
STATUTORY INSTRUMENTS

2003 No. 328

The Child Support (Miscellaneous Amendments) Regulations 2003

Amendment of the Maintenance Assessments and Special Cases Regulations

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

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

(a) after the definition of “Child Benefit Rates Regulations”, there shall be inserted the following definition—

““child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;”;

(b) the definitions of “disabled person’s tax credit” and “family credit” shall be omitted; and

(c) for the definition of “working families’ tax credit”, there shall be substituted the following definition—

““working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;”.

(3) In regulation 9(1)(e)(i) (exempt income: calculation or estimation of E)(2), for “an invalid care allowance”, there shall be substituted “a carer’s allowance”.

(4) In regulation 10A (assessable income: working families’ tax credit or disabled person’s tax credit paid to or in respect of a parent with care or an absent parent)(3), in the heading and in paragraph (1), for “working families’ tax credit or disabled person’s tax credit”, there shall be substituted “working tax credit”.

(5) In regulation 11(2)(a) (protected income)(4), after head (v), there shall be added—

“(vi) there shall be taken into account any child tax credit which is payable to the absent parent or his partner; and”.

(6) In Schedule 1 (calculation of N and M)(5)—

(a) in paragraphs 2(1A) and 5(5), for “working families’ tax credit or disabled person’s tax credit”, there shall be substituted “working tax credit or child tax credit”;

(b) in paragraph 7, sub-paragraphs (2) to (5) shall be omitted;

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- (1) Regulation 1(2) was amended by S.I. 1993/913, 1995/1045, 1995/3261, 1996/1345, 1996/1803, 1996/1945, 1996/3196, 1998/58, 1999/977, 1999/1510 (C. 43) and 1999/2566 and is revoked, with savings, by S.I. 2001/155.
- (2) Regulation 9 was amended by S.I. 1993/913, 1995/1045, 1995/3261, 1996/1803, 1996/1945, 1996/2907, 1998/58 and 2002/1204 and is revoked, with savings, by S.I. 2001/155.
- (3) Regulation 10A was inserted by S.I. 1996/3196 and amended by S.I. 1999/1510 (C. 43) and 1999/2566 and is revoked, with savings, by S.I. 2001/155.
- (4) Regulation 11 was amended by S.I. 1994/227, 1995/1045, 1995/3261, 1996/1803, 1996/1945 and 1998/58 and is revoked, with savings, by S.I. 2001/155.
- (5) Schedule 1 was amended by S.I. 1993/913, 1995/1045, 1996/1345, 1996/1803, 1996/1945, 1996/3196, 1998/58, 1999/977, 1999/1510 (C. 43) and 1999/2566 and is revoked, with savings, by S.I. 2001/155.

- (c) in paragraph 12(e), for the words after “under”, there shall be substituted “regulation 62(2A)(b) of the Income Support (General) Regulations 1987(6) towards such costs;”;
- (d) after paragraph 14A, there shall be inserted—
- “14B.—**(1) Subject to sub-paragraph (2), payments to a person of working tax credit shall be treated as the income of the parent who has qualified for them by his normal engagement in remunerative work at the rate payable at the effective date.
- (2) Where working tax credit is payable and the amount which is payable has been calculated by reference to the earnings of the absent parent and another person—
- (a) if during the period which is used to calculate his earnings under paragraph 2 or, as the case may be, paragraph 5, the normal weekly earnings of that parent exceed those of the other person, the amount payable by way of working tax credit shall be treated as the income of that parent;
- (b) if during that period the normal weekly earnings of that parent equal those of the other person, half of the amount payable by way of working tax credit shall be treated as the income of that parent; and
- (c) if during that period the normal weekly earnings of that parent are less than those of that other person, the amount payable by way of working tax credit shall not be treated as the income of that parent.”; and
- (e) paragraph 16 shall be amended as follows—
- (i) in sub-paragraph (1), for “(6)”, there shall be substituted “(7)”; and
- (ii) after sub-paragraph (6), there shall be added—
- “**(7)** This paragraph shall not apply to payments of working tax credit referred to in paragraph 14B.”.
- (7) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)(7)—
- (a) in paragraph 22, for the words from “paragraph 19” to the end of the paragraph, there shall be substituted “paragraph 19 of Schedule 9 to the Income Support (General) Regulations 1987(8) which would have applied if he had been in receipt of income support.”;
- (b) after paragraph 48C, there shall be inserted—
- “48D.** Any payment of child tax credit.”; and
- (c) after paragraph 48D, there shall be inserted—
- “48E.** Any payment made by a local authority relating to—
- (a) welfare services in respect of which the Secretary of State has paid a grant to the local authority under section 93(1) of the Local Government Act 2000(9);
- (b) welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000; or

(6) [S.I. 1987/1967](#). Regulation 62(2A) was inserted by [S.I. 1992/468](#), substituted by [S.I. 1999/1935](#) and amended by [S.I. 2001/2319](#) and [2002/1589](#).

(7) Schedule 2 was amended by [S.I. 1993/913](#), [1995/1045](#), [1995/3261](#), [1996/481](#), [1996/1345](#), [1996/3196](#), [1998/58](#) and [1999/977](#) and is revoked, with savings, by [S.I. 2001/155](#).

(8) [S.I. 1987/1967](#). Paragraph 19 of Schedule 9 was substituted by [S.I. 1994/527](#) and amended by [S.I. 1995/516](#) and [2002/668](#).

(9) [2000 c. 22](#).

- (c) housing support services in respect of which the Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001⁽¹⁰⁾,

where the person qualified for those services.”

(8) Paragraph (a) of Schedule 4 (cases where child support maintenance is not to be payable)⁽¹¹⁾ shall be amended as follows—

- (a) in sub-paragraph (viii), for “invalid care allowance”, there shall be substituted “carer’s allowance”; and
- (b) sub-paragraph (xi) shall be omitted.

⁽¹⁰⁾ 2001 asp 10.

⁽¹¹⁾ Schedule 4 was amended by S.I. 1993/913, 1995/1045 and 1999/2566 and is revoked, with savings, by S.I. 2001/155.