STATUTORY RULES OF NORTHERN IRELAND

2001 No. 25

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations (Northern Ireland) 2001

Made - - - - 23rd January 2001
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(*a*) and (*d*), 132(3) and (4)(*b*) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 4 and 19(1) of the Child Support (Northern Ireland) Order 1995(**2**), Articles 14(1) and (4)(*b*) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and section 87(5) of the Northern Ireland Act 1998(**5**) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**6**) in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**7**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Child Maintenance Premium and Miscellaneous Amendments) Regulations (Northern Ireland) 2001 and shall come into operation, in relation to any particular case, on the date on which section 22 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**8**) comes into operation in relation to that type of case ("the commencement date").

(**1**) 1992 c. 7
(**2**) S.I. 1995/2702 (N.I. 13)
(**3**) S.I. 1995/2705 (N.I. 15)
(**4**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**5**) 1998 c. 47
(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(*b*) of S.R. 1999 No. 481which transferred the consent function under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel
(**7**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**8**) 2000 c. 4 (N.I.)

(2) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Child maintenance: income support and jobseeker's allowance

2.—(1) In the Income Support (General) Regulations (Northern Ireland) 1987(**10**)—

(a) in regulation 60A(**11**) (interpretation) at the end of the definition of "child support maintenance" there shall be added "and shall include any payments made by the Department in lieu of such payments"; and

(b) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 68(**12**) there shall be added the following paragraph—

"**69.**—(1) Subject to sub-paragraph (3), any payment of child maintenance, whether under a court order or not, which is made or due to be made by the parent of a child or young person where that child or young person is a member of the claimant's family except where that parent is the claimant or the claimant's partner.

(2) For the purposes of sub-paragraph (1), where more than one payment of child maintenance falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) No more than £10 shall be disregarded in any week pursuant to this paragraph.

(4) In this paragraph, "child maintenance" shall have the same meaning as that prescribed for the purposes of section 72A of the Social Security Administration (Northern Ireland) Act 1992(**13**) and shall include any payment made by the Department in lieu of such maintenance.".

(2) In the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**)—

(a) in regulation 125 (interpretation) at the end of the definition of "child support maintenance" there shall be added "and shall include any payments made by the Department in lieu of such payments"; and

(b) in Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 65(**15**) there shall be added the following paragraph—

"**66.**—(1) Subject to sub-paragraph (3), any payment of child maintenance, whether under a court order or not, which is made or due to be made by the parent of a child or young person where that child or young person is a member of the claimant's family except where that parent is the claimant or the claimant's partner.

(2) For the purposes of sub-paragraph (1), where more than one payment of child maintenance falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) No more than £10 shall be disregarded in any week pursuant to this paragraph.

(4) In this paragraph, "child maintenance" shall have the same meaning as that prescribed for the purposes of section 72A of the Administration Act and shall include any payment made by the Department in lieu of such maintenance.".

(**9**) 1954 c. 33 (N.I.)
(**10**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1993 No. 167 and S.R. 1999 No. 381
(**11**) Regulation 60A was inserted by regulation 4 of S.R. 1993 No. 167
(**12**) Paragraph 68 was added by regulation 2(10) of S.R. 1999 No. 381
(**13**) 1992 c. 8; section 72A was inserted by Article 18 of the Child Support (Northern Ireland) Order 1995. "Child maintenance" is defined for the purposes of section 72A in regulation 2 of S.R. 1996 No. 202
(**14**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1999 No. 342
(**15**) Paragraph 65 was added by regulation 6(4) of S.R. 1999 No. 342