

Draft Order laid before Parliament under sections 132 and 166(10A) of the Social Security Administration (Northern Ireland) Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

SOCIAL SECURITY, NORTHERN IRELAND

**The Child Benefit and Guardian's Allowance
Up-rating (Northern Ireland) Order 2004**

Made - - - - 2004
Coming into force - - 12th April 2004

Whereas the Treasury have conducted a review in Great Britain under subsection (1)(a)(i) of section 150 of the Social Security Administration Act 1992⁽¹⁾ (“the Great Britain Administration Act”), insofar as concerns guardian’s allowance, and under paragraph (i) of that subsection (child benefit);

And whereas, it having appeared to them that the general level of prices was higher at the end of the period under review than at the beginning, a draft Order was laid before, and approved by resolution of, each House of Parliament in accordance with sections 150(2) and 190(1)(a) of that Act;

And whereas section 132(1) of the Social Security Administration (Northern Ireland) Act 1992⁽²⁾ provides that, whenever the Treasury make an Order under section 150 of the Great Britain Administration Act, they may make corresponding provision in respect of Northern Ireland, a draft of this Order was laid before, and approved by resolution of, each House of Parliament in accordance with sections 132(1) and 166(10A) of the Social Security Administration (Northern Ireland) Act 1992⁽³⁾;

Now therefore the Treasury, in exercise of the powers conferred by sections 132(1) and 165(4) of the Social Security Administration (Northern Ireland) Act 1992 and now exercisable by them⁽⁴⁾, make the following Order:

(1) 1992 c. 5.
(2) 1992 c. 8.
(3) Subsection (10A) was inserted by paragraph 50(4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I.1999/671: “the Transfer Order”) and amended by paragraph 11(3) of Schedule 4 to the Tax Credits Act 2002 (c. 21: “the 2002 Act”). An order made by the Treasury under the Northern Ireland Administration Act is a statutory instrument by virtue of section 165(11A) of that Act: that subsection was inserted by paragraph 49(4) of Schedule 3 to the Transfer Order.
(4) The functions of the Department for Social Development in respect of child benefit and guardian’s allowance under section 132 of the Act relevant to the making of this order were transferred to the Treasury by section 49(4) of the 2002 Act.

Citation and commencement

1. This Order may be cited as the Child Benefit and Guardian's Allowance Up-rating (Northern Ireland) Order 2004 and shall come into force on 12th April 2004.

Amendment of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2. In paragraph 5 of Part III of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (amount of guardian's allowance) for "£11.55" substitute "£11.85"⁽⁵⁾.

Amendment of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976

3. In regulation 2(1) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976⁽⁶⁾—

- (a) in sub-paragraph (a)(i) for "£16.05" substitute "£16.50";
- (b) in sub-paragraph (a)(ii) "£17.55" remains unchanged; and
- (c) in sub-paragraph (b) for "£10.75" substitute "£11.05".

March 2004

Two of the Lords Commissioners of Her Majesty's Treasury

(5) Last amended by [S.R. 2003 No.155](#).

(6) [S.R.1976 No. 223](#): the amounts in sub-paragraphs (a)(i) and (b) were last increased by [S.R. 2003 No. 155](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made by the Treasury under section 132 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) as the consequence of a review, conducted by them under section 150 of the Social Security Administration Act 1992 (c. 5), of the general level of prices. It details the amounts mentioned in section 132 which it falls to the Treasury to determine in consequence of the transfer of functions in respect of child benefit and guardian's allowance under section 49(4) of the Tax Credits Act 2002 (c. 21).

Article 1 provides for the citation and commencement of the Order.

Article 2 increases the weekly rate of guardian's allowance prescribed in paragraph 5 of Part III of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) from £11.55 to £11.85.

Article 3 increases the weekly rates of child benefit prescribed in sub-paragraphs (a)(i) and (b) of regulation 2(1) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976 (S.R. 1976 No. 223). The effect is to increase the amount for the eldest or only child from £16.05 to £16.50 and for any other child (except one to whom regulation 2(1)(a)(ii) of those Regulations applies) from £10.75 to £11.05.

Article 3 also confirms that the rate prescribed in 2(1)(a)(ii) (payable in respect of the eldest or only child living with a lone parent) remains £17.55. This is payable only in transitional cases where the rate was applicable in the case of a child who was living with a lone parent in 1998 and has continued to do so.

This Order does not impose any new costs on business.