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 STATUTORY INSTRUMENTS
 

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1984 No. 1699

## SOCIAL SECURITY

**The Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) Amendment Regulations 1984**

<i>Made</i>	- - - - -	29th October 1984
<i>Laid before Parliament</i>		5th November 1984
<i>Coming into Operation</i>		
	<i>Except for Regulation 3(a)</i>	26th November 1984
	<i>Regulation 3(a)</i>	28th November 1984

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 41(2D), 44(3)(c), 45(3), 46(3), 49, 64(1D), 66(1)(d), 79(1), 84(1) and (4) and 85(1) of, and Schedule 20 to the Social Security Act 1975(a), by this instrument, which contains only provisions consequential on Schedule 5 to the Health and Social Security Act 1984(b) before the expiry of the period of six months beginning with the commencement of that Schedule, makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) Amendment Regulations 1984 and shall come into operation on 26th November 1984 except for regulation 3(a) which shall come into operation on 28th November 1984.

*Amendment of the Social Security (Hospital In-Patients) Regulations 1975*

2. The Social Security (Hospital In-Patients) Regulations 1975(c) shall be amended by adding at the end of paragraph (a) of Schedule 1 to those regulations the words “or any child benefit under the Child Benefit Act 1975”.

*Amendment of the Social Security Benefit (Dependency) Regulations 1977*

3. The Social Security Benefit (Dependency) Regulations 1977(d) shall be amended as follows:—

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(a) 1975 c. 14; sections 41(2D) and 64(1D) were inserted by the Health and Social Security Act 1984 (c.48), Schedule 5, paragraphs 3 and 4; section 44(3)(c) was amended by the Child Benefit Act 1975 (c. 61), Schedule 4, paragraph 16(b) and the Social Security Act 1980 (c. 30), Schedule 1, paragraph 4; section 49 was amended by the Health and Social Security Act 1984, Schedule 4, paragraph 3; section 66(1)(d) was amended by the Child Benefit Act 1975, Schedule 4, paragraph 23 and the Social Security Act 1980, Schedule 1, paragraph 4.

(b) 1984 c. 48.

(c) S.I. 1975/555, to which there are amendments not relevant to these regulations.

(d) S.I. 1977/343; relevant amending instruments are S.I. 1983/1001, 1984/1698.

- (a) in regulations 3(1) and 5(1) for the figures “70(4)” in each of the places where they occur there shall be substituted the figures “70(2)”;
- (b) in regulation 10(2)(a) the words after “sections” shall be omitted; and
- (c) after paragraph 2 of Schedule 2 there shall be inserted the following paragraphs—

“2A. Where—

- (a) a beneficiary is one of two persons who are—
  - (i) spouses residing together; or
  - (ii) an unmarried couple; and
- (b) the other person had earnings in any week,

the beneficiary’s right to payment of increases for the following week under paragraph 2 above shall be determined in accordance with paragraph 2B below.

2B. No such increase shall be payable—

- (a) in respect of the first child where the earnings were £80 or more; and
- (b) in respect of a further child for each complete £10 by which the earnings exceeded £80.

2C. In this Part of this Schedule—

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife; and

“week” means a period of 7 days beginning with midnight between Sunday and Monday.”.

*Amendment of the Social Security (Claims and Payments) Regulations 1979*

4. The Social Security (Claims and Payments) Regulations 1979(a) shall be amended as follows:—

- (a) for regulation 15(3) there shall be substituted the following—
  - “(3) In the expression “week for which he is entitled to benefit” in section 45(3) and in the expression “had earnings in any week” in sections 41 and 64 “week” means a period of 7 days beginning with midnight between Sunday and Monday”;
- (b) in column (1) of sub-paragraphs (c) and (d) of paragraph 5 of Schedule 1, for the words “a child or” there shall be substituted the word “an”;
- (c) in paragraph 3(1) of Schedule 2 for the words “a child or” there shall be substituted the word “an”; and
- (d) in paragraph 3(2) of Schedule 2 for the words “a child or” there shall

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(a) S.I. 1979/628; relevant amending instruments are S.I. 1982/1362, 1983/186.

be substituted the word “an” and where the words “child or” appear for the second time they shall be omitted.

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

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

29th October 1984.

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#### EXPLANATORY NOTE

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

These regulations amend the Social Security (Hospital In-Patients) Regulations 1975, the Social Security Benefit (Dependency) Regulations 1977 and the Social Security (Claims and Payments) Regulations 1979. They are consequential on Schedule 5 to the Health and Social Security Act 1984 and are made within 6 months of the commencement of that Schedule, that is 26th November 1984. Accordingly they are by virtue of section 22(1)(k) of that Act, exempt from the requirement of section 10(1) of the Social Security Act 1980 to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

Schedule 5 to the Health and Social Security Act 1984 abolishes child dependency increases payable with certain short-term benefits and the lower rate industrial death benefit payable in respect of children of the deceased. It also provides that where the recipient of a long-term benefit is married and residing with his or her spouse, or is living with someone as husband and wife, child dependency increases will be withdrawn if the partner has earnings above a certain level. The amendments made by these regulations reflect these changes.

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