
Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 (revoked). (See end of Document for details)

STATUTORY INSTRUMENTS

1976 No. 1267

SOCIAL SECURITY

The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976

Made - - - - 3rd August 1976

Coming into Operation 4th April 1977

Laid before Parliament in draft

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in conjunction with the Treasury ^{M1}, in exercise of the powers conferred upon him by sections 5, 17(1) and 20(1) of the Child Benefit Act 1975 ^{M2} and of all other powers enabling him in that behalf, hereby makes the following regulations:

—

Marginal Citations

M1 See s. 22(1) (a) of the [Child Benefit Act 1975 \(c.61\)](#).

M2 1975 c. 61.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 and shall come into operation on 4th April 1977.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Child Benefit Act 1975;

“the Social Security Act” means the Social Security Act 1975 ^{M3};

“the General Regulations” means the Child Benefit (General) Regulations 1976 ^{M4},

[^{F1}“widowed parent’s allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992;]

and other expressions have the same meaning as in the Act.

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(3) References in these regulations to any condition being satisfied or any facts existing in a week shall be construed as references to the condition being satisfied or the facts existing at the beginning of that week.

(4) Unless the context otherwise requires, any reference in these regulations to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889^{M5} shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Textual Amendments

F1 Words in [reg. 1\(2\)](#) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **4(2)**

Modifications etc. (not altering text)

C1 The reference to the Interpretation Act 1889 is to be construed, under the [Interpretation Act 1978 \(c. 30\)](#), **s. 25(2)**, as a reference to the latter Act as it applies to Acts passed at the time of the reference.

Marginal Citations

- M3** 1975 c. 14.
- M4** S.I. 1976/965(1976 II, p. 2529).
- M5** 1889 c. 63.

Weekly rates of child benefit

2.—^{F2}(1) ^{F3}Subject to ... regulation 20(1) of the General Regulations (transitional provision relating to apprentices in respect of whom a family allowance was payable under the Family Allowances Act 1965 to 1975) the weekly rate of child benefit payable in respect of a child ^{F4}shall be—

- ^{F5}(a) subject to paragraphs (2ZA) to (4) of this regulation—
 - (i) in a case where in any week a child ^{F6}... is the only child or, if not the only child, the elder or eldest child in respect of whom child benefit is payable to a person, ^{F7}£17.00,]
 - ^{F8}(ii)
 - (b) in any other case, ^{F9}£11.40].]
- ^{F10}(2)
- ^{F11}(2ZA) Where in any week—
 - (a) a person—
 - (i) is residing with his spouse ^{F12}[or civil partner]; or
 - (ii) is living with any other person as his spouse ^{F12}[or civil partner]; or
 - (iii) is a member of a polygamous marriage and is residing with other members of that marriage; and
 - (b) child benefit would, but for this paragraph, be payable to that person in respect of a child at the weekly rate specified in paragraph (1)(a)^{F13}(i) of this regulation; and

- (c) child benefit would, but for this paragraph, be payable at that rate to his spouse^{F14}, civil partner] or that other person or any other members of that polygamous marriage, as the case may be, in respect of another child,

the rate specified in paragraph (1)(a)^{F13}(i) of this regulation shall be payable in that week in respect of one only of the children mentioned in sub-paragraphs (b) and (c) of this paragraph, being the elder, or if there are more than two children, the eldest of those children.]

^{F11}(2ZB) Child benefit shall not be payable at the rate specified in paragraph (1)(a)^{F15}(i) ^{F16}... of this regulation where the person to whom child benefit is payable is a voluntary organisation.]

^{F17}(2A) ^{F18}...A person who is residing with a parent of the child shall be entitled to the weekly rate of child benefit payable under paragraph (1)(a)(i) of this regulation in respect of that child ^{F18}....]

^{F19}(2AB)

^{F20}(3)

(4) Where—

^{F21}(a) an allowance or an increase of a benefit, pension or allowance which for the purpose of paragraph (5) of this regulation is a “specified benefit”, is paid to a person in respect of any week for or in respect of the only, elder or eldest child in respect of whom that person is entitled to child benefit for that week, then ^{F22}the weekly rate of child benefit specified in paragraph (1)(a)(i) of this regulation shall be payable in respect of that child]; and

(b) for any week the only, elder or eldest child in respect of whom a person is entitled to child benefit is a child in respect of whom that benefit is payable at the weekly rate of £1.50 by virtue of the provisions of paragraph (1) or (2) of regulation 20 of the General Regulations, ^{F23}the weekly rate of child benefit specified in paragraph (1)(a)(i) of this regulation shall be payable in respect of that child]; and

^{F24}(c)

(5) A specified benefit is—

(a) under the Social Security Act—

(i) child's special allowance under section 31^{F25}... or an allowance under section 70 ^{F26}at the higher rate specified in Schedule 4, Part V, paragraph 15(a)] in respect of children of deceased's family;

(ii) an increase in respect of a child of widow's allowance, widowed mother's allowance^{F27}, widowed parent's allowance] or Category A, B or C retirement pension under section 41, of invalid care allowance under section 49, of benefit corresponding to widowed mother's allowance provided for by regulations made under section 39(4), or of disablement pension under section 64(1)(b);

^{F28}(b) under the Industrial Injuries and Diseases (Old Cases) Act 1975 ^{M6}, an increase in respect of a child under section 7(3)(c) equal to the increase payable under section 64 of the Social Security Act at the higher rate specified in Schedule 4, Part V, paragraph 10;]

(c) an allowance for a child granted in respect of the death of a person due to service or war injury—

(i) under powers conferred by or under the Ministry of Pensions Act 1916 ^{M7}, the Air Force (Constitution) Act 1917 ^{M8}, the Personal Injuries (Emergency Provisions) Act 1939 ^{M9}, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 ^{M10}, the Polish Resettlement Act 1947 ^{M11}, the Home Guard Act 1951 ^{M12} or the Ulster Defence Regiment Act 1969 ^{M13}; or

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- (ii) under any scheme made under the Injuries in War Compensation Act 1914 ^{M14} or the Injuries in War Compensation Act 1914 (Session 2) ^{M15} or any War Risk Compensation Scheme for the Mercantile Marine; or
- (iii) which the Secretary of State accepts as being analogous to an allowance for a child granted in respect of the death of a person due to service or war injury under any of the provisions referred to in (i) or (ii) above.

[^{F29}(6) For the purposes of paragraph (2ZA) of this regulation a person is a member of a polygamous marriage if—

- (a) during the subsistence of the marriage any party to it is married to more than one person; and
- (b) the ceremony of marriage took place under the law of a country which permits polygamy.]

Textual Amendments

- F2** Reg. 2(1) substituted (3.4.1978) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment (No. 2) Regulations 1977 (S.I. 1977/1328), regs. 1, **2(2)**
- F3** Words in reg. 2(1) omitted (7.4.1997) by virtue of The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(2)(a)**
- F4** Words in reg. 2(1) substituted (8.4.1991) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1991 (S.I. 1991/502), regs. 1(1), **2(a)**
- F5** Reg. 2(1)(a) substituted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(2)(b)**
- F6** Words in reg. 2(1)(a)(i) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(2)(a)** (with regs. 3, 4)
- F7** Sum in reg. 2(1)(a)(i) substituted (11.4.2005) by The Child Benefit and Guardians Allowance Up-rating Order 2005 (S.I. 2005/682), arts. 1, **3(a)**
- F8** Reg. 2(1)(a)(ii) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(2)(b)** (with regs. 3, 4)
- F9** Sum in reg. 2(1)(b) substituted (11.4.2005) by The Child Benefit and Guardians Allowance Up-rating Order 2005 (S.I. 2005/682), arts. 1, **3(b)**
- F10** Reg. 2(2) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(5)** (with regs. 3, 4)
- F11** Reg. 2(2ZA)-(2ZB) inserted (8.4.1991) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1991 (S.I. 1991/502), regs. 1(1), **2(b)**
- F12** Words in reg. 2(2ZA)(a) inserted (5.12.2005) by The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **13(2)(a)**
- F13** Word in reg. 2(2ZA) inserted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(4)**
- F14** Words in reg. 2(2ZA)(c) inserted (5.12.2005) by The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **13(2)(b)**
- F15** Words in reg. 2(2ZB) inserted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(5)**
- F16** Words in reg. 2(2ZB) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(3)** (with regs. 3, 4)
- F17** Reg. 2(2A) substituted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(6)**

- F18** Words in reg. 2(2A) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(4)** (with regs. 3, 4)
- F19** Reg. 2(2AB) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(5)** (with regs. 3, 4)
- F20** Reg. 2(3) revoked (3.4.1978) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment (No. 2) Regulations 1977 (S.I. 1977/1328), regs. 1, **2(4)**
- F21** Reg. 2(4)(a) substituted (12.4.1993) by The Child Benefit and Social Security (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/965), regs. 1, **2(3)**
- F22** Words in reg. 2(4)(a) substituted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(8)(a)**
- F23** Words in reg. 2(4)(b) substituted (7.4.1997) by The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **5(8)(b)**
- F24** Reg. 2(4)(c) omitted (6.7.1998) by virtue of The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998 (S.I. 1998/1581), regs. 1(1), **2(5)** (with regs. 3, 4)
- F25** Words in reg. 2(5)(a)(i) omitted (12.4.1993) by virtue of The Child Benefit and Social Security (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/965), regs. 1, **2(4)**
- F26** Words in reg. 2(5)(a)(i) inserted (1.2.1980) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1980 (S.I. 1980/110), regs. 1, **2(d)**
- F27** Words in reg. 2(5)(a)(ii) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **4(3)**
- F28** Reg. 2(5)(b) substituted (1.2.1980) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1980 (S.I. 1980/110), regs. 1, **2(e)**
- F29** Reg. 2(6) inserted (8.4.1991) by The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1991 (S.I. 1991/502), regs. 1(1), **2(c)**

Modifications etc. (not altering text)

- C2** Reg. 2 modified (1.1.1979) by The Naval, Military and Air Forces etc. (Modification of Enactments and other Instruments) Order 1978 (S.I. 1978/1526), regs. 1, 2, **Sch Pt. II**

Marginal Citations

- M6** 1975 c. 16.
M7 1916 c. 65.
M8 1917 c. 51.
M9 1939 c. 82.
M10 1939 c. 83.
M11 1947 c. 19.
M12 1951 c. 8 (15 & 16 Geo. 6 & 1 Eliz. 2).
M13 1969 c. 65.
M14 1914 c. 30.
M15 1914 c. 18 (5 & 6 Geo. 5).

Reduction of weekly rates of benefits and increases of benefits under the Social Security Act in respect of children

F30 3.

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Textual Amendments

F30 Reg. 3 revoked (13.11.1978 for specified purposes, 15.11.1978, 16.11.1978) by [The Child Benefit and Social Security \(Fixing and Adjustment of Rates\) Amendment Regulations 1978 \(S.I. 1978/914\)](#), regs. 1, 3

Transitional provisions for the purposes of regulation 2(2)

^{F31} 4.

Textual Amendments

F31 Reg. 4 revoked (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), 6

David Ennals,
Secretary of State for Social Services

T. Pendry,
J. Dormand,
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the weekly rates at which child benefit under the Child Benefit Act 1975 will become payable on the appointed day for the purposes of that Act (4th April 1977—see the Child Benefit Act (Commencement No. 2) Order 1976 (S.I. 1976 No. 961) and with effect from that day reduce the weekly rates of benefits and increases of benefits payable in respect of children under the Social Security Act 1975 to take account of the introduction of child benefit. Regulation 1 relates to the citation, commencement and interpretation of the Regulations; regulation 2 to the rates of child benefit; and regulation 3 to reductions in the weekly rates of benefits and increases of benefits under the Social Security Act 1975. Regulation 4 is a transitional provision for the purposes of regulation 2(2).

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