

1976 No. 1267

SOCIAL SECURITY

The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976

Laid before Parliament in draft

Made - - - - 3rd August 1976

Coming into Operation 4th April 1977

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in conjunction with the Treasury (a), in exercise of the powers conferred upon him by sections 5, 17(1) and 20(1) of the Child Benefit Act 1975(b) and of all other powers enabling him in that behalf, 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) Regulations 1976 and shall come into operation on 4th April 1977.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Child Benefit Act 1975;

“the Social Security Act” means the Social Security Act 1975(c);

“the General Regulations” means the Child Benefit (General) Regulations 1976(d),

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any condition being satisfied or any facts existing in a week shall be construed as references to the condition being satisfied or the facts existing at the beginning of that week.

(4) Unless the context otherwise requires, any reference in these regulations to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(a) See s. 22(1) (a) of the Child Benefit Act 1975 (c.61).

(b) 1975 c. 61.

(c) 1975 c. 14.

(d) S.I. 1976/965 (1976 II, p. 2529).

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Weekly rates of child benefit

2.—(1) Subject to paragraphs (2) and (3) of this regulation and regulation 20 of the General Regulations (transitional provision relating to apprentices in respect of whom a family allowance was payable under the Family Allowances Act 1965(b)), the weekly rate of child benefit payable in respect of a child shall be—

- (a) in a case where in any week that child is the only, elder or eldest child in respect of whom a person is entitled to child benefit, £1.00; and
- (b) in any other case, £1.50.

(2) In a case where in any week a person—

- (a) is entitled to child benefit in respect of a child of whom he is a parent, being a child for whom he is treated as responsible under section 3(1)(a) of the Act (person to be treated as responsible for a child in any week if he has the child living with him in that week); and
- (b) either has no spouse or is not residing with his spouse; and
- (c) is not living with any other person as his spouse,

the weekly rate of child benefit payable in respect of that child, or, if that child is not the only, elder or eldest child in respect of whom that person is entitled to child benefit, the elder or eldest child in respect of whom that person is so entitled, shall, subject to the conditions mentioned in paragraph (4) of this regulation, be increased by £0.50.

(3) In a case where in any week, by virtue of the provisions of regulation 17 of the General Regulations, the person entitled to child benefit in respect of a child is a voluntary organisation, the weekly rate of child benefit payable in respect of that child shall be £1.00.

(4) Where—

- (a) throughout any week a person is entitled to an allowance or to an increase of a benefit, pension or allowance such as is referred to in paragraph (5) of this regulation as a “specified benefit”, paragraph (2) of this regulation shall not apply to the only, elder or eldest child in respect of whom that person is entitled to child benefit for that week; and
- (b) for any week the only, elder or eldest child in respect of whom a person is entitled to child benefit is a child in respect of whom that benefit is payable at the weekly rate of £1.50 by virtue of the provisions of paragraph (1) or (2) of regulation 20 of the General Regulations, paragraph (2) of this regulation shall not apply to that child; and
- (c) for any week a person has been paid an increase in the weekly rate of child benefit in respect of a child pursuant to the said paragraph (2) and that week is one throughout which that person subsequently becomes entitled to such an allowance or increase as is referred to in sub-paragraph (a) of this paragraph, the increase in the weekly rate of child benefit paid to that person in respect of that child for that week shall be treated as paid on account of any such allowance or increase payable in respect of that week.

- (5) A specified benefit is—
- (a) under the Social Security Act—
- (i) child's special allowance under section 31, guardian's allowance under section 38 or an allowance under section 70 in respect of children of deceased's family;
 - (ii) an increase in respect of a child of widow's allowance, widowed mother's allowance or Category A, B or C retirement pension under section 41, of invalid care allowance under section 49, of benefit corresponding to widowed mother's allowance provided for by regulations made under section 39(4), or of disablement pension under section 64(1)(b);
- (b) under the Industrial Injuries and Diseases (Old Cases) Act 1975(a), an increase in respect of a child of such an allowance as is referred to in section 7 (nature and amount of benefit under industrial diseases benefit schemes);
- (c) an allowance for a child granted in respect of the death of a person due to service or war injury—
- (i) under powers conferred by or under the Ministry of Pensions Act 1916(b), the Air Force (Constitution) Act 1917(c), the Personal Injuries (Emergency Provisions) Act 1939(d), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(e), the Polish Resettlement Act 1947(f), the Home Guard Act 1951(g) or the Ulster Defence Regiment Act 1969(h); or
 - (ii) under any scheme made under the Injuries in War Compensation Act 1914(i) or the Injuries in War Compensation Act 1914 (Session 2)(j) or any War Risk Compensation Scheme for the Mercantile Marine; or
 - (iii) which the Secretary of State accepts as being analogous to an allowance for a child granted in respect of the death of a person due to service or war injury under any of the provisions referred to in (i) or (ii) above.

Reduction of weekly rates of benefits and increases of benefits under the Social Security Act in respect of children

3. With effect from 4th April 1977 the sum specified in the provisions mentioned in section 17(2) of the Act shall be reduced—

- (a) in the case of the sum specified in the second column of paragraph 10 of Part I of Schedule 4 to the Social Security Act (child's special allowance), by £1·00;
- (b) in the case of the sum specified in the second column of paragraph 4 of Part III of that Schedule (guardian's allowance)—
- (i) where a person is entitled to one such sum only, by £1·00; and
 - (ii) where a person is entitled to more than one such sum, by £1·00 in the case of the elder or eldest child in respect of whom that person is entitled to guardian's allowance and by £1·50 in respect of any other child in respect of whom that person is so entitled;

(a) 1975 c. 16.

(c) 1917 c. 51.

(e) 1939 c. 83.

(g) 1951 c. 8 (15 & 16 Geo. 6 & 1 Eliz. 2).

(i) 1914 c. 30.

(b) 1916 c. 65.

(d) 1939 c. 82.

(f) 1947 c. 19.

(h) 1969 c. 65.

(j) 1914 c. 18 (5 & 6 Geo. 5).

- (c) in the case of a sum specified in column 2 of paragraphs 1 to 7 and 9 and 10 of Part IV of that Schedule (increase under Chapter III of Part II of the said Act of certain benefits for child dependants)—
- (i) where a person is entitled to an increase of the benefit, pension or allowance in question for one child only, by £1.00; and
 - (ii) where a person is entitled to such an increase in respect of more than one child, by £1.00 in the case of the elder or eldest child and by £1.50 in the case of any other child;
- (d) in the case of the sum specified in column 2 of paragraph 8 of the said Part IV (increase of child's special allowance), by £1.50;
- (e) in the case of the sum specified in the second column of paragraph 9 of Part V of that Schedule (increase of injury benefit in respect of dependent children)—
- (i) where a person is entitled to one such sum only, by £1.00; and
 - (ii) where a person is entitled to more than one such sum, by £1.00 in respect of the elder or eldest child in respect of whom that person is entitled to an increase of injury benefit and by £1.50 in respect of any other child in respect of whom that person is so entitled;
- (f) in the case of the sum specified in the second column of paragraph 10 of the said Part V (increase of disablement pension in respect of dependent children)—
- (i) where a person is entitled to one such sum only, by £1.00; and
 - (ii) where a person is entitled to more than one such sum, by £1.00 in respect of the elder or eldest child in respect of whom that person is entitled to an increase of disablement pension and by £1.50 in respect of any other child in respect of whom that person is so entitled;
- (g) in the case of the sum specified in the second column of paragraph 15(a) of the said Part V (allowance in respect of children of deceased's family at higher rate)—
- (i) where a person is entitled to one such sum only, by £1.00; and
 - (ii) where a person is entitled to more than one such sum, by £1.00 in respect of the elder or eldest child in respect of whom that person is entitled to that allowance and by £1.50 in respect of any other child in respect of whom that person is so entitled;
- (h) in the case of the sum specified in the second column of paragraph 15(b) of the said Part V (allowance in respect of children of deceased's family at lower rate)—
- (i) where a person is entitled to one such sum only, by £1.00; and
 - (ii) where a person is entitled to more than one such sum, by £1.00 in respect of the elder or eldest child in respect of whom that person is entitled to that allowance and by £1.50 in respect of any other child in respect of whom that person is so entitled.

Transitional provisions for the purposes of regulation 2(2)

4. Where under section 16 of the Act (interim benefit for unmarried or separated parents with children) a person—

- (a) fell to be regarded as having a child of whom he was a parent living with him immediately before 4th April 1977; and
- (b) for a period ending immediately before that date was entitled to benefit under that section,

then while without any break that person would for the purposes of that section continue to be regarded as having that child living with him he shall, for the purposes of regulation 2(2) of these regulations, be treated as responsible for that child as a person who has that child living with him.

David Ennals,
Secretary of State for Social Services.

2nd August 1976.

T. Pendry,
J. Dormand,
Two of the Lords Commissioners
of Her Majesty's Treasury.

3rd August 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations specify the weekly rates at which child benefit under the Child Benefit Act 1975 will become payable on the appointed day for the purposes of that Act (4th April 1977—see the Child Benefit Act (Commencement No. 2) Order 1976 (S.I. 1976 No. 961) and with effect from that day reduce the weekly rates of benefits and increases of benefits payable in respect of children under the Social Security Act 1975 to take account of the introduction of child benefit.

Regulation 1 relates to the citation, commencement and interpretation of the Regulations; regulation 2 to the rates of child benefit; and regulation 3 to reductions in the weekly rates of benefits and increases of benefits under the Social Security Act 1975. Regulation 4 is a transitional provision for the purposes of regulation 2(2).

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