STATUTORY RULES OF NORTHERN IRELAND

1998 No. 239

SOCIAL SECURITY

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

Made - - - -	*2nd July 1998*
Coming into operation	*6th July 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 68(1) and 74(1) and (3) to (5) of the Social Security (Northern Ireland) Order 1998(**1**) and of all other powers enabling it in that behalf, 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 (Northern Ireland) 1998, shall come into operation on 6th July 1998.

(2) In these Regulations—

"the 1987 Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**2**);

"the 1996 Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**);

"the principal Regulations" means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**4**).

Amendment of the principal Regulations

2. Subject to regulations 3 and 4 (persons ceasing to receive specified benefits and transitional provisions and savings), in regulation 2 of the principal Regulations (weekly rates of child benefit)—

(a) in paragraph (1)(a)(**5**)—

(**1**) S.I. 1998/1506 (N.I. 10)
(**2**) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 Nos. 146 and 318, S.R. 1989 No. 139, S.R. 1992 No. 147, S.R. 1996 No. 288 and S.R. 1998 Nos. 59 and 112
(**3**) S.R. 1996 No. 198; relevant amending rules are S.R. 1996 No. 288 and S.R. 1998 Nos. 59 and 112
(**4**) S.R. 1976 No. 223; relevant amending rules are S.R. 1977 No. 248, S.R. 1980 No. 37, S.R. 1991 No. 82, S.R. 1996 No. 288 and S.R. 1998 No. 59
(**5**) Paragraph (1) was substituted by regulation 2(2) of S.R. 1977 No. 248 and amended by regulation 2(a) of S.R. 1991 No. 82, regulation 2(2) of S.R. 1996 No. 288 and article 13 of S.R. 1998 No. 59

(i) in head (i) "(not being a child to whom head (ii) applies)" shall be omitted;

(ii) head (ii) shall be omitted;

(b) in paragraph (2ZB)(**6**) "or (ii)" shall be omitted;

(c) in paragraph (2A)(**7**) "Subject to paragraph (2AB)," and "("A")" shall be omitted;

(d) paragraphs (2), (2AB)(**8**) 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 of these Regulations had not been made, but only for so long as the lone parent continuously satisfies the conditions for entitlement to 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(**9**).

(2) In this regulation and regulation 4 "the higher rate of child benefit" means the rate of child benefit specified in regulation 2(1)(a)(ii) of the principal Regulations, as in operation 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 3 months of entitlement to the higher rate of child benefit 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—

(i) that parent applies for a review of that award and satisfies the entitlement conditions in regulation 2 of the principal Regulations for the higher rate of child benefit;

(ii) the application is received within one month of entitlement to the higher rate of child benefit first arising, and

(**6**) Paragraph (2ZB) was inserted by regulation 2(b) of S.R. 1991 No. 82 and amended by regulation 2(2)(d) of S.R. 1996 No. 288
(**7**) Paragraph (2A) was inserted by regulation 2(c) of S.R. 1980 No. 37 and substituted by regulation 2(2)(e) of S.R. 1996 No. 288
(**8**) Paragraph (2AB) was inserted by regulation 2(2)(e) of S.R. 1996 No. 288
(**9**) *See*S.R. 1998 No. 59; article 13 for current rates of benefit