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

1985 No. 1327

SOCIAL SECURITY

**The Social Security (Guardian's Allowances)
Amendment Regulations 1985**

Made - - - - - 21st August 1985
Laid before Parliament 2nd September 1985
Coming into Operation 23rd September 1985

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 38(4)(a) and 166(1) and (2) 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, the Social Security Advisory Committee having agreed that proposals to make the regulations need not be referred to it (c):—

Citation and commencement

1. These regulations may be cited as the Social Security (Guardian's Allowances) Amendment Regulations 1985 and shall come into operation on 23rd September 1985.

Substitution of regulation 2 of the Social Security (Guardian's Allowances) Regulations 1975

2. For regulation 2 of the Social Security (Guardian's Allowances) Regulations 1975(d) there shall be substituted the following regulation—

“Adopted children

2.—(1) Subject to paragraph (3) below, this regulation applies in cases where a child has been adopted in pursuance of an order made in the United Kingdom, the Channel Islands or the Isle of Man or by an overseas adoption within the meaning of section 4(3) of the Adoption Act 1968(e).

(2) In a case to which this regulation applies section 38(2) of the Act (circumstances in which guardian's allowance may be payable) shall be modified so that—

- (a) in the case of a child adopted by two spouses jointly, references to the child's parents are read as references to those spouses; and
- (b) in the case of a child adopted by one person only, for the circumstances mentioned in that subsection there is substituted the circumstance that that person is dead.

(a) See the definition of “Regulations”.

(b) 1975 c.14.

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

(d) S.I. 1975/515, to which there are amendments not relevant to these regulations.

(e) 1968 c.53.

(3) Where a person adopts a child and, immediately before the adoption, he is entitled to guardian's allowance in respect of that child then, for the purpose of determining his entitlement to that allowance for any continuous period immediately following the adoption, this regulation shall not apply and, notwithstanding any provision of paragraph 3 of Schedule 1 to the Children Act 1975(a) (status conferred by adoption), any reference in section 38(2) of the Act to a child's parents shall be construed as a reference to the person or persons by reference to whose death, unknown whereabouts or imprisonment entitlement to the allowance was established."

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

R. W. Whitney,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

21st August 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations substitute a new regulation for regulation 2 of the Social Security (Guardian's Allowances) Regulations 1975.

It provides, as before, that in the case of an adopted child section 38(2) of the Social Security Act 1975 (circumstances in which guardian's allowance is payable) shall be modified so that, where the adoption was by two spouses jointly, reference to the child's parents shall be read as references to those spouses, and where the adoption was by one person only for the circumstances mentioned in that subsection there is substituted the circumstance that that person is dead.

The new regulation also provides that where, immediately before the adoption, the adopter or one of the adopters, was entitled to guardian's allowance in respect of the adopted child the regulation shall not apply for determining his entitlement for any continuous period after the adoption and references in section 38(2) to the child's parents shall be construed as references to the person or persons by reference to whose death, unknown whereabouts or imprisonment his entitlement was established.

(a) 1975 c.72.

SI 1985/1327
ISBN 0-11-057327-7



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