
STATUTORY INSTRUMENTS

2003 No. 231

The Social Security (Child Maintenance Premium and Miscellaneous Amendments) Amendment Regulations 2003

Amendment of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000

2. For regulation 4 of the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations 2000⁽¹⁾ (revocations and transitional provisions) there shall be substituted the following regulation—

“4.—(1) Subject to paragraphs (2) to (8) below—

- (a) regulations 2 to 13 of the Social Security (Child Maintenance Bonus) Regulations 1996⁽²⁾ (“the Child Maintenance Bonus Regulations”);
- (b) the Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997⁽³⁾ (“the Reciprocal Arrangements Regulations”);
- (c) regulation 8 of the Social Security (Miscellaneous Amendments) Regulations 1997⁽⁴⁾; and
- (d) regulation 2 of the Social Security (Miscellaneous Amendments) Regulations 1998⁽⁵⁾,

are hereby revoked.

(2) Subject to paragraph (6) below, the Reciprocal Arrangements Regulations and regulations 2 to 13 of the Child Maintenance Bonus Regulations shall continue to have effect as if paragraph (1) above had not been made in relation to a person—

- (a) who—
 - (i) satisfied the requirements of regulation 10 (claiming a bonus) or, as the case may be, regulation 11(4) (claims: further provisions) of the Child Maintenance Bonus Regulations; and
 - (ii) satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations (entitlement to a bonus: the work condition),

before the commencement date, but whose claim has not been determined before that date;

- (b) to whom regulation 8(1) or (2) of the Child Maintenance Bonus Regulations (retirement) applied before the commencement date but whose entitlement has not been determined before that date;
- (c) who—

⁽¹⁾ S.I.2000/3176.

⁽²⁾ S.I. 1996/3195, as amended by S.I. 1997/454, 1998/563, 1999/2566, 2002/1397 and 2497.

⁽³⁾ S.I. 1997/645.

⁽⁴⁾ S.I. 1997/454.

⁽⁵⁾ S.I. 1998/563.

- (i) satisfied the requirements of regulation 10 or, as the case may be, regulation 11(4) of the Child Maintenance Bonus Regulations; and
 - (ii) satisfied the requirements of regulation 8(4) of the Child Maintenance Bonus Regulations,before the commencement date, but whose claim has not been determined before that date; or
 - (d) who—
 - (i) satisfied the requirements of regulation 3(1)(b) to (f) of the Child Maintenance Bonus Regulations before the commencement date; and
 - (ii) satisfies the requirements of regulation 10 (claiming a bonus) or, as the case may be, regulation 11(4) (claims: further provisions) of the Child Maintenance Bonus Regulations on or after the commencement date.
- (3) Subject to paragraphs (5) and (6) below, the Reciprocal Arrangements Regulations and regulations 2 to 6 and 9 to 13 of the Child Maintenance Bonus Regulations shall continue to have effect as if paragraph (1) above had not been made in relation to—
- (a) a person who—
 - (i) satisfied the requirements of regulation 10 of the Child Maintenance Bonus Regulations before the commencement date; and
 - (ii) has not satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations before that date; or
 - (b) a person—
 - (i) who has not claimed a child maintenance bonus before the commencement date; and
 - (ii) to whom the provisions of paragraph (4) below apply on the day immediately before the commencement date.
- (4) For the purposes of paragraph (3)(b)(ii) above, the provisions of this paragraph are that—
- (a) the person or, where the person has a partner, her partner is entitled to, or is treated as entitled to a qualifying benefit whether it is payable or not;
 - (b) the person has residing with her a qualifying child;
 - (c) child maintenance is either—
 - (i) paid or payable to the person; or
 - (ii) retained by the Secretary of State in accordance with section 74A(3) of the Social Security Administration Act 1992; and
 - (d) the person has not satisfied the work condition in accordance with regulation 3(1)(c) of the Child Maintenance Bonus Regulations.
- (5) For the purposes of paragraph (3) above, regulation 3 of the Child Maintenance Bonus Regulations shall have effect as if in paragraph (1)—
- (a) the words “no later than the day immediately before the commencement date” were inserted after—
 - (i) “dies” in sub-paragraph (f)(i); and
 - (ii) “has” where that word first appears in sub-paragraph (f)(ii); and
 - (b) for the words “14 days” in sub-paragraph (f)(iii) there were substituted “one month”.

(6) For the purposes of paragraphs (2) and (3) above, regulation 4 of the Child Maintenance Bonus Regulations (bonus period) shall have effect as if for paragraph (7) there were substituted the following paragraph—

“(7) A bonus period which would, but for this paragraph, have continued shall end—

- (a) where the applicant or, where the applicant has a partner, her partner, satisfies the work condition and claims a bonus, on the last day of entitlement to a qualifying benefit to which any award made on that claim applies;
- (b) on the date of death of a person with care of a qualifying child to whom child maintenance is payable; or
- (c) on the day immediately before the commencement date,

whichever is the earlier.”

(7) Nothing in this regulation shall prevent the Secretary of State from issuing a written statement pursuant to regulation 6(1) of the Child Maintenance Bonus Regulations (Secretary of State to issue estimates) to a person who appears to him to satisfy the requirements of regulation 3 of those Regulations.

(8) For the purposes of this regulation “child maintenance” has the meaning given by regulation 1(2) of the Child Maintenance Bonus Regulations(6) (interpretation).”.

(6) The definition of “child maintenance” was substituted by S.I. 1998/563.