

1989 No. 523

SOCIAL SECURITY

**The Social Security Benefit (Dependency) Amendment
Regulations 1989**

<i>Made</i> - - - -	<i>16th March 1989</i>
<i>Laid before Parliament</i>	<i>21st March 1989</i>
<i>Coming into force</i>	<i>11th April 1989</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 44(3)(c), 45(2A)(b), 45A(3) (b), 46(4), 47(1A)(b), 47B(2), 49, 66(1)(d), (3), (4)(b) and (5), and 66A(2) of, and Schedule 20 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefit (Dependency) Amendment Regulations 1989 and shall come into force on 11th April 1989.

(2) In these Regulations, “the principal Regulations” means the Social Security Benefit (Dependency) Regulations 1977(c).

Amendment of regulation 4A.

2. In regulation 4A(1) of the principal Regulations (circumstances in which a person who is not entitled to child benefit is to be treated as if he was so entitled)(d) the word “female” shall be omitted.

(a) 1975 c.14; section 44(3)(c) was amended by the Child Benefit Act 1975 (c.61), section 21(1), Schedule 4, paragraph 16(b) and the Social Security Act 1980 (c.30), sections 2 and 21, Schedule 1, paragraph 4(a); section 45(2A)(b) was inserted by the Social Security Act 1985 (c.53), section 13(1) and amended by the Social Security Act 1988 (c.7), Schedule 4, paragraph 7(b); section 45A was inserted by the Health and Social Security Act 1984 (c.48), section 12; subsection (3) was substituted by the Social Security Act 1985 (c.53), section 13(2)(b) and amended by the Social Security Act 1988 (c.7), Schedule 4, paragraph 8(b); section 46(4) was substituted by the Social Security Act 1985 (c.53), section 13(3) and amended by the Social Security Act 1988 (c.7), Schedule 4, paragraph 9; section 47(1A) was inserted by the Social Security Act 1985 (c.53), section 13(4)(b); section 47B was inserted by the Health and Social Security Act 1984 (c.48), section 14(a); section 49 was amended by the Health and Social Security Act 1984 (c.48), Schedule 4, paragraph 3; section 66(1)(d) was amended by the Child Benefit Act 1975 (c.61), section 21(1), Schedule 4, paragraph 23 and the Social Security Act 1980 (c.30), sections 2 and 21, Schedule 1, paragraph 4(a); section 66(3)–(5) was inserted by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), section 22(3), and amended by the Social Security Act 1985 (c.53), section 13(5) and by the Social Security Act 1988 (c.7), Schedule 4, paragraph 13; section 66 ceased to have effect on 6th April 1987 except for beneficiaries entitled to unemployment supplement immediately before that date—see the Social Security Act 1986 (c.50), Schedule 3, paragraph 4; section 66A(2) was inserted by the Health and Social Security Act 1984 (c.48), section 14(b); sections 44–47 and 66 of the Social Security Act 1975 are modified by section 10 of the Social Security Act 1988 (c.7); Schedule 20 is cited because of the references to “Prescribe”, “Regulations” and “Entitled to child benefit”. (b) See section 10(2)(b) of the Social Security Act 1980 (c.30). (c) S.I. 1977/343.
(d) Regulations 4A and 4B were inserted by regulation 2 of S.I. 1980/585. Paragraph (3) was inserted in regulation 4B by S.I. 1987/355, regulation 3 and amended by S.I. 1988/554, regulation 3.

Amendment of regulation 4B

3. In regulation 4B(3) of the principal Regulations(a) (circumstances in which a person entitled to child benefit is to be treated as if he was not so entitled) after the words "For the purposes of sections" there shall be inserted the words "25(1) (entitlement to a widowed mother's allowance)" and for the words "(child receiving financial support under the Employment and Training Act 1973)" there shall be substituted the words "(child receiving training under the youth training scheme)".

Substitution of reference

4. In regulation 8(7) of the principal Regulations (meaning of "week")(b) for the words "regulation 16(6) of the Social Security (Claims and Payments) Regulations 1979" there shall be substituted the words "regulation 22 of and paragraph 5 of Schedule 6 to the Social Security (Claims and Payments) Regulations 1987"(c).

Apportionment of payments by way of occupational pension made otherwise than weekly.

5. Immediately before regulation 10 of the principal Regulations (increase of benefit for person having care of child) there shall be inserted the following regulation –

"Apportionment of payments by way of occupational pension made otherwise than weekly

9A. For the purposes of the provisions mentioned in section 47B(1) and in section 66A(1) of the 1975 Act(d), (earnings to include occupational pensions for certain purposes) where payment by way of occupational pensions is for any period made otherwise than weekly, the amount of any such payment for any week in that period shall be determined –

- (a) where payment is made for a year, by dividing the total by 52;
- (b) where payment is made for three months, by dividing the total by 13;
- (c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
- (d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
- (e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7."

Amendment of regulation 10(2)(e)

6. For sub-paragraph (e) of regulation 10(2) of the principal Regulations (increase of benefit for person having care of child)(e) there shall be substituted the following sub-paragraph–

"(e) either –

- (i) has no earnings or has earnings but they do not exceed the standard rate of increase (there being disregarded for this purpose any earnings derived from employment by the beneficiary in caring for a child or children in respect of whom the beneficiary is entitled to child benefit), or
- (ii) is employed by the beneficiary in caring for such child or children and is not residing with him;"

(a) Regulations 4A and 4B were inserted by regulation 2 of S.I. 1980/585. Paragraph (3) was inserted in regulation 4B by S.I. 1987/355, regulation 3 and amended by S.I. 1988/554, regulation 3. (b) Regulation 8 was substituted by S.I. 1985/1190, regulation 3. (c) S.I. 1987/1968. (d) Sections 47B and 66A were inserted by the Health and Social Security Act 1984 (c.48), section 14. (e) Regulation 10(2)(e) was substituted by regulation 4 of S.I. 1988/554.

Revocations

7. Regulation 10(2)(f) of the principal Regulations (increase of benefit for a woman having the care of a child) and regulation 2(8) of the Social Security Benefit (Dependency) Amendment Regulations 1984(a) (which inserts new sub-paragraph (f) in regulation 10(2) of the principal Regulations) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

16th March 1989

Nicholas Scott
Minister of State,
Department of Social Security

(a) S.I. 1984/1698.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the Social Security Benefit (Dependency) Regulations 1977 ("the principal Regulations").

Regulation 2 amends in regulation 4A of the principal Regulations the description of certain statutory provisions. Regulation 3 adds a reference to widowed mother's allowance to the list of benefits for which a person, entitled to child benefit, is treated in some circumstances as not so entitled for the purposes of determining entitlement to those benefits.

Regulation 4 amends the reference in regulation 8(7) of the principal Regulations. Regulation 5 provides for the apportionment of payments by way of occupational pension made otherwise than weekly.

Regulation 6 amends regulation 10(2)(e) to provide that a dependency increase may be payable to a beneficiary where the dependant is employed in caring for the beneficiary's child but is not residing with him.

Regulation 7 provides for the revocation of regulation 10(2)(f) of the principal Regulations and for a consequential revocation.

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