
STATUTORY INSTRUMENTS

2004 No. 98

The Social Security (Child Maintenance Premium) Amendment Regulations 2004

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Child Maintenance Premium) Amendment Regulations 2004 and shall come into force in accordance with paragraphs (2) and (3) below.

(2) This regulation and regulation 4 shall come into force on 16th February 2004.

(3) Regulations 2 and 3 shall come into force—

(a) on 16th February 2004 in relation to any particular case in respect of which type of case section 23 of the 2000 Act⁽¹⁾ has before 16th February 2004 come into force;

(b) where sub-paragraph (a) does not apply, in relation to any particular case, on the date on which section 23 of the 2000 Act comes into force in relation to that type of case;

(c) in relation to a person who, on or after 16th February 2004—

(i) makes a claim for income support or an income-based jobseeker's allowance; and

(ii) on or after the date of that claim receives any payment of child maintenance made voluntarily,

on 16th February 2004; or

(d) in relation to a person who—

(i) on 16th February 2004 is entitled to income support or an income-based jobseeker's allowance; and

(ii) on or after 16th February 2004 receives any payment of child maintenance made voluntarily and that payment is the first payment of child maintenance received by that person whilst he is entitled to income support or an income-based jobseeker's allowance,

on 16th February 2004 if a payment referred to in head (ii) is received on that day, or on the day on which such a payment is received where it is received after 16th February 2004.

(4) In this regulation—

“the 1991 Act” means the Child Support Act 1991⁽²⁾;

“the 2000 Act” means the Child Support, Pensions and Social Security Act 2000;

“child maintenance” shall have the same meaning as that prescribed for the purposes of section 74A⁽³⁾ of the Social Security Administration Act 1992;

“an income-based jobseeker's allowance” has the meaning given by section 1(4) of the Jobseekers Act 1995⁽⁴⁾;

(1) 2000 c. 19. The relevant commencement order is S.I.2003/192 (C. 11) as amended by S.I. 2003/346 (C. 21).

(2) 1991 c. 48.

(3) Section 74A was inserted by section 25 of the Child Support Act 1995 (c. 34).

(4) This definition was amended by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 7, paragraph 2(4)(a).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“payment of child maintenance made voluntarily” means any payment of child maintenance other than such a payment made—

- (a) under a court order;
- (b) under a maintenance assessment made under the 1991 Act prior to its amendment by the 2000 Act or under a maintenance calculation made under the 1991 Act after its amendment by the 2000 Act;
- (c) under an agreement for maintenance;
- (d) in accordance with section 28J of the 1991 Act⁽⁵⁾ (voluntary payments); or
- (e) by the Secretary of State in lieu of child maintenance, including any payment made by the Secretary of State under section 27 of the 2000 Act (temporary compensation payment scheme).

(5) Section 28J was inserted by section 20(1) of the Child Support, Pensions and Social Security Act 2000.