

---

STATUTORY INSTRUMENTS

---

**2012 No. 2677**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 6**

MEANING OF TERMS IN THE 1991 ACT

**Meaning of “child” for the purposes of the 1991 Act**

76.—<sup>[F1(1)]</sup> <sup>[F2]</sup>Subject to paragraphs (2) and (3), the prescribed<sup>[F3]</sup> condition for the purposes of section 55(1) of the 1991 Act <sup>M1</sup> (that is the condition that must be satisfied if a person who has attained the age of 16 but not the age of 20 is to fall with the meaning of “child”) is that the person is a qualifying young person as defined in section 142(2) of the Social Security Contributions and Benefits Act 1992<sup>M2</sup>.

<sup>[F3]</sup>(2) A person does not satisfy the condition referred to in paragraph (1) where the person is—

- (a) engaged in remunerative work in any week during a prescribed period; or
- (b) in receipt of other financial support in any week.

(3) Case 2.1(b)(i) in regulation 7(2) (qualifying young person: terminal dates) of the Child Benefit (General) Regulations 2006 (the “2006 Regulations”) is to be read as if at the beginning there were inserted “the week in which”.

(4) In this regulation—

“other financial support” means any of the types of financial support specified in regulation 8(2) (child benefit not payable in respect of a qualifying young person: other financial support) of the 2006 Regulations;

“prescribed period” is the period found in accordance with cases 1 and 2 in regulation 7(2) of the 2006 Regulations (as modified in respect of case 2.1(b)(i) by paragraph (3) of this regulation);

“remunerative work” has the meaning given in regulation 1(3) (citation, commencement and interpretation) of the 2006 Regulations;

“week” has the meaning in the 2006 Regulations.]

**F1** Reg. 76(1): reg. 76 renumbered as reg. 76(1) (19.7.2021) by [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021 \(S.I. 2021/763\)](#), regs. 1(2), **4(2)(a)**

**F2** Words in reg. 76(1) substituted (19.7.2021) by [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021 \(S.I. 2021/763\)](#), regs. 1(2), **4(2)(b)**

**F3** Reg. 76(2)-(4) inserted (19.7.2021) by [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021 \(S.I. 2021/763\)](#), regs. 1(2), **4(2)(c)**

#### Commencement Information

- I1** Reg. 76 wholly in force; reg. 76 not in force at made date; reg. 76 in force at 29.7.2013 for certain purposes and reg. 76 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

#### Marginal Citations

- M1** Section 55 was substituted by section 42 of the 2008 Act.
- M2** [1992 c. 4](#). Section 142 defines the terms “child” and “qualifying young person” for the purposes of entitlement to child benefit. A child is a person under 16 and a qualifying young person is a person aged 16 or over who satisfies conditions in regulations made by Her Majesty’s Treasury. The relevant regulations are [S.I. 2006/223](#) as amended by [S.I. 2007/2150](#), 2008/1879 and 2009/3268.

#### [<sup>F4</sup>Meaning of “relevant other child” for the purposes of the 1991 Act]

**77.** For the purposes of paragraph 10C(2)(b) of Schedule 1 to the 1991 Act (which provides for other descriptions of relevant other children to be prescribed) “[<sup>F4</sup>for the purposes of the 1991 Act]” includes a child, other than a qualifying child, in respect of whom the non-resident parent or the non-resident parent’s partner would receive

- [<sup>F5</sup>(a)] child benefit, but in respect of whom they do not do so, solely because the conditions set out in section 146 of the Social Security Contributions and Benefits Act 1992 (persons outside Great Britain) are not met[<sup>F6</sup>; or
- (b) has made an election under section 13A(1) of the Social Security Administration Act 1992 (election not to receive child benefit) for payments of child benefit not to be made.]

- F4** Words in Pt. 6 reg. 77 heading substituted (30.9.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), regs. 1(2), **8(7)**
- F5** Words in Pt. 6 reg. 77 in reg. 77 renumbered as reg. 77(a) (30.9.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), regs. 1(2), **8(8)**
- F6** Pt. 6 reg. 77(b) and word inserted (30.9.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), regs. 1(2), **8(8)**

#### Commencement Information

- I2** Reg. 77 wholly in force; reg. 77 not in force at made date; reg. 77 in force at 29.7.2013 for certain purposes and reg. 77 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

#### Persons who are not persons with care

**78.—(1)** The following categories of person are not persons with care for the purposes of the 1991 Act—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 22C(2) <sup>F7</sup>... of that Act <sup>M3</sup>;
- (c) in Scotland, a family or relative with whom a child is placed by a local authority under the provisions of section 26 of the Children (Scotland) Act [<sup>F8</sup>1995 [<sup>F9</sup>or who is providing continuing care by virtue of arrangements made under section 26A of that Act]; <sup>M4</sup>

(d) in Wales, a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of Part 6 of the Social Services and Well-being (Wales) Act 2014, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 81(2) of that Act.]

(2) In paragraph (1)—

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989 or section 17(6) of the Children (Scotland) Act 1995 [<sup>F10</sup>or section 74 of the Social Services and Well-being (Wales) Act 2014] as the case may be;

“family” means a family other than a family defined in section 93(1) of the Children (Scotland) Act 1995.

**F7** Words in Pt. 6 reg. 78(1)(b) omitted (3.11.2017) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **28(3)**

**F8** Words in Pt. 6 reg. 78(1)(c) substituted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **14(5)(a)**

**F9** Words in Pt. 6 reg. 78(1)(c) inserted (7.11.2017) by [The Social Security and Child Support \(Care Payments and Tenant Incentive Scheme\) \(Amendment\) Regulations 2017 \(S.I. 2017/995\)](#), regs. 1, **19(2)**

**F10** Words in Pt. 6 reg. 78(2) inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **14(5)(b)**

#### Commencement Information

**I3** Reg. 78 wholly in force; reg. 78 not in force at made date; reg. 78 in force at 29.7.2013 for certain purposes and reg. 78 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

#### Marginal Citations

**M3** [1989 c. 41](#). Section 22C(2) was inserted prospectively by section 8 of the [Children Act 2008 \(c. 23\)](#); when it is in force, it will replace section 23(5).

**M4** [1995 c. 36](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, PART 6.