

1976 No. 90

FAMILY INCOME SUPPLEMENTS**The Family Income Supplements (Child Interim Benefit) (Consequential) Regulations (Northern Ireland) 1976***Made* 4th March 1976*Coming into operation* 5th April 1976

The Department(a) of Health and Social Services, in exercise of the powers conferred on it by sections 4(2)(a), 6(3) (as substituted by section 3 of the Pensioners and Family Income Supplement Payments Act 1972(b)) and 10(2)(h) of the Family Income Supplements Act (Northern Ireland) 1971(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Child Interim Benefit) (Consequential) Regulations (Northern Ireland) 1976 and shall come into operation on 5th April 1976.

(2) In these regulations—

“the Act” means the Family Income Supplements Act (Northern Ireland) 1971;

“benefit” means a family income supplement under the Act;

“child interim benefit” means benefit under Article 18 of the Child Benefit (Northern Ireland) Order 1975(d) (interim benefit for unmarried or separated parents with children);

“determination” means a determination under the Act by the Supplementary Benefits Commission or the Appeal Tribunal;

“relevant date” means the date on which the prescribed amount in section 2(1) and the maximum amount in section 3(1) of the Act are both next increased.

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Deduction of child interim benefit in determining a person's normal gross income

2. For any period falling before the relevant date, regulation 2(5) of the Family Income Supplements (General) Regulations (Northern Ireland) 1971(f) shall have effect as if there were included among the sums referred to in that regulation, the whole of which are to be deducted in calculating or estimating a person's normal gross income, the whole of any sums by way of child interim benefit.

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) 1972 c. 75

(c) 1971 c. 8 (N.I.)

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

(e) 1954 c. 33 (N.I.)

(f) S.R. & O. (N.I.) 1971 No. 122 (p. 605), as amended by S.R. & O. (N.I.) 1972 No. 223 (p. 1211) and S.R. 1975 No. 249

Circumstances in which entitlement to child interim benefit is to be taken into account in determinations awarding benefit

3.—(1) Where—

- (a) pursuant to a claim for benefit made before the relevant date a determination is made whereby benefit is payable for a family for a period which includes that date; and
- (b) a person by whom sums by way of benefit are receivable under that determination is entitled to child interim benefit for the week which includes that date,

that determination may, with effect from that date, take account of or, as the case may be, be reviewed by the Supplementary Benefits Commission so as to take account of that person's entitlement to child interim benefit.

(2) A determination made by the Supplementary Benefits Commission on a review under paragraph (1) shall be subject to appeal in like manner as an original determination by the Supplementary Benefits Commission.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th March 1976.

(L.S.)

C. G. Oakes

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations modify the legislation relating to family income supplements under the Family Income Supplements Act (Northern Ireland) 1971 (the Act) to take account of the introduction on 5th April 1976 of the interim benefit under Article 18 of the Child Benefit (Northern Ireland) Order 1975 (the Order) (interim benefit for unmarried or separated parents with children).

The regulations make provision whereby the interim benefit under the Order is not to be taken into account in determining a person's normal gross income for the purposes of the Act before the date on which the prescribed amount in section 2(1) and the maximum amount payable by way of family income supplement in section 3(1) of the Act are next both increased and whereby the interim benefit may be taken into account for those purposes from and including that date.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.