
 STATUTORY INSTRUMENTS

1984 No. 1698

SOCIAL SECURITY

The Social Security Benefit (Dependency) Amendment Regulations 1984

Made - - - - 30th October 1984
Laid before Parliament 5th November 1984
Coming into Operation 26th November 1984

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 44(3)(c), 46(3) and (4), 49, 66(1)(d) and 84 of, and Schedule 20 to, the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these regulations should not be referred to it(b), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Social Security Benefit (Dependency) Amendment Regulations 1984 and shall come into operation on 26th November 1984.

Amendment of the Social Security Benefit (Dependency) Regulations 1977

2.— (1) The Social Security Benefit (Dependency) Regulations 1977(c) (“the principal regulations”) shall be amended in accordance with the following provisions of this regulation.

(2) After regulation 3(4) of the principal regulations there shall be inserted the following paragraph—

“(5) In the heading to this regulation and in paragraphs (1) and (2) the word “spouse” includes husband as well as wife, except in relation to maintenance contributions for the purposes of section 44(1)(a) (short term benefit increase for dependent wife) and section 45(2)(b) (pension increase for dependent wife) where it means wife only.”

(3) In regulation 4A(4) of the principal regulations the word “female” shall

(a) 1975 c. 14, as amended by the Child Benefit Act 1975 (c. 61), Schedule 4, paragraphs 16, 18, 23 and 38.

(b) See section 10(2)(b) of the Social Security Act 1980 (c. 30).

(c) S.I. 1977/343; relevant amending instruments are S.I. 1977/1509, 1978/433, 1980/585, 1983/186 and 1001.

be omitted and for the word “wife” there shall be substituted the word “spouse”.

(4) In regulation 4B(1) of the principal regulations the word “female” shall be omitted.

(5) In the heading to and in paragraphs (1) and (2) of regulation 10 of the principal regulations the word “female” shall be omitted.

(6) In regulation 10(2)(b)(ii) of the principal regulations for the word “her” there shall be substituted the word “the”.

(7) In regulation 10(2)(e) of the principal regulations the word “her” where it first occurs shall be omitted and for that word where it occurs for the second time there shall be substituted the word “the”.

(8) After sub-paragraph (e) of regulation 10(2) of the principal regulations there shall be inserted the following sub-paragraph—

“(f) in the case only of an increase under section 46(2) of a Category A or Category C retirement pension, is a female.”.

(9) In regulation 10(3) of the principal regulations the word “female” shall be omitted.

(10) In regulation 10(4) of the principal regulations for the words “such female person” where they first occur there shall be substituted the words “person such as is mentioned in sections 46(2) or 66(1)(d) who is female”.

(11) In regulation 11(1)—

(a) after “45(2)” there shall be inserted “45A”;

(b) the word “female” shall be omitted in each of the places where it occurs; and

(c) in sub-paragraph (a) and in sub-paragraph (b) after the word “person” in each of the places where it occurs there shall be inserted the words “having the care of a child”.

(12) In regulation 12(1) of the principal regulations the words after “adult dependants” where that expression occurs for the second time shall be omitted.

(13) Regulations 4A(2), and 15A of the principal regulations are revoked.

Saving provision

3. Where, immediately before the coming into operation of these regulations, a man was entitled to an increase of benefit in respect of a child under any of the provisions mentioned in regulation 4A(2) of the principal regulations he shall, notwithstanding the revocation of that regulation, continue to be so entitled until such time as his entitlement ends for some other reason.

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

Tony Newton,
Minister of State,
Department of Health and Social Security.

30th October 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Social Security Benefit (Dependency) Regulations 1977. They are, in the main, consequential upon the Social Security Act 1980 (Commencement No. 4) Order 1984 (S.I. 1984/1492), bringing into effect paragraph 4 of Part I of Schedule 1 to the Social Security Act 1980. The regulations insert a new paragraph (5) into regulation 3 of the 1977 Regulations, relating to the meaning of the word "spouse" in that regulation. They substitute for the reference to a female person in regulations 4A(4), 4B(1), 10 and 11 of the 1977 Regulations references to a person having the care of a child.

The regulations revoke regulation 4A(2) of the 1977 Regulations whereby in certain circumstances a man may be treated as being entitled to child benefit in respect of a child of his who is not living with him but provide a saving for those men who were so treated immediately before the revocation. Regulation 15A of the 1977 Regulations, which is spent, is also revoked.

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