

1976 No. 1267

SOCIAL SECURITY

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

Laid before Parliament in draft

Made - - - - - 3rd August 1976

Coming into Operation 4th April 1977

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(a), in exercise of the powers conferred upon him by sections 5, 17(1) and 20(1) of the Child Benefit Act 1975(b) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

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(c);

“the General Regulations” means the Child Benefit (General) Regulations 1976(d),

▶¹“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.

¹Defn. of “widowed parent’s allowance” inserted by reg. 4(2) of S.I. 2000/1483 as from 9.4.01.

(3) References in these regulations to any conditions 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(e) 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.

(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.)

(a) See s. 22(1)(a) of the Child Benefit Act 1975 (c. 61).

(b) 1975 c. 61.

(c) 1975 c. 14.

(d) S.I. 1976/965.

(e) 1889 c. 63.

Weekly rates of child benefit

¹Reg. 2(1) substituted by reg. 2(2) of S.I. 1977/1328 as from 3.4.78.

²Words in reg. 2(1) deleted by reg. 5(2)(a) of S.I. 1996/1803 as from 7.4.97.

³Words inserted in 2(1) and sub paras. (a) & (b) substituted by reg. 2(a) of S.I. 1991/502 as from 8.4.91.

⁴Reg. 2(1)(a) substituted by reg. 5(2)(b) of S.I. 1996/1803 as from 7.4.97.

⁵Words deleted from reg. 2(1)(a)(i) by reg. 2(2)(a) of S.I. 1998/1581 as from 6.7.98.

⁶Amount £16.05 and £10.75 substituted for £15.75 and £10.55 in regs. 2(1)(a)(i) & (b) by art. 14(a) of S.I. 2003/526 as from 7.4.03.

⁷Sub-para. 2(1)(a)(ii) omitted by reg. 2(2)(b) of S.I. 1998/1581 as from 6.7.98. But see transitional provisions and savings in S.I. 1998/1581 on page 4.8612.

⁸Para. (2) omitted by reg. 2(5) of S.I. 1998/1581 as from 6.7.98.

⁹Paras. (2ZA) and (2ZB) inserted into reg. 2 by reg. 2(b) of S.I. 1991/502 as from 8.4.91.

¹⁰Words inserted in reg. 2(2ZA)(a) & (c) by art. 13(2)(a) & (b) of S.I. 2005/2919 as from 5.12.05.

¹¹Word inserted in reg. 2(2ZA) & (2ZB) by reg. 5 of S.I. 1996/1803 as from 7.4.97.

¹²Words omitted from reg. 2(2ZB) by reg. 2(3) of S.I. 1998/1581 as from 6.7.98.

¹³Reg. 2(2A) substituted and 2(2AB) inserted by reg. 5(6) and (7) of S.I. 1996/1803 as from 7.4.97.

¹⁴Words omitted from reg. 2(2A) by reg. 2(4) of S.I. 1998/1581 as from 6.7.98.

¹⁵Para. (2AB) omitted by reg. 2(5) of S.I. 1998/1581 as from 6.7.98.

¹⁶Reg. 2(4)(a) substituted by reg. 2(3) of S.I. 1993/965 as from 12.4.93.

¹⁷Words inserted in reg. 2(4)(a) & (b) by reg. 5(8)(b) of S.I. 1996/1803 as from 7.4.97.

►¹²—(1) Subject to ►²◀ 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 Acts 1965 to 1975) the weekly rate of child benefit payable in respect of a child ►³shall be—

►⁴(a) subject to paragraphs (2ZA) to (4) of this regulation—

(i) in a case where in any week a child ►⁵◀ 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, ►⁶£16.05◀◀

(ii) ►⁷◀◀

(b) in any other case, ►⁶£10.75◀◀

(2) ►⁸◀

►⁹(2ZA)Where in any week—

(a) a person—

(i) is residing with his spouse ►¹⁰or civil partner◀; or

(ii) is living with any other person as his spouse ►¹⁰or 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) ►¹¹(i)◀ of this regulation; and

(c) child benefit would, but for this paragraph, be payable at that rate to his spouse ►¹⁰, 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) ►¹¹(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.

(2ZB)Child benefit shall not be payable at the rate specified in paragraph (1)(a) ►¹¹(i) ►¹²◀◀ of this regulation where the person to whom child benefit is payable is a voluntary organisation.◀

►¹³(2A) ►¹⁴◀ 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 ►¹⁴◀.

►¹⁵◀◀

[Regulation 2(3) revoked by regulation 2(4) of S.I. 1977/1328 as from 3.4.78]

(4) Where—

►¹⁶(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 ►¹⁷the 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, ►¹⁷the weekly rate of child benefit specified in paragraph (1)(a)(i) of this regulation shall be payable in respect of that child◀; and

CHILD BENEFIT AND SOCIAL SECURITY (FIXING AND
ADJUSTMENT OF RATES) REGULATIONS 1976

S.I. 1976/1267

Reg. 2

(c) ▶◀

Reproduced below are paras (1) - (4) of reg. 2 as they existed prior to amendment. They are retained under transitional and savings provisions as per S.I. 1998/1581 regs. 3&4. See page 4.8611.

Para. 4(c) omitted by
reg. 2(5) of S.I. 1998/
1581 as from 6.7.98.

2.—(1) 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 Acts 1965 to 1975) the weekly rate of child benefit payable in respect of a child shall be—

- (a) subject to paragraphs (2ZA) to (4) of this regulation—
 - (i) in a case where in any week a child (not being a child to whom head (ii) of this sub-paragraph applies) 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 payable to a person, ▶£15.00,◀
 - (ii) in a case where in any week that child is the only child or, if not the only child, the elder or eldest child of a lone parent in respect of whom child benefit is payable to a person, ▶£17.55◀.
- (b) in any other case, ▶£10.00◀

Amounts £15.00, £17.55
& £10.00 substituted for
£14.40, £17.10 & £9.60 by
art. 13 of S.I. 2000/440 as
from 10.4.00.

(2) For the purpose of paragraph (1)(a)(ii) of this regulation, "lone parent" means a person who is living with a child and, in any week, that person—

- (a) either has—
 - (i) no spouse, or
 - (ii) is not residing with his spouse, and
- (b) is not living with any other person as his spouse.

(2ZA) Where in any week—

- (a) a person—
 - (i) is residing with his spouse; or
 - (ii) is living with any other person as his spouse; 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) (i) of this regulation; and
- (c) child benefit would, but for this paragraph, be payable at that rate to his spouse 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) (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.

(2ZB) Child benefit shall not be payable at the rate specified in paragraph (1)(a) (i) or (ii) of this regulation where the person to whom child benefit is payable is a voluntary organisation.

(2A) Subject to paragraph (2AB), 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 ("A")

(2AB) Paragraph (2A) shall not apply where the person is also entitled to child benefit in respect of another child ("B") for whom he is treated as responsible under section 143(1)(a) of the Social Security Contributions and Benefits Act 1992 and he is not residing with a parent of B, in which case he shall be entitled, in respect of A, to the weekly rate of child benefit payable under paragraph (1)(a)(ii) of this regulation.

[Regulation 2(3) revoked by regulation 2(4) of S.I. 1977/1328 as from 3.4.78]

CHILD BENEFIT AND SOCIAL SECURITY (FIXING AND ADJUSTMENT OF RATES) REGULATIONS 1976

(4) Where—

- (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 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, the weekly rate of child benefit specified in paragraph (1)(a)(i) of this regulation shall be payable in respect of that child; and
- (c) in any week a person has been paid weekly rate of child benefit for the time being specified in paragraph (1)(a)(ii) of this regulation and that week is one throughout which that person subsequently becomes entitled to such an allowance or increase as is referred to in sub-paragraph (a) above, the amount corresponding to the difference between the weekly rates of child benefit for the time being specified in paragraph (1)(a)(i) and (ii) of this regulation shall be treated as if it had been paid on account of any such allowance or increase payable in respect of that week.

(5) A specified benefit is—

(a) under the Social Security Act—

- (i) child's special allowance under section 31 ►◄ or an allowance under section 70 ► 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 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 ►, widowed parent's allowance◄ provided for by regulations made under section 39(4), or of disablement pension under section 64(1)(b);

►(b) under the Industrial Injuries and Diseases (Old Cases) Act 1975(a), 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(b), the Air Force (Constitution) Act 1917(c), the Personal Injuries (Emergency Provisions) Act 1939(d), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(e), the Polish Resettlement Act 1947(f), the Home Guard Act 1951(g) or the Ulster Defence Regiment Act 1969(h); or
- (ii) under any scheme made under the Injuries in War Compensation Act 1914(i) or the Injuries in War Compensation Act 1914 (Session 2)(j) or any War Risk Compensation Scheme for the Mercantile Marine; or

Words deleted from reg. 2(5)(a)(i) by reg. 2(4) of S.I. 1993/965 as from 12.4.93.

Words inserted in para. (5)(a)(i) by reg. 2(d) of S.I. 1980/110 as from 1.2.80.

Words inserted in reg. 2(5)(a)(ii) by reg. 4(3) of S.I. 2000/1483 as from 9.4.01.

Para. 5(b) substituted by reg. 2(e) of S.I. 1980/110 as from 1.2.80.

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- (a) 1975 c. 16.
 - (b) 1916 c. 65.
 - (c) 1917 c. 51.
 - (d) 1939 c. 82.
 - (e) 1939 c. 83.
 - (f) 1947 c. 19.
 - (g) 1951 c. 8 (15 & 16 Geo. 6 & 1 Eliz. 2).
 - (h) 1969 c. 65.
 - (i) 1914 c. 30.
 - (j) 1914 c. 18 (5 & 6 Geo. 5).

(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.

►(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.◀

Para. (6) inserted into reg. 2 by reg. 2(c) of S.I. 1991/502 as from 8.4.91.

[Regulation 3 revoked by regulation 3 of S.I. 1978/914 from various dates between 13–16 November 1978.]

Transitional provisions for the purposes of regulation 2(2)

4. ►◀

2nd August 1976

David Ennals
Secretary of State for Social Services

Reg. 4 deleted by reg. 6 of S.I. 1996/1803 as from 7.4.97.

3rd August 1976

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).

