

1996 No. 1803

FAMILY LAW

CHILD SUPPORT

SOCIAL SECURITY

**The Child Benefit, Child Support and Social Security
(Miscellaneous Amendments) Regulations 1996**

Made - - - -

8th July 1996

Coming into force in accordance with regulation 1

Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(a), section 176(1) of the Social Security Contributions and Benefits Act 1992(b) and under section 37(2) of the Jobseekers Act 1995(c) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security, in conjunction with the Treasury (d), in exercise of the powers conferred by sections 11(2), 43(1)(b), 51, 52(4) and 54 of, and paragraphs 1(3) and (5), 2(1), 4(3), 5(1) and (2), 6(2) and 9 of Schedule 1 to, the Child Support Act 1991(e), sections 123(1)(a), (d) and (e), 135(1), 136(4) and (5)(a) and (b), 137(1) and (2)(i), 144(1) and (2), 145(1), 147(1) and 175(1), (3) and (4) of, and paragraph 4 of Schedule 9 to, the Social Security Contributions and Benefits Act 1992(f), sections 1(1), 5(1)(i), 7(1), 27(1)(b), 73(1)(a), 189(1), (3), (4) and (5) and 191 of the Social Security Administration Act 1992(g) and sections 4(5), 12(2) and (4)(a) and (b), 35(1) and 36(1), (2) and (4)(a) of the Jobseekers Act 1995(h) and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned (i) and after reference to the Social Security Advisory Committee of proposals in respect of regulations 2 to 6 and 18 to 48(j), hereby makes the following Regulations:—

(a) 1991 c. 48.

(b) 1992 c. 4.

(c) 1995 c. 18.

(d) See section 145(5) of the Social Security Contributions and Benefits Act 1992 (c. 4).

(e) Section 54 is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

(f) Sections 123, 135 and 137 are amended to have effect in relation to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Sections 137(1) and 147(1) are interpretation provisions and are cited because of the meaning assigned to the word “prescribed”.

(g) 1992 c. 5; section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.

(h) Section 35(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.

(i) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(j) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

Reg 1.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 and shall come into force—

- (a) for the purposes of regulations 1, 22 to 28, 30 and 35(b), on 1st April 1997;
- (b) for the purposes of regulations 2 to 21 and 37 to 49, on 7th April 1997;
- (c) for the purposes of regulations 29, 31 to 35(a) and 36—
 - (i) in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, on 1st April 1997, and
 - (ii) in any other case, on 7th April 1997.

(2) Regulations 37 to 41 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 7th April 1997 which applies in his case and for the purpose of this paragraph, “benefit week” and “claimant” have the same meaning as in regulation 2(1) of the Income Support Regulations(a).

(3) Regulations 42 to 46 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 7th April 1997 which applies in his case and for the purpose of this paragraph, “benefit week” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations.

(4) In these Regulations—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(b);

“the Child Benefit Regulations” means the Child Benefit (General) Regulations 1976(c);

“the Child Benefit Rates Regulations” means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(d);

“the Child Support Maintenance Assessments Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(e);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(f);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(g);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(h);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(i);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(j);

“the Overlapping Benefits Regulations” means the Social Security (Overlapping Benefits) Regulations 1979(k).

(a) The definition of “benefit week” in regulation 2(1) of the Income Support Regulations is amended by S.I. 1988/1445.

(b) S.I. 1995/1801.

(c) S.I. 1976/965.

(d) S.I. 1976/1267.

(e) S.I. 1992/1815.

(f) S.I. 1987/1968.

(g) S.I. 1992/1814.

(h) S.I. 1987/1971.

(i) S.I. 1987/1967.

(j) S.I. 1996/207.

(k) S.I. 1979/597.

[Regulation 2 revoked by reg. 19(a) of S.I. 1997/793 as from 6.4.97.]

[Regulation 3 amends regulation 9 of S.I. 1976/965.]

[Regulation 4 inserts regulation 9A into S.I. 1976/965.]

[Regulation 5 amends regulation 2 of S.I. 1976/1276.]

[Regulation 6 revokes regulation 4 of S.I. 1976/1276.]

[Regulation 7 amends regulation 1 of S.I. 1992/1815.]

[Regulation 8 amends regulation 3 of S.I. 1992/1815.]

[Regulation 9 amends regulation 4 of S.I. 1992/1815.]

[Regulation 10 amends regulation 6 of S.I. 1992/1815.]

[Regulation 11 amends regulation 9 of S.I. 1992/1815.]

[Regulation 12 amends regulation 11 of S.I. 1992/1815.]

[Regulation 13 amends regulation 19 of S.I. 1992/1815.]

[Regulation 14 amends regulation 23 of S.I. 1992/1815.]

[Regulation 15 amends regulation 26 of S.I. 1992/1815.]

[Regulation 16 amends regulation 28 of S.I. 1992/1815.]

[Regulation 17 amends Schedule 1 to S.I. 1992/1815.]

[Regulation 18 amends regulation 2 of S.I. 1987/1968.]

[Regulation 19 amends regulation 9 of S.I. 1987/1968.]

[Regulation 20 amends Schedule 1 to S.I. 1987/1968.]

[Regulation 21 amends Schedule 8 to S.I. 1987/1968.]

[Regulation 22 amends regulation 10 of S.I. 1992/1814.]

[Regulation 23 amends regulation 26 of S.I. 1992/1814.]

[Regulation 24 amends regulation 40 of S.I. 1992/1814.]

[Regulation 25 amends Schedule 1 to S.I. 1992/1814.]

[Regulation 26 amends Schedule 3 to S.I. 1992/1814.]

[Regulation 27 amends Schedule 4 to S.I. 1992/1814.]

[Regulation 28 amends Schedule 5A to S.I. 1992/1814.]

[Regulation 29 amends regulation 18 to S.I. 1987/1971.]

[Regulation 30 amends regulation 35 to S.I. 1987/1971.]

[Regulation 31 amends regulation 48A of S.I. 1987/971.]

[Regulation 32 amends regulation 51 of S.I. 1987/1971.]

[Regulation 33 amends Schedule 2 to S.I. 1987/1971.]

[Regulation 34 amends Schedule 3 to S.I. 1987/1971.]

[Regulation 35 amends Schedule 4 to S.I. 1987/1971.]

[Regulation 36 amends Schedule 5A to S.I. 1987/1971.]

[Regulation 37 amends regulation 42 of S.I. 1987/1967.]

[Regulation 38 amends regulation 57 of S.I. 1987/1967.]

[Regulation 39 amends Schedule 2 to S.I. 1987/1967.]

[Regulation 40 amends Schedule 7 to S.I. 1987/1967.]

[Regulation 40(a) revoked by Sch. to S.I. 2005/3360 as from 10.4.06]

[Regulation 41 amends Schedule 8 to S.I. 1987/1967.]

[Regulation 42 amends regulation 105 of S.I. 1996/207.]

[Regulation 43 amends regulation 121 of S.I. 1996/207.]

[Regulation 44 amends Schedule 1 to S.I. 1996/207.]

[Regulation 45 amends Schedule 5 to S.I. 1996/207.]

[Regulation 46 amends Schedule 6 to S.I. 1996/207.]

[Regulation 47 amends regulation 8 of S.I. 1979/597.]

Transitional provision relating to applications for review

48. Where an applicant for a review of a decision relating to child benefit—

- (a) makes his application on or before 7th October 1997; and
- (b) in respect of any week or weeks prior to 7th April 1997 but no more than 26 weeks before the date of the application referred to in paragraph (a) of this regulation (“the relevant period”), would have satisfied the conditions, as were then in force, in regulation 2(2) of the Child Benefit Rates Regulations relating to an increase in the weekly rate of child benefit; and
- (c) was not in receipt of an increase in the weekly rate of child benefit under regulation 2(2) of those Regulations in respect of the relevant period,

that application for review shall be treated, in addition, as if it were a claim for an increase in the weekly rate of child benefit under regulation 2(2) of those Regulations in respect of the relevant period.

Transitional provision relating to maintenance assessments

¹Para. 49 substituted by art. 42 of S.I. 1999/1510 as from 1.6.99.

►¹**49.**—(1) A decision with respect to a maintenance assessment in force on 7th April 1997 shall not be superseded by a decision under section 17 of the Child Support Act 1991 (“the Act”) solely to give effect to these Regulations.

(2) These Regulations shall apply to a fresh maintenance assessment made by virtue of—

- (a) a revision under section 16 of the Act of a decision with respect to a maintenance assessment; or
- (b) a decision under section 17 of the Act which supersedes a decision with respect to a maintenance assessment,

as from the effective date of that revision under section 16 of the Act or, as the case may be, decision under section 17 of the Act.◀

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

4th July 1996

A J B Mitchell
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

8th July 1996

Simon Burns
Liam Fox
Two of the Lords Commissioners of
Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, in particular regulation 5, amend the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 (S.I. 1976/1267) (“the Child Benefit Rates Regulations”) so as to specify a composite rate of child benefit to be payable in respect of the only, elder or eldest child of a lone parent rather than two distinct rates.

These Regulations also make certain other amendments which are consequential on, or relate to, the above—

- they amend the Social Security (Adjudication) Regulations 1995 (S.I. 1995/1801) by reducing the time limit for submitting applications for review of decisions relating to child benefit (regulation 2);
- they omit a transitional provision in the Child Benefit Rates Regulations which is no longer necessary (regulation 6);
- they make consequential amendments to the Child Support (Maintenance Assessment and Special Cases) Regulations 1992 (S.I. 1992/1815) (regulations 7, 9 and 17) and to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) (regulations 18 to 21);
- they amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) so as to provide that a claimant is treated as possessing certain child benefit and that certain child benefit is disregarded in the calculation of income other than earnings in certain circumstances (regulations 23, 27(b), 30 and 35(b));
- they amend provisions in the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) relating to the calculation of notional income in so far as it relates to the new composite rate of child benefit (regulations 37 and 42);
- they amend the Social Security (Overlapping Benefits) Regulations 1979 (S.I. 1979/597) so as to provide for the reduction of awards of certain benefits and increases in those benefits where child benefit is being paid in respect of the only, elder or eldest child of a lone parent (regulation 47).

Regulations 48 and 49 are transitional provisions relating respectively to the treatment of applications for review of decisions relating to child benefit made on or before 7th October 1997 and of maintenance assessments for child support which are

