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STATUTORY INSTRUMENTS

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**1976 No. 1758**

**SOCIAL SECURITY**

**The Child Benefit (Miscellaneous  
Minor Amendments) Regulations 1976**

<i>Made</i>	- - - -	<i>22nd October 1976</i>
<i>Laid before Parliament</i>		<i>1st November 1976</i> <i>22nd November</i>
<i>Coming into Operation</i>		<i>1976</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 3(5), 6(3), 13(1) and 20(1) of and paragraph 5 of Schedule 1 to the Child Benefit Act 1975, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**Citation, commencement and interpretation**

1.—(1) These regulations, which may be cited as the Child Benefit (Miscellaneous Minor Amendments) Regulations 1976, shall come into operation on 22nd November, 1976.

(2) In these regulations—

“the Claims and Payments Regulations” means the Child Benefit (Claims and Payments) Regulations 1976(1);

“the General Regulations” means the Child Benefit (General) Regulations 1976(2);

“the Residence and Persons Abroad Regulations” means the Child Benefit (Residence and Persons Abroad) Regulations 1976(3),

and each provision of these regulations shall be read as one with the regulations which it amends.

**Amendments of the Claims and Payments Regulations**

2.—(1) In regulation 9 of the Claims and Payments Regulations (modification of section 6(3) of the Child Benefit Act 1975 which section provides that except where regulations otherwise provide no person shall be entitled to benefit for any week on a claim made by him after that week if benefit in respect of the same child has already been paid for that week to another person, whether or not that other person was entitled to it) at the end of paragraph (b) there shall be added the words “in

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(1) (1976 II, p. 2517).

(2) (1976 II, p. 2529).

(3) (1976 II, p. 2507).

a case where the determining authority has decided that that benefit while not properly payable is not required to be repaid.”.

(2) In Part V of the Claims and Payments Regulations (transitional provisions) after regulation 16 there shall be inserted the following regulation:—

**“Treating a claim to benefit under section 16 of the Act as a claim to an increase**

**16A.** If the Secretary of State in his discretion so determines, a claim to benefit under section 16 of the Act (interim benefit for unmarried or separated parents with children) made in the transitional period may be treated as a claim to an increase”.

**Amendments of the General Regulations**

**3.—(1)** In regulation 2 of the General Regulations (special provisions as to contributions and expenditure in respect of a child) in paragraph (1) for the word “made” there shall be substituted the word “contributed”.

(2) In regulation 15 of the General Regulations (set-off of benefit against arrears of non-contributory invalidity pension and of non-contributory invalidity pension against arrears of benefit) after paragraph (2) there shall be added the following paragraph:—

“(3) For any period for which—

(a) a person would have been entitled to benefit in respect of a child but for the provisions of paragraph 5 of Schedule 1 to the Act (except where regulations otherwise provide, no person to be entitled to benefit in respect of a child for any week in which the child is entitled to a non-contributory invalidity pension under the Social Security Act); and

(b) benefit paid in respect of that child is treated as properly paid under paragraph (1), the said paragraph 5 shall not apply in relation to that person and that child for the purpose, but only for the purpose, of determining the weekly rate of benefit to which that person is entitled in respect of any other child.”.

**Amendments of the Residence and Persons Abroad Regulations**

**4.—(1)** In regulation 4 of the Residence and Persons Abroad Regulations (circumstances in which a person may be entitled to benefit in respect of a child for a week in which that person is absent from Great Britain) in paragraph (2) the words “of the Act” shall be omitted and after that paragraph there shall be inserted the following paragraph:—

“(2A) If a person dies while paragraph (2) applies to him, the said section 13(3)(a) shall not operate to disentitle another person to benefit in respect of a child, being a child in respect of whom the deceased was entitled to benefit immediately before his death, for any week which falls within a period of 26 weeks beginning with the first week of the deceased's absence from Great Britain.”.

(2) In regulation 5 of the said Regulations (circumstances in which a person may be entitled to benefit in respect of a child for a week where that person has not been in Great Britain for more than 182 days in the 52 weeks preceding that week) for sub-paragraph (a) of paragraph (2) there shall be substituted the following sub-paragraph:—

“(a) in that week that child satisfies or, otherwise than by virtue of regulation 3(2)(a), is to be regarded as satisfying the requirements in section 13(2)(a) and (b) of the Act and that person is in fact in Great Britain and responsible for that child within the meaning of section 3(1) of the Act; or”.

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22nd October 1976

*David Ennals*  
Secretary of State for Social Services

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## EXPLANATORY NOTE

These Regulations make minor amendments to the Child Benefit (Claims and Payments) Regulations 1976 (regulation 2 of these Regulations), the Child Benefit (General) Regulations 1976 (regulation 3 of these Regulations) and the Child Benefit (Residence and Persons Abroad) Regulations 1976 (regulation 4 of these Regulations). Regulation 1 relates to the citation, commencement and interpretation of these Regulations.