1976 No. 223

SOCIAL SECURITY

The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976

Made . . . . . 3*rd August* 1976

Coming into operation . . . 4*th April* 1977

The Department of Health and Social Services, in conjunction with the Department of Finance(**a**), in exercise of the powers conferred on it by Articles 7, 19(1) and 22(1) of the Child Benefit (Northern Ireland) Order 1975(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976 and shall come into operation on 4th April 1977.

(2) In these regulations—

"the Order" means the Child Benefit (Northern Ireland) Order 1975;

"the General Regulations" means the Child Benefit (General) Regulations (Northern Ireland) 1976(**c**).

(3) References in these regulations to any condition being satisfied or any facts existing in a week shall be construed as references to the condition being satisfied or the facts existing at the beginning of that week.

Weekly rates of child benefit

2.—(1) Subject to paragraphs (2) and (3) of this regulation and regulation 19 of the General Regulations (transitional provisions relating to apprentices in respect of whom a family allowance was payable under the Family Allowances Act (Northern Ireland) 1966(**d**)), the weekly rate of child benefit payable in respect of a child shall be—

(*a*) in a case where in any week that child is the only, elder or eldest child in respect of whom a person is entitled to child benefit, £1·00; and

(*b*) in any other case, £1·50.

(2) In a case where in any week a person—

(*a*) is entitled to child benefit in respect of a child of whom he is a parent, being a child for whom he is treated as responsible under Article 5(1)(*a*) of the Order (person to be treated as responsible for a child in any week if he has the child living with him in that week); and

(*b*) either has no spouse or is not residing with his spouse; and

(a) *See* Article 24(1)(*a*) of the Child Benefit (Northern Ireland) Order 1975
(b) S.I. 1975/1504 (N.I. 16)
(c) S.R. 1976 No. 226
(d) 1966 c. 8 (N.I.)

(*c*) is not living with any other person as his spouse,

the weekly rate of child benefit payable in respect of that child, or, if that child is not the only, elder or eldest child in respect of whom that person is entitled to child benefit, the elder or eldest child in respect of whom that person is so entitled, shall, subject to the conditions mentioned in paragraph (4) of this regulation, be increased by £0·50.

(3) In a case where in any week, by virtue of the provisions of regulation 16 of the General Regulations, the person entitled to child benefit in respect of a child is a voluntary organisation, the weekly rate of child benefit payable in respect of that child shall be £1·00.

(4) Where—

(*a*) throughout any week a person is entitled to an allowance or to an increase of a benefit, pension or allowance such as is referred to in paragraph (5) of this regulation as a "specified benefit", paragraph (2) of this regulation shall not apply to the only, elder or eldest child in respect of whom that person is entitled to child benefit for that week; and

(*b*) for any week the only, elder or eldest child in respect of whom a person is entitled to child benefit is a child in respect of whom that benefit is payable at the weekly rate of £1·50 by virtue of the provisions of paragraph (1) or (2) of regulation 19 of the General Regulations, paragraph (2) of this regulation shall not apply to that child; and

(*c*) for any week a person has been paid an increase in the weekly rate of child benefit in respect of a child pursuant to the said paragraph (2) of this regulation and that week is one throughout which that person subsequently becomes entitled to such an allowance or increase as is referred to in sub-paragraph (*a*) of this paragraph, the increase in the weekly rate of child benefit paid to that person in respect of that child for that week shall be treated as paid on account of any such allowance or increase payable in respect of that week.

(5) A specified benefit is—

(*a*) under the Social Security Act—

(i) child's special allowance under section 31, guardian's allowance under section 38 or an allowance under section 70 in respect of children of deceased's family;

(ii) an increase in respect of a child of widow's allowance, widowed mother's allowance or Category A, B or C retirement pension under section 41, of invalid care allowance under section 49, of benefit corresponding to widowed mother's allowance provided for by regulations made under section 39(4), or of disablement pension under section 64(1)(*b*);

(*b*) an allowance for a child granted in respect of the death of a person due to service or war injury—

(i) under powers conferred by or under the Ministry of Pensions Act 1916(**e**), the Air Force (Constitution) Act 1917(**f**), the Personal Injuries (Emergency Provisions) Act 1939(**g**), the Pensions (Navy, Army, Air Force and Mercantile Marine Act 1939(**h**), the Polish Resettlement Act 1947(**i**) the Home Guard Act 1951(**j**) or the Ulster Defence Regiment Act 1969(**k**); or

(e) 1916 c. 65
(f) 1917 c. 51
(g) 1939 c. 82
(h) 1939 c. 83
(i) 1947 c. 19
(j) 1951 c. 8 (15 & 16 Geo. 6 & 1 Eliz. 2)
(k) 1969 c. 65