
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1772

SOCIAL SECURITY

The Child Benefit (Claims and Payments)

Amendment Regulations 1981

Made - - - - 9th December 1981

Laid before Parliament 18th December 1981

Coming into Operation 8th January 1982

The Secretary of State for Social Services, in exercise of powers conferred upon him by section 6(5)(a) and (b) of the Child Benefit Act 1975(a), and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee (b), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Child Benefit (Claims and Payments) Amendment Regulations 1981 and shall come into operation on the 8th January 1982.

Substitution of regulation 6 of the Child Benefit (Claims and Payments) Regulations 1976

2. In the Child Benefit (Claims and Payments) Regulations 1976(c), (hereinafter referred to as “the principal regulations”), for regulation 6 (time and manner of payment of benefit) there shall be substituted the following regulations:—

“Time for payment of benefit before 15th March 1982

6. Subject to regulation 6E(3) benefit for any week preceding 15th March 1982 shall be payable weekly.

Time for payment of benefit after 15th March 1982

6A. Subject to regulation 6B, 6C and 6E(3), benefit for any week beginning on or after 15th March 1982 shall be payable in the last week of each successive period of four weeks of the period of entitlement.

Right to elect to continue to receive payment weekly where title to benefit arose before 15th March 1982

6B. A person to whom benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982 may, subject to regulations 6D and 6E, elect that benefit be payable weekly after that date.

(a) 1975 c. 61. (b) See sections 9 and 10 of the Social Security Act 1980 (c. 30).
(c) S.I. 1976/964, to which there are amendments not relevant to these regulations.

Conditional right to elect to receive payment weekly for persons bringing up children alone, or to or in respect of whom supplementary benefit or family income supplement is payable

6C.—(1) Subject to regulations 6D and 6E, a person entitled to benefit who satisfies any one or more of the conditions set out in paragraph (2) may elect that benefit be payable weekly.

(2) The conditions for such election are that—

- (a) the person concerned satisfies the conditions specified in regulation 2(2)(a), (b) and (c) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(a) (conditions for increase of child benefit for persons living alone), or
- (b) the person concerned, or his spouse residing with him or the person with whom he is living as husband and wife, is receiving—
 - (i) a supplementary pension or allowance under the Supplementary Benefits Act 1976(b), or
 - (ii) a supplement under the Family Income Supplements Act 1970(c).

Information concerning and manner of making elections

6D.—(1) The Secretary of State shall take steps to notify—

- (a) persons to whom regulation 6B applies of their rights under that regulation, and
- (b) persons to whom benefit is payable of the effect of regulation 6C.

(2) An election for benefit to be payable weekly under regulations 6B or 6C shall be effected by giving notice in writing to the Secretary of State delivered or sent to an office of the Department.

(3) An election shall be made when it is received in an office of the Department.

(4) An election under regulation 6B may be made at any time before whichever is the latest of the following—

- (a) the end of the 26th week from the day on which benefit was payable for the first four weeks in respect of which the Secretary of State made arrangements for four-weekly payment to the person entitled in accordance with regulation 6A, or
- (b) in the case of a person who was absent from Great Britain on the 15th March 1982, if he was so absent by reason only of his being—
 - (i) a serving member of the forces, as defined by regulation 1(2) of the Social Security (Contributions) Regulations 1979(d), or
 - (ii) the spouse of such a member, or
 - (iii) a person living with such a member as husband and wife, the end of the 26th week of the period beginning with the first week in respect of which benefit became payable to him in Great Britain on his return, or

(c) 13th September 1982.

(a) S.I. 1976/1267; relevant amending instrument is S.I. 1980/110.

(b) 1976 c. 71. (c) 1970 c. 55.

(d) S.I. 1979/591, to which there are amendments not relevant to these regulations.

(5) Every person making an election for benefit to be payable weekly under regulation 6C shall furnish such certificates, documents and such other information of facts as the Secretary of State may, in his discretion, require, affecting his right to receive payment of benefit weekly and in particular shall notify the Secretary of State in writing of any change of circumstances which he might reasonably be expected to know might affect the right to receive payment of benefit weekly, as soon as reasonably practicable after the occurrence thereof.

(6) A person who has made an election that benefit be payable weekly may cancel it at any time by a notice in writing delivered or sent to an office of the Department; and effect shall be given to such a notice as soon as is convenient.

Payment of benefit

6E.—(1) Where a person elects for benefit to be payable weekly in accordance with the provisions of regulations 6B to 6D, benefit shall be payable weekly from the first convenient date after the election has been made and shall continue to be so payable—

- (a) in the case of an election under regulation 6B, so long as that person remains continuously entitled to benefit, or
- (b) in the case of an election under regulation 6C, so long as that person remains continuously entitled to benefit and any one or more of the conditions specified in paragraph (2) of that regulation continues to be satisfied.

(2) Subject to paragraph (3), benefit payable weekly or four-weekly shall be payable on Mondays or Tuesdays (as the Secretary of State may in his discretion in any case determine) by means of serial orders.

(3) In such cases or class of cases as the Secretary of State may, in his discretion, determine benefit shall be payable otherwise than—

- (a) by means of serial orders, or
- (b) on Mondays or Tuesdays, or
- (c) at weekly or four-weekly intervals,

and where benefit is being paid at four-weekly intervals in accordance with regulation 6A, the Secretary of State shall arrange for it to be paid weekly if satisfied that payment at intervals of four weeks is causing hardship.

(4) The Secretary of State shall take steps to notify persons to whom benefit is payable of the arrangements he has made for payment so far as those arrangements affect such persons.

(5) Instruments of payment and books of serial orders issued by the Secretary of State shall remain his property: and any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit to which such instrument or book relates, or when so required by the Secretary of State, deliver the said instrument or book to the Secretary of State or to such other person as he may direct.”.

Norman Fowler,

9th December 1981.

Secretary of State for Social Services.

*EXPLANATORY NOTE**(This Note is not part of the Regulations.)*

These Regulations, which amend the Child Benefit (Claims and Payments) Regulations 1976 ("the principal regulations") make child benefit, from 15th March 1982 onwards, ordinarily payable four-weekly in arrears instead of weekly as at present.

Regulation 2 modifies the provisions made by regulation 6 of the principal regulations for weekly payment, and also inserts new regulations 6A to 6E in those regulations. Regulation 6A provides for four-weekly payments; regulation 6B enables persons to whom benefit was payable before 15th March 1982, to elect to receive benefit weekly after that date; regulation 6C confers a similar right of election on persons satisfying conditions applicable to one parent benefit (increase of child benefit for a person living alone) and in cases where, as well as child benefit, a supplementary pension or allowance or family income supplement is also payable. Regulation 6D provides for giving information about rights of election, and for the manner of making them. Regulation 6E makes miscellaneous provisions concerning payment of benefit, and provides for a discretion to allow weekly payment in cases of hardship.

The Report of the Social Security Advisory Committee, dated 17th September 1981, on the draft of these Regulations referred to them, together with a statement showing why the Regulations do not give effect to the Committee's recommendations, is contained in Command Paper (Cmnd. 8453) published by Her Majesty's Stationery Office.

SI 1981/1772
ISBN 0-11-017772-X

