Draft Statutory Instrument laid before Parliament under section 80(1) of the Social Security Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

SOCIAL SECURITY

The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998

Made - - - -	*1998*
Coming into force - -	*6th July 1998*

Whereas a draft of this instrument was laid before Parliament in accordance with section 80(1) of the Social Security Act 1998(**1**) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security, in exercise of powers conferred on her by sections 72(1) and 79(1) and (3) to (6) of the Social Security Act 1998 and of all other powers enabling her in that behalf, by this instrument which is made before the end of the period of six months beginning with the coming into force of that enactment(**2**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations, which may be cited as the Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations 1998, shall come into force on 6th July 1998.

(2) In these Regulations—

"the 1987 Regulations" means the Income Support (General) Regulations 1987(**3**);

"the 1996 Regulations" means the Jobseeker's Allowance Regulations 1996(**4**);

"the principal Regulations" means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(**5**).

(**1**) 1998 c. 14.
(**2**) *See* section 173(5)(a) of the Social Security Administration Act 1992 (c. 5).
(**3**) S.I. 1987/1967; relevant amending instruments S.I. 1988/1445, 1998/470 and 766.
(**4**) S.I. 1996/207; relevant amending instruments S.I. 1998/470 and 766.
(**5**) S.I. 1976/1267; relevant amending instruments S.I. 1991/502, 1993/965, 1996/599 and 1803, 1997/1328 and 1998/470.

Amendment of regulation 2 of the principal Regulations

2.—(1) Subject to regulations 3 and 4 below (persons in receipt of specified benefits, transitional provisions and savings), regulation 2 of the principal Regulations (weekly rates of child benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) in sub-paragraph (a)(i) the words "(not being a child to whom head (ii) of this sub-paragraph applies)" shall be omitted; and

(b) sub-paragraph (a)(ii) shall be omitted.

(3) In paragraph (2ZB) the words "or (ii)" shall be omitted.

(4) In paragraph (2A) the words "Subject to paragraph (2AB)," and "("A")" shall be omitted.

(5) Paragraphs (2), (2AB) and (4)(c) shall be omitted.

Persons ceasing to receive specified benefits

3.—(1) Where a lone parent—

(a) is, on 5th July 1998, in receipt of any of the specified benefits to which regulation 2(5) of the principal Regulations refers and in consequence is entitled to child benefit only at the rate specified in regulation 2(1)(a)(i) of those Regulations;

(b) ceases on or after 6th July 1998 to receive the specified benefit; and

(c) applies for the higher rate of child benefit within one month of ceasing to receive the specified benefit,

regulation 2 of the principal Regulations shall continue to have effect in his case as though regulation 2 above had not been made, but only for so long as the lone parent continuously satisfies the conditions for the higher rate of child benefit and the higher rate continues to exceed the rate for the time being specified in regulation 2(1)(a)(i) of the principal Regulations(**6**).

(2) In this regulation and regulation 4 below "the higher rate of child benefit" means the rate of child benefit specified in paragraph (1)(a)(ii) of regulation 2 of the principal Regulations, as in force on 5th July 1998.

Transitional provisions and savings

4.—(1) Where—

(a) on 5th July 1998, a lone parent is in receipt of the higher rate of child benefit;

(b) on or before 5th July 1998, a lone parent has made a claim for child benefit or has applied for a review of an award to secure that the higher rate of child benefit is paid in his case and that higher rate is payable for the week which includes 5th July 1998;

(c) on or after 6th July 1998, a lone parent claims child benefit and—

(i) satisfies the entitlement conditions for the higher rate of child benefit;

(ii) the claim is made within three months of entitlement to the higher rate first arising on that claim; and

(iii) that rate of child benefit is payable for the week which includes 5th July 1998; or

(d) child benefit is already in payment to a lone parent on 5th July 1998 but at the rate specified in regulation 2(1)(a)(i) of the principal Regulations and on or after 6th July 1998—

(**6**) *See* S.I. 1998/470; article 13 for current rates of benefit.