the Income Support Regulations for the purposes of calculating the amount of income support to which the claimant is entitled; or
 - (ii) any income which is taken into account under Part VIII of the Jobseeker’s Allowance Regulations for the purposes of calculating the amount of jobseeker’s allowance to which the claimant is entitled ►³; or
 - (iii) any income which is taken into account under Part 10 of the Employment and Support Allowance Regulations for the purposes of calculating the amount of employment and support allowance to which the claimant is entitled.◄

Persons of a prescribed description

3. For the purposes of the definition of “family” in section 74A(5) of the Act a person of a prescribed description is any person who–

- (a) is referred to as a “young person” in the Income Support Regulations by virtue of regulation 14 of those Regulations(b); or
- (b) is referred to as a “young person” in the Jobseeker’s Allowance Regulations by virtue of regulation 76 of those Regulations ►³; or
- (c) is referred to as a “young person” in the Employment and Support Allowance Regulations by virtue of regulation 2(1) of those Regulations.◄

Circumstances in which a person is to be treated as responsible for another

4. A person shall be treated as responsible for another for the purposes of section 74A of the Act if he is treated as responsible for that other person under either regulation 15 of the Income Support Regulations(c) or regulation 77 of the Jobseeker’s Allowance Regulations.

Circumstances in which persons are to be treated as being members of the same household

5. Persons shall be treated as member of the same household for the purposes of section 74A of the Act if they are treated as members of the same household under ►³◄ regulation 16 of the Income Support Regulations(d) or regulation 78 of the Jobseeker’s Allowance Regulations ►³or regulation 156 of the Employment and Support Allowance Regulations◄.

(a) 1991 c. 48.

(b) Relevant amending instruments are S.I. 1988/1445 and 1990/547.

(c) Relevant amending instrument is S.I. 1993/2119.

(d) Relevant amending instruments are S.I. 1988/663, 1989/534, 1990/547, 1992/468 and 3146, and 1993/2119.

[Regulation 6(1) introduces amendments to S.I. 1987/1967.]

[Regulation 6(2) amends regulation 55 of S.I. 1987/1967.]

[Regulation 6(3) inserts regulation 55A in S.I. 1987/1967.]

[Regulation 6(4) amends regulation 60B of S.I. 1987/1967.]

[Regulation 6(5) inserts regulation 60E in S.I. 1987/1967.]

27th March 1996

A.J.B. Mitchell
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by virtue of, and are consequential upon, section 74A of the Social Security Administration Act 1992, which was inserted into that Act by section 25 of the Child Support Act 1995, and provides that where the Secretary of State is collecting maintenance payments on behalf of a person who is claiming certain social security benefits, the Secretary of State may disregard those maintenance payments for the purposes of calculating the claimant's benefit entitlement, and may then retain any such maintenance payments collected by him.

These Regulations provide definitions of certain terms for the purposes of section 75A, and make consequential amendments to the Income Support (General) Regulations 1987.

These Regulations are made within 6 months of the coming into force of section 74A of the Social Security Administration Act 1992 and are accordingly exempted by section 173(5)(b) of that Act from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on businesses.

