
STATUTORY INSTRUMENTS

1998 No. 1541

SOCIAL SECURITY

The Social Security Amendment (Personal Allowances for Children) Regulations 1998

Made - - - - 24th June 1998
Laid before Parliament 30th June 1998
Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred upon her by sections 123(1), 128(5), 129(8), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 4(5), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and of all other powers enabling her in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (Personal Allowances for Children) Regulations 1998 and both this regulation and regulation 2 of these Regulations shall, subject to paragraphs (2) and (4) of this regulation, come into force on 9th November 1998.

(2) In so far as regulation 2 of these Regulations amends the Income Support Regulations then, in the case of a claimant whose benefit week does not commence on 9th November 1998, that regulation shall have effect from the first day of the first benefit week to commence for that claimant after that date.

(3) In paragraph (2) above, “the Income Support Regulations” means the Income Support (General) Regulations 1987(4) and “claimant” and “benefit week” shall have the same meanings as in regulation 2(1) of those Regulations(5).

-
- (1) 1992 c. 4; sections 123(1) and 137(1) of the Social Security Contributions and Benefits Act 1992 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1(1) and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the word “regulations”.
- (3) See the Social Security Administration Act 1992 (c. 5), sections 170 and 173(1)(b); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 (c. 18) added that Act to the list of “relevant enactments” in respect of which regulations must be referred to the Committee. Section 173(7) defines “regulations”.
- (4) S.I. 1987/1967.
- (5) The definition of “benefit week” was amended by S.I. 1988/1445.

(4) In so far as regulation 2 of these Regulations amends the Jobseeker's Allowance Regulations then, in the case of a claimant whose benefit week does not commence on 9th November 1998, that regulation shall have effect from the first day of the first benefit week to commence for that claimant after that date.

(5) In paragraph (4) above, "the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996⁽⁶⁾ and "benefit week" shall have the same meaning as in regulation 1(3) of those Regulations⁽⁷⁾.

(6) Regulation 3 of these Regulations shall come into force on 10th November 1998 and in relation to any particular claimant for family credit or disability working allowance, that regulation shall have effect, where that claimant has an award of either of those benefits—

- (a) which expires on 9th November 1998, on 10th November 1998; or
- (b) which expires after 9th November 1998, on the day following the expiration of that award.

Income support, jobseeker's allowance, housing benefit and council tax benefit: personal allowances in respect of children and young persons

2.—(1) In entry (a) of the table in each of the provisions specified in paragraph (2) below (which specify the personal allowances applied in respect of children and young persons when calculating applicable amounts), in column (2), for the sum "£17.30" there shall be substituted the sum "£19.80".

(2) The provisions specified for the purposes of paragraph (1) above are—

- (a) paragraph 2(1) of Schedule 2 to the Income Support (General) Regulations 1987⁽⁸⁾;
- (b) paragraph 2(1) of Schedule 1 to the Jobseeker's Allowance Regulations 1996⁽⁹⁾;
- (c) paragraph 2(1) of Schedule 2 to the Housing Benefit (General) Regulations 1987⁽¹⁰⁾;
- (d) paragraph 2(1) of Schedule 1 to the Council Tax Benefit (General) Regulations 1992⁽¹¹⁾.

Family credit and disability working allowance: determination of maximum amount

3. In both sub-paragraph (a) of paragraph 2 of column (2) in Schedule 4 to the Family Credit (General) Regulations 1987⁽¹²⁾ and sub-paragraph (a) of paragraph 3 of column (2) in Schedule 5 to the Disability Working Allowance (General) Regulations 1991⁽¹³⁾ (maximum amounts for children and young persons), for the sum "£12.35" there shall be substituted the sum "£14.85".

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

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

24th June 1998

⁽⁶⁾ S.I. 1996/207.

⁽⁷⁾ The definition of "benefit week" was amended by S.I. 1996/1517 and 2538.

⁽⁸⁾ The relevant amending instruments are S.I. 1996/2545 and 1998/470.

⁽⁹⁾ The relevant amending instruments are S.I. 1996/2545 and 1998/470.

⁽¹⁰⁾ S.I. 1987/1971; the relevant amending instruments are S.I. 1996/2545 and 1998/470.

⁽¹¹⁾ S.I. 1992/1814; the relevant amending instruments are S.I. 1996/2545 and 1998/470.

⁽¹²⁾ S.I. 1987/1973; the relevant amending instruments are S.I. 1996/2545 and 1998/470.

⁽¹³⁾ S.I. 1991/2887; the relevant amending instruments are S.I. 1996/2545 and 1998/470.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I.1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

Consultation with representatives of local authorities is not required before making regulations relating to housing benefit and council tax benefit because the effect of these Regulations is to increase an amount specified in regulations already made (section 176(1)(a) of the Social Security Administration Act 1992).

In particular, these Regulations increase by £2.50 the amount of the weekly personal allowances which is applicable in respect of children before the first Monday in September following their eleventh birthday in income support, income-based jobseeker's allowance, housing benefit and council tax benefit (regulation 2).

These Regulations also increase by the same amount, that part of the appropriate maximum amounts of family credit and of disability working allowance which is allowed in respect of children before the first Tuesday in September following their eleventh birthday (regulation 3).

These Regulations do not impose a charge on business.