

1985 No. 1305

SOCIAL SECURITY

**The Social Security Benefit (Dependency)
Amendment (No. 2) Regulations 1985**

<i>Made</i> - - - - -	16th August 1985
<i>Laid before Parliament</i>	23rd August 1985
<i>Coming into Operation</i>	16th September 1985

The Secretary of State for Social Services, in exercise of the powers conferred by sections 84(4) and 166 of, and Schedule 20(a) to, the Social Security Act 1975(b) and of all other powers enabling him in that behalf, hereby makes the following regulations, being regulations which could not have been made if the said section 84(4) had not been amended by section 13 of the Social Security Act 1985(c) and which are made before the expiry of the period of 6 months beginning with the passing of the latter Act:—

Citation and commencement

1. These regulations may be cited as the Social Security Benefit (Dependency) Amendment (No. 2) Regulations 1985 and shall come into operation on 16th September 1985.

Amendment of the Social Security Benefit (Dependency) Regulations 1977

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

(2) In regulation 3(1) of the principal regulations after “44(1)(a),” there shall be inserted “44(3)(a),” and after “45(2)(b),” there shall be inserted “45A(2)(b), 47(1)(a),”(e)

(3) For paragraph (5) of regulation 3 of the principal regulations there shall be substituted the following paragraph—

“(5) In the heading to this regulation and in paragraphs (1) and (2) the word “spouse” includes both husband and wife except in relation to maintenance contributions for the purposes of sections 44(1)(a) and

(a) See the definition of “regulations”.

(b) 1975 c. 14; section 84(4) was amended by the Social Security Act 1985 (c. 53), section 13(6).

(c) 1985 c. 53.

(d) S.I. 1977/343; relevant amending instruments are S.I. 1983/1001 and 1984/1698 and 1699.

(e) Section 45A of the Social Security Act 1975 was inserted by section 12 of the Health and Social Security Act 1984 (c. 48) and subsection (2) of that section was substituted and section 47(1) was amended by section 13 of the Social Security Act 1985 (c. 53).

45(2)(b) where it means wife only, and in relation to maintenance contributions for the purposes of sections 44(3)(a), 45A(2)(b) and 47(1)(a) where it means husband only.”

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

Trumpington,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

16th August 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Social Security Benefit (Dependency) Regulations 1977 (the “principal regulations”). They are regulations which could not have been made if section 84(4) of the Social Security Act 1975 had not been amended by section 13 of the Social Security Act 1985 and are made before the expiry of the period of 6 months beginning with the passing of the latter Act. Accordingly, by virtue of section 24(1)(b) and (5) of the latter Act they are exempt from the requirements of section 10(1) of the Social Security Act 1980 (reference of regulations to the Social Security Advisory Committee).

The regulations enlarge the list of dependency provisions which are within the scope of regulation 3(1) of the principal regulations (allocation of contributions for spouse or children) by adding references to section 44(3)(a), 45A(2)(b) and 47(1)(a) of the Social Security Act 1975 by which a wife may be entitled to an increase of benefit in respect of a dependent husband. They also substitute a new paragraph (5) in regulation 3 relating to the meaning of the word “spouse” in that regulation.

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