
STATUTORY INSTRUMENTS

2021 No. 781

**The Childcare Payments (Miscellaneous
Amendment) Regulations 2021**

Amendment of the Childcare Payments (Eligibility) Regulations 2015

2.—(1) The Childcare Payments (Eligibility) Regulations 2015(1) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “another EEA State”,
- (b) after the definition of “personal independence payment” insert—
““prescribed state” means any EEA state or Switzerland;”.

(3) In regulation 5 (meaning of qualifying child) in paragraph (5)(a)(iv) substitute “a prescribed” for “another EEA”.

(4) In regulation 6 (temporary absence from the United Kingdom) in paragraph (6) in the definition of “prescribed area”—

- (a) after “any member State” insert “of the EEA” and
- (b) omit “(other than the United Kingdom)”.

(5) In regulation 7 (persons treated as being, or not being, in the United Kingdom)—

- (a) in paragraph (1)(d)—
 - (i) substitute “a prescribed” for “another EEA”,
 - (ii) after “state” insert “who is not a person subject to immigration control and”.
- (b) in paragraph (3)(b)(ii) substitute “a prescribed” for “another EEA”.

(6) In regulation 9 (the requirement to be in qualifying paid work)—

- (a) omit both paragraphs (1)(c)(2),
- (b) after paragraph 1(b) insert—
 - “(c) the person is in paid work as an employed person or as a self-employed person and the person’s expected income from the work in the period specified in paragraph (4) is greater than or equal to the relevant threshold; or
 - (d) the person is in paid work as an employed person or as a self-employed person, the person’s expected income does not meet the requirements of sub-paragraphs (a) or (b) due to coronavirus, and the person—
 - (i) is receiving payments under a coronavirus support scheme; or
 - (ii) has made a claim for and is reasonably expecting to receive payments under a coronavirus support scheme; or
 - (iii) is intending to make a claim under a coronavirus support scheme, with the reasonable expectation of the claim being agreed; or

(1) [S.I. 2015/448](#), amended by [S.I. 2016/793](#), [2016/2021](#), [2017/1101](#), [2020/354](#) and [2020/1515](#), there are other amending instruments but none is relevant.

(2) This amendment is being made to rectify the existence of two paragraphs (1)(c) due to a drafting error.

- (iv) is employed by an employer who is claiming a grant under a coronavirus support scheme to cover a proportion of the person’s normal earnings.” and
- (c) in paragraph (1A) for “another EEA” substitute “a prescribed”.
- (7) In regulation 12 (qualifying paid work: time off in connection with sickness or parenting) (3)—
 - (a) in paragraph (1)(n), after “(n)” insert “in relation to England, Wales and Scotland only,”,
 - (b) in paragraph (1)(o), after “(o)” insert “in relation to England, Wales and Scotland only,”,
 - (c) in paragraph (7) substitute “a prescribed” for “another EEA”.
- (8) In regulation 13 (qualifying paid work: caring, incapacity for work or limited capability for work) at paragraph (5) substitute “a prescribed” for “another EEA”.
- (9) In regulation 15 (income not to exceed a certain level) at paragraph (2) substitute “a prescribed” for “another EEA”.
- (10) In regulation 16 (application of section 11 to EEA residents)—
 - (a) in the heading substitute “residents of prescribed states” for “EEA residents”,
 - (b) in paragraph (1) substitute “a prescribed” for “another EEA”.
- (11) In regulation 17 (application of sections 12 and 13 to EEA residents)—
 - (a) in the heading substitute “residents of prescribed states” for “EEA residents”,
 - (b) in each of paragraphs (1), (2)(a)(i) and (2)(b) substitute “a prescribed” for “another EEA”.

(3) Sub-paragraphs (n) and (o) were added by regulation 36(2) of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 (S.I. 2020/354) and have effect only in England Wales and Scotland.