

1976 No. 289

SOCIAL SECURITY

**The Family Income Supplements (Child Interim Benefit)
(Consequential) Regulations 1976***Made - - - - 26th February 1976**Laid before Parliament 4th March 1976**Coming into Operation 5th April 1976*

The Secretary of State for Social Services, in exercise of the powers conferred upon her by sections 4(2)(a), 6(3) (as substituted by section 3 of the Pensioners and Family Income Supplement Payments Act 1972(a)) and 10(2)(h) of the Family Income Supplements Act 1970(b), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Child Interim Benefit) (Consequential) Regulations 1976 and shall come into operation on 5th April 1976.

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

“the Act” means the Family Income Supplements Act 1970;

“benefit” means a family income supplement under the Act;

“child interim benefit” means benefit under section 16 of the Child Benefit Act 1975(c) (interim benefit for unmarried or separated parents with children);

“determination” means a determination under the Act by the Supplementary Benefits Commission or the Appeal Tribunal;

“relevant date” means the date on which the prescribed amount in section 2(1) and the maximum amount in section 3(1) of the Act are both next increased,

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

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(d) 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.

Deduction of child interim benefit in determining a person's normal gross income

2. For any period falling before the relevant date, regulation 2(5) of the Family Income Supplements (General) Regulations 1971(e), as amended (f), shall have effect as if there were included among the sums referred to in that

(a) 1972 c. 75.

(b) 1970 c. 55.

(c) 1975 c. 61.

(d) 1889 c. 63.

(e) S.I. 1971/226 (1971 I, p. 662).

(f) The relevant amending instruments are S.I. 1972/1282, 1975/1360 (1972 II, p. 3857; 1975 II, p. 4634).

regulation, the whole of which are to be deducted in calculating or estimating a person's normal gross income, the whole of any sums by way of child interim benefit.

Circumstances in which entitlement to child interim benefit is to be taken into account in determinations awarding benefit

3.—(1) Where—

- (a) pursuant to a claim for benefit made before the relevant date a determination is made whereby benefit is payable for a family for a period which includes that date; and
- (b) a person by whom sums by way of benefit are receivable under that determination is entitled to child interim benefit for the week which includes that date,

that determination may, with effect from that date, take account of or, as the case may be, be reviewed by the Supplementary Benefits Commission so as to take account of that person's entitlement to child interim benefit.

(2) A determination made by the Supplementary Benefits Commission on a review under paragraph (1) of this regulation shall be subject to appeal in like manner as an original determination by the Supplementary Benefits Commission.

Barbara Castle,

Secretary of State for Social Services.

26th February 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify the legislation relating to family income supplements under the Family Income Supplements Act 1970 to take account of the introduction on 5th April 1976 of the interim benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents with children).

The Regulations make provision whereby the interim benefit under the 1975 Act is not to be taken into account in determining a person's normal gross income for the purposes of the 1970 Act before the date on which the prescribed amount in section 2(1) and the maximum amount payable by way of family income supplement in section 3(1) of the 1970 Act are next both increased and whereby the interim benefit may be taken into account for those purposes from and including that date.

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