

1991 No. 82

SOCIAL SECURITY

**The Child Benefit and Social Security (Fixing and
Adjustment of Rates) (Amendment) Regulations
(Northern Ireland) 1991**

Made 11th March 1991

Coming into operation 8th April 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 7 of the Child Benefit (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(b), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 8th April 1991, immediately after the coming into operation of Article 8 of the Social Security Benefits Up-rating Order (Northern Ireland) 1991(c).

(2) In these regulations “the principal regulations” means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(d).

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (weekly rates of child benefit)—

(a) in paragraph (1), for “shall be £7·25.” there shall be substituted “shall be—

(a) subject to paragraphs (2ZA) and (2ZB), in a case where in any week that child is the only child, or if not the only child, the elder or eldest child in respect of whom child benefit is payable to a person, £8·25; and

(b) in any other case, £7·25.”;

(b) after paragraph (2) there shall be inserted the following paragraphs—

“(2ZA) Where in any week—

(a) a person—

(a) S.I. 1975/1504 (N.I. 16)

(b) Formerly the Department of Finance: *See* S.I. 1982/338 (N.I. 6), Article 3. *See also* Article 24(1)(a) of the Child Benefit (Northern Ireland) Order 1975

(c) S.R. 1991 No. 77

(d) S.R. 1976 No. 223; the relevant amending rules are S.R. 1977 No. 248, S.R. 1980 No. 37 and S.R. 1990 No. 70

- (i) is residing with his spouse; or
- (ii) is living with any other person as his spouse; or
- (iii) is a member of a polygamous marriage and is residing with other members of that marriage; and
- (b) child benefit would, but for this paragraph, be payable to that person in respect of a child at the weekly rate specified in paragraph (1)(a); and
- (c) child benefit would, but for this paragraph, be payable at that rate to his spouse or that other person or any member of that polygamous marriage, as the case may be, in respect of another child,

the rate specified in paragraph (1)(a) shall be payable in that week in respect of one only of the children mentioned in sub-paragraphs (b) and (c), being the elder, or if there are more than two children, the eldest of those children.

(2ZB) Child benefit shall not be payable at the rate specified in paragraph (1)(a) where the person to whom child benefit is payable is a voluntary organisation.”;

(c) after paragraph (5) there shall be inserted the following paragraph—

“(6) For the purposes of paragraph (2ZA) a person is a member of a polygamous marriage if—

- (a) during the subsistence of the marriage any party to it is married to more than one person; and
- (b) the ceremony of marriage took place under the law of a country which permits polygamy.”.

Sealed with the Official Seal of the Department of Health and Social Services on 11th March 1991.

(L.S.)

A. N. Burns

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 11th March 1991.

(L.S.)

R. Miller

Assistant Secretary

(This note is not part of the Regulations.)

These regulations further amend the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976. They introduce a new rate of child benefit, £8·25, in respect of the only, elder or eldest child. They specify that, in certain circumstances, where two or more children in the same household can qualify, the higher rate is to be payable in respect of the eldest only. The new higher rate is not to be payable to voluntary organisations.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.