

**1999 No. 2358**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments) Amendment  
Regulations 1999**

<i>Made - - - -</i>	<i>19th August 1999</i>
<i>Laid before Parliament</i>	<i>26th August 1999</i>
<i>Coming into force</i>	<i>20th September 1999</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(i) and (k) and 189(1), (3), (4) and (5) of the Social Security Administration Act 1992<sup>(a)</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(b)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 1999 and shall come into force on 20th September 1999.

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

2.—(1) The Social Security (Claims and Payments) Regulations 1987<sup>(c)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), in the definition of “long-term benefits”, the words “guardian’s allowance,” shall be omitted.

(3) In regulation 16(3)(a) (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate), after the words “child benefit” there shall be inserted the words “and guardian’s allowance”.

(4) In regulation 21 (direct credit transfer), after paragraph (3A), there shall be inserted the following paragraphs—

“(3B) Where child benefit is payable in accordance with paragraph (1), any application to which paragraph (2) refers shall also have effect for any guardian’s allowance to which the claimant is entitled and that allowance shall be paid in the same manner as the child benefit which is due in his case.

(3C) Where guardian’s allowance is payable in accordance with paragraph (1), any application to which paragraph (2) refers shall also have effect for the child benefit to which the claimant is entitled and that child benefit shall be paid in the same manner as the guardian’s allowance which is due in his case.”.

(5) In regulation 23 (child benefit)—

(a) for the heading there shall be substituted the heading “Child benefit and guardian’s allowance”; and

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<sup>(a)</sup> 1992 c. 5.

<sup>(b)</sup> See section 173(1)(b) of the Social Security Administration Act 1992.

<sup>(c)</sup> S.I. 1987/1968; relevant amending instruments are S.I. 1988/522, 1991/2741, 1993/1113 and 1994/3196.

- (b) after paragraph (3) there shall be inserted the following paragraph—
- “(3A) Where a claimant for child benefit is also entitled to guardian’s allowance, that allowance shall be payable in the same manner and at the same intervals as the claimant’s child benefit under this regulation.”.
- (6) In regulation 36 (payment to a partner as alternative payee)—
- (a) at the beginning, there shall be inserted the words “Except where a wife has elected in accordance with regulation 6A of the Social Security (Guardian’s Allowances) Regulations 1975<sup>(a)</sup> (prescribed manner of making an election under section 77(9) of the Social Security Contributions and Benefits Act 1992) that guardian’s allowance is not to be paid to her husband,”; and
- (b) for the words “family credit or disability working allowance” there shall be substituted the words “family credit, disability working allowance or guardian’s allowance”.
- (7) In Schedule 6 (days for payment of long term benefits), paragraph 2 shall be omitted.

19th August 1999

*Alistair Darling*  
Secretary of State for Social Security

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) so as to align the conditions governing the payment of guardian’s allowance with those governing child benefit.

These Regulations do not impose any costs on business.

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(a) S.I. 1975/515; regulation 6A was inserted by S.I. 1977/342.

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