

1996 No. 288

CHILD SUPPORT; FAMILY LAW; SOCIAL SECURITY

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

Made 17th July 1996

Coming into operation 7th April 1997

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 40(1)(b) and 47 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 (Northern Ireland) Order 1991(a), sections 122(1)(a), 131(1), 132(3) and (4)(a) and (b), 140(1) and 141(1) of, and paragraph 4 of Schedule 9 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), sections 1(1), 5(1)(i) and (j), 25(1)(b) and 71(1)(a) of the Social Security Administration (Northern Ireland) Act 1992(c) and Articles 6(5) and 14(2) and (4)(a) and (b) of the Jobseekers (Northern Ireland) Order 1995(d) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th April 1997.

(2) Regulation 5 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.

(3) Regulation 9 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(2) of the Jobseeker’s Allowance Regulations.

(4) In these Regulations—

(a) S.I. 1991/2628 (N.I. 23)

(b) 1992 c.7

(c) 1992 c.8

(d) S.I. 1995/2705 (N.I. 15)

(e) See section 141(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

“the Child Benefit Regulations” means the Child Benefit (General) Regulations (Northern Ireland) 1979(a);

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

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(c);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d).

(5) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

[Regulation 2 amends regulation 2 of, and omits regulation 4 from, SR 1976 No.223.]

[Regulation 3(1) to (3) amends regulation 11 of, and inserts regulation 11A into, SR 1979 No.5.]

(4) Paragraph (2) shall not apply in the case of any person who is entitled to child benefit on 6th April 1997 and to whom regulation 11(1) of the Child Benefit Regulations applies on the date these Regulations come into operation, for so long as his entitlement to child benefit continues.

(5) Paragraph (3) shall not apply in the case of any person who is entitled to child benefit on 6th April 1997 for so long as that entitlement continues.

[Regulation 4 amends regulation 8 of SR 1979 No.242.]

[Regulation 5 amends regulations 42(2) and 57 of, and Schedules 2, 7 and 8 to, SR 1987 No.459.]

[Regulation 6 amends regulations 2(2) and 9(3) of, and Schedules 1 and 8 to, SR 1987 No.465.]

[Regulation 7 amends regulations 1(2), 3(1), 4, 6(2)(b), 9, 11, 19(2)(c), 23(2), 26(1)(b) and 28(1)(b) of, and Schedule 1 to, SR 1992 No.341.]

[Regulation 8 is revoked by regulation 6 of, and the Schedule to, SR 1997 No.156 as from 6.10.97.]

[Regulation 9 amends regulations 105(2) and 121 of, and Schedules 1, 4 and 5 to, SR 1996 No.198.]

Transitional provision relating to applications for review

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

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- (a) S.R. 1979 No.5; relevant amending regulations are S.R. 1984 No.78
 - (b) S.R. 1976 No.223; relevant amending provisions are S.R. 1977 No.248, S.R. 1980 No.37, S.R. 1991 No. 82, S.R. 1993 No.169 and S.R. 1996 No.73
 - (c) S.R. 1987 No.459; relevant amending provisions are S.R. 1988 Nos.146, 318 and 431, S.R. 1989 No.139, S.R. 1990 Nos.131 and 346, S.R. 1992 No.147, S.R. 1993 No.149, S.R. 1995 No.367 and S.R. 1996 No.73
 - (d) S.R. 1996 No.198
 - (e) 1954 c.33 (N.I.)

- (a) makes his application on or before 7th October 1997;
- (b) in respect of any week prior to 7th April 1997 but not more than 26 weeks before the date of the application referred to in paragraph (a) (“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

▶¹ **11.**—(1) A decision with respect to a maintenance assessment in force on 7th April 1997 shall not be superseded by a decision under Article 19 of the Order 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 Article 18 of the Order of a decision with respect to a maintenance assessment; or
 - (b) a decision under Article 19 of the Order which supersedes a decision with respect to a maintenance assessment,

as from the effective date of that revision under Article 18 of the Order or, as the case may be, decision under Article 19 of the Order.

- (3) In this regulation “the Order” means the Child Support (Northern Ireland) Order 1991. ◀

[Regulation 12 and the Schedule contains revocations as from 7.4.97.]

Sealed with the Official Seal of the Department of Health and Social Services on 17th July 1996.

(L.S.)

D. G. Ferguson
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 17th July 1996.

(L.S.)

V. N. Hewitt
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, in particular regulation 2(2), amend the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976 (“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.

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

- (a) they omit a transitional provision in the Child Benefit Rates Regulations which is no longer necessary (regulation 2(3));
- (b) they amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 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 4);
- (c) they amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 in relation to the calculation of notional income in so far as it relates to the new composite rate of child benefit (regulations 5(2) and 9(2));
- (d) they make consequential amendments to—
 - (i) the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (regulation 6), and
 - (ii) the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 (regulation 7(2), (4) and (15)); and
- (e) they amend the Social Security (Adjudication) Regulations (Northern Ireland) 1995 by reducing from 12 months to 6 months the time limit for submitting applications for review of decisions relating to child benefit (regulation 8).

Regulations 10 and 11 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 in force on 7th April 1997.

These Regulations also replace the premium which is applicable in relation to lone parents in receipt of —

- (a) income support (regulation 5(3) and (4)); and
- (b) jobseeker’s allowance (regulation 9(3) and (4)),

with an additional element to the family premium. They also provide for consequential amendments both elsewhere in the relevant regulations relating to those benefits and in the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 (regulations 5(5) and (6), 7(3) and (5) to (14) and 9(5) and (6)) in connection with this change.

These Regulations also make amendments to the Child Benefit (General) Regulations (Northern Ireland) 1979 to provide that—

- (a) unmarried partners shall not be entitled to child benefit in any week where they are exempt from United Kingdom income tax (regulation 3(2)); and
- (b) a person shall not be entitled to child benefit in respect of a child who, in any week, is living with another person as his spouse (regulation 3(3)).

Transitional protection is also provided for in both cases (regulation 3(4) and (5)).

Regulation 12 makes consequential revocations.

These Regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992(c.8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

References

1. Substituted by Art. 18 of SR 1999 No.246 (C.20) as from 1.6.99