

**Status:** Point in time view as at 02/12/2019.

**Status:** This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication. **Read more** (See end of Document for details)**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Benefit (Dependency) Regulations 1977, PART I. (See end of Document for details)

## SCHEDULE 2

### PRESCRIBED CIRCUMSTANCES FOR INCREASE OF [F1A CARER'S ALLOWANCE]

#### Textual Amendments

- F1** Words in Sch. 2 heading and Sch. 2 Pt. I substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 12

## PART I

### *Increase of [F1carer's allowance] for child dependants*

1. For the purposes of increases of [F1carer's allowance] for child dependants under section 49, the prescribed circumstances in which a beneficiary is entitled to such an increase for any period shall be as set out in the following paragraphs.

2. The weekly rate of [F1a carer's allowance] for any period for which the beneficiary is entitled to child benefit in respect of a child or children shall be increased in respect of that child, or each respectively of those children, by the appropriate amount specified in relation to that allowance in column (2) of Part IV of Schedule 4 to the Act.

[F2**2A.** Where—

[F3(a) a beneficiary is a member of a couple; and]

(b) the other [F4member of the couple] had earnings in any week,

the beneficiary's right to payment of increases for the following week under paragraph 2 above shall be determined in accordance with paragraph 2B below.]

#### Textual Amendments

- F2** Sch. 2 para. 2A inserted (26.11.1984) by [The Social Security Benefit \(Dependency, Claims and Payments and Hospital In-Patients\) Amendment Regulations 1984 \(S.I. 1984/1699\)](#), **regs. 1, 3(c)**
- F3** Sch. 2 para. 2A(a) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 7(7)(a)(i)** (with art. 3)
- F4** Words in Sch. 2 para. 2A(b) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 7(7)(a)(ii)** (with art. 3)

[F5**2B.** No such increase shall be payable—

(a) in respect of the first child where the earnings were <sup>F6</sup>[F7£240] or more; and

(b) in respect of a further child for each complete <sup>F8</sup>[F9£32] by which the earnings exceeded <sup>F6</sup>[F7£240].]

#### Textual Amendments

- F5** Sch. 2 para. 2B inserted (26.11.1984) by [The Social Security Benefit \(Dependency, Claims and Payments and Hospital In-Patients\) Amendment Regulations 1984 \(S.I. 1984/1699\)](#), **regs. 1, 3(c)**

**Status:** Point in time view as at 02/12/2019.

**Status:** This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication. **Read more** (See end of Document for details)**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Benefit (Dependency) Regulations 1977, PART I. (See end of Document for details)

- F6** Sum in Sch. 2 para. 2B substituted (8.4.2019) (S) by [The Carers Allowance Up-rating \(Scotland\) Regulations 2019 \(S.S.I. 2019/21\)](#), regs. 1, **3(a)**
- F7** Sum in Sch. 2 para. 2B substituted (8.4.2019) (EW) by [The Social Security Benefits Up-rating Regulations 2019 \(S.I. 2019/552\)](#), regs. 1(1), **5(a)**
- F8** Sum in Sch. 2 para. 2B substituted (8.4.2019) (S) by [The Carers Allowance Up-rating \(Scotland\) Regulations 2019 \(S.S.I. 2019/21\)](#), regs. 1, **3(b)**
- F9** Sum in Sch. 2 para. 2B substituted (8.4.2019) (EW) by [The Social Security Benefits Up-rating Regulations 2019 \(S.I. 2019/552\)](#), regs. 1(1), **5(b)**

**[<sup>F10</sup>2BB.** The provisions of paragraphs 2A and 2B above shall not apply so as to affect entitlement to an increase of [<sup>F1</sup>carer’s allowance] in respect of a child in any case where the beneficiary—

- (a) was entitled to receive such an increase immediately before 26th November 1984; and
- (b) throughout the period from and including that date to the date of coming into operation of this paragraph was, or but for the operation of those paragraphs would have been, continuously so entitled,

until such time as he would otherwise first cease to be so entitled.]

#### Textual Amendments

- F10** Sch. 2 para. 2BB inserted (6.4.1987) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1987 \(S.I. 1987/355\)](#) regs. 1, 5(a)

**[<sup>F11</sup>2C.** In this Part of this Schedule—

<sup>F12</sup> ...

<sup>F13</sup>[<sup>F14</sup>“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together [<sup>F15</sup>as if they were a married couple or civil partners] ;]

<sup>F16</sup>“week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid or ending on the day before the first day of the first such week following the date of claim.]]

#### Textual Amendments

- F11** Sch. 2 para. 2C inserted (26.11.1984) by [The Social Security Benefit \(Dependency, Claims and Payments and Hospital In-Patients\) Amendment Regulations 1984 \(S.I. 1984/1699\)](#), **regs. 1, 3(c)**
- F12** Words in Sch. 2 para. 2C omitted (5.12.2005) by virtue of [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 7(7)(b)(i)** (with art. 3)
- F13** Words in Sch. 2 para. 2C substituted (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 6 para. 2**
- F14** Words in Sch. 2 para. 2C substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential Provisions\) Order 2014 \(S.I. 2014/107\)](#), art. 1(2), **Sch. 1 para. 6**
- F15** Words in Sch. 2 para. 2C substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 38**
- F16** Words in Sch. 2 para. 2C substituted (25.11.1996) by [The Social Security Benefit \(Computation of Earnings\) Regulations 1996 \(S.I. 1996/2745\)](#), regs. 1, **17(b)**

**Status:** Point in time view as at 02/12/2019.

**Status:** This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication. **Read more** (See end of Document for details) **Changes to legislation:** There are currently no known outstanding effects for the The Social Security Benefit (Dependency) Regulations 1977, PART I. (See end of Document for details)

3. Where a person is entitled to receive payment of an amount by way of an increase of [<sup>F1</sup>a carer's allowance] under paragraph 2 above, that increase shall not be payable unless one of the following conditions is satisfied—

- (a) that the beneficiary would be treated for the purposes of the Child Benefit Act as having the child living with him; or
- (b) that the requisite contributions are being made to the cost of providing for the child.

4. The condition specified in paragraph 3(b) above is to be treated as satisfied if, but only if—

- (a) such contributions are being made at a weekly rate not less than the amount referred to in paragraph 2 above—
  - (i) by the beneficiary, or
  - (ii) where the beneficiary is one of two spouses [<sup>F17</sup>or civil partners] residing together, by them together; and
- (b) the contributions are over and above those required for the purposes of satisfying subsection (1)(b) of section 3 of the Child Benefit Act.

#### Textual Amendments

**F17** Words in Sch. 2 para. 4(a)(ii) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, Sch. 3 para. 7(7)(c) (with art. 3)

5. Any sum or sums paid by a person by way of contribution towards the cost of providing for two or more children being children in respect of whom, in the period for which the sum in question is paid by the person, he is entitled to child benefit shall be treated as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect of those children so as to secure as large a payment as possible by way of [<sup>F1</sup>carer's allowance] in respect of them.

**Status:**

Point in time view as at 02/12/2019.

**Status:**

This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication.

**Read more****Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Benefit (Dependency) Regulations 1977, PART I.