

SCHEDULE 4

Regulation 19

REDUCTION IN CHILD'S SPECIAL ALLOWANCE DURING FULL TIME REMUNERATED TRAINING ETC

1.—(1) In this Schedule—

“relevant child” means, subject to sub paragraph (2), a child entitled to a special allowance who is—

- (a) in full-time training for a trade, profession or calling; and
- (b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

“specified rate” means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations 1987(1) as up rated from time to time in accordance with an order under section 150(2) of the Social Security Administration Act 1992(2);

“excess remuneration” means the annual amount by which the annual rate of the relevant child’s remuneration exceeds the specified rate; and

“relevant provision” means regulation 17(4) or regulation 17(6).

(2) A child shall not be a relevant child for the purposes of this Schedule if and in so far as their allowance falls to be increased in accordance with regulation 28 (increase during first 13 weeks).

2. In the case of any relevant child—

- (a) if the annual amount of the special allowance is greater than the amount of their excess remuneration, it shall be reduced by the amount of that excess remuneration; or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub paragraph, would be payable to that child, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom special allowances are payable in respect of the death of the same person and either of the relevant provisions applies, the special allowances payable to those other children (“the other special allowances”) shall be increased as provided in this paragraph.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub paragraph (3), the annual amount of each of the other special allowances shall be increased by an amount equal to their excess remuneration divided by the number of other special allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub paragraph (2), each of the other special allowances shall be recalculated as if the relevant child were not entitled to a special allowance.

(4) Notwithstanding the provisions of sub paragraphs (2) and (3), no child shall by virtue of these provisions receive a special allowance greater than that to which they would be entitled if no relevant provision applied in their case.

(1) S.I.1987/1967.

(2) 1992 c. 5.