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STATUTORY INSTRUMENTS

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**2003 No. 136**

**SOCIAL SECURITY**

**The Social Security (Overlapping Benefits) Amendment Regulations 2003**

<i>Made</i>	- - - -	<i>28th January 2003</i>
<i>Laid before Parliament</i>		<i>3rd February 2003</i>
<i>Coming into force</i>	- -	<i>7th April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 73(1)(a) and 189 (1), (4) and (5) of the Social Security Administration Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Overlapping Benefits) Amendment Regulations 2003 and shall come into force on 7th April 2003.

**Amendment to regulation 8 of the Social Security (Overlapping Benefits) Regulations 1979**

2.—(1) Regulation 8 of the Social Security (Overlapping Benefits) Regulations 1979 (child benefit)<sup>(3)</sup> is amended in accordance with the following provisions of this regulation.

(2) In paragraph (2)—

- (a) after the words “is or would be payable to a beneficiary,” there shall be inserted the words “except where that benefit is guardian’s allowance payable to any person under section 77 of that Act,”;
- (b) sub-paragraph (a) shall be omitted; and
- (c) in sub-paragraph (b) the words “in any other case,” shall be omitted.

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(1) 1992 c. 5. Section 73(1) was amended by paragraph 49(2) of Schedule 2 to the Jobseekers Act 1995 (c. 18), and section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).

(2) See section 173(1)(b) of the Social Security Administration Act 1992.

(3) S.I. 1979/597; relevant amending instruments are S.I. 1991/547, S.I. 1996/1803, and S.I. 2000/799.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) In paragraph (3) after the words “is or would be payable to a beneficiary,” there shall be inserted the words “except where that benefit is guardian’s allowance payable to any person under section 77 of that Act,”.

Signed by authority of the Secretary of State for Work and Pensions

28th January 2003

*P. Hollis*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Overlapping Benefits) Regulations 1979 (S.I.1979/597) by removing the provision to adjust the amount of guardian's allowance payable under section 77 of the Social Security Contributions and Benefits Act 1992 by reference to the rates of child benefit payable.

These Regulations do not impose a charge on business.