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SCHEDULE 1

Regulation 9

PRESCRIBED RELATIONSHIPS

(a)	F1 ...	
(b)	F1	F1

	F1	F1

	F1	F1

	F1	F1

	F1	F1

Textual Amendments

F1 Sch. 1 lapsed on removal of reference to Sch. 1 from these regulations (reg. 9) (16.9.85) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1985 \(S.I. 1985/1190\)](#), **regs. 1, 3**

F1

F1

SCHEDULE 2

Regulation 12(2)

PRESCRIBED CIRCUMSTANCES FOR INCREASE OF [F2A CARER'S ALLOWANCE]

Textual Amendments

F2 Words in Sch. 2 heading and Sch. 2 Pt. 1 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 [F2 carer's allowance] for child dependants

1. For the purposes of increases of [F2 carer'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 [F2 a carer's allowance] for any period for which the beneficiary is entitled to child benefit in respect of a child or children [F3 or a qualifying young person or persons] shall be increased in respect of that child, [F4 or qualifying young person] or each respectively of those

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children, [^{F5}or qualifying young persons] by the appropriate amount specified in relation to that allowance in column (2) of Part IV of Schedule 4 to the Act.

Textual Amendments

- F3** Words in Sch. 2 para. 2 inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(a)(i)**
- F4** Words in Sch. 2 para. 2 inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(a)(ii)**
- F5** Words in Sch. 2 para. 2 inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(a)(iii)**

[^{F6}2A. Where—

[^{F7}(a) a beneficiary is a member of a couple; and]

(b) the other [^{F8}member 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

- F6** 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)**
- F7** 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)
- F8** 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)

[^{F9}2B. No such increase shall be payable—

(a) in respect of the first child [^{F10}or qualifying young person] where the earnings were [^{F11}£280] or more; and

(b) in respect of a further child [^{F10}or qualifying young person] for each complete [^{F12}£37]by which the earnings exceeded [^{F11}£280.]]

Textual Amendments

- F9** 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)**
- F10** Words in Sch. 2 para. 2B inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(b)**
- F11** Sum in Sch. 2 para. 2B substituted (E.W.) (10.4.2023) by [The Social Security Benefits Up-rating Regulations 2023 \(S.I. 2023/340\)](#), regs. 1(1), **5(a)**; and (S.) (10.4.2023) by [The Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/111\)](#), regs. 1(4), **9(2)(a)**
- F12** Sum in Sch. 2 para. 2B substituted (E.W.) (10.4.2023) by [The Social Security Benefits Up-rating Regulations 2023 \(S.I. 2023/340\)](#), regs. 1(1), **5(b)**; and (S.) (10.4.2023) by [The Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/111\)](#), regs. 1(4), **9(2)(b)**

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[^{F13}**2BB.** The provisions of paragraphs 2A and 2B above shall not apply so as to affect entitlement to an increase of [^{F2}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

F13 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)

[^{F14}**2C.** In this Part of this Schedule—

^{F15} ...

[^{F16}“child” includes includes a qualifying young person and “children” includes qualifying young persons;]

^{F17}[^{F18}“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 [^{F19}as if they were a married couple or civil partners];]

[^{F20}“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

F14 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)**

F15 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)

F16 Words in Sch. 2 para. 2C inserted (E.W.) (12.4.2021) by [The Social Security Benefits Up-rating Regulations 2021 \(S.I. 2021/312\)](#), regs. 1(1), 4

F17 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**

F18 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**

F19 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**

F20 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)**

3. Where a person is entitled to receive payment of an amount by way of an increase of [^{F2}a carer's allowance] under paragraph 2 above, that increase shall not be payable unless one of the following conditions is satisfied—

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- (a) that the beneficiary would be treated for the purposes of the Child Benefit Act as having the child [^{F21}or qualifying young person] living with him; or
- (b) that the requisite contributions are being made to the cost of providing for the child [^{F22}or qualifying young person].

Textual Amendments

- F21** Words in Sch. 2 para. 3(a) inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(c)(i)**
- F22** Words in Sch. 2 para. 3(b) inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(c)(ii)**

- 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 [^{F23}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

- F23** 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 [^{F24}or qualifying young persons] being children [^{F24}or qualifying young persons] 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 [^{F24}or qualifying young persons] so as to secure as large a payment as possible by way of [^{F2}carer's allowance] in respect of them.

Textual Amendments

- F24** Words in Sch. 2 para. 5 inserted (S.) (1.4.2021) by [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **6(d)**

PART II

Increase of [^{F25}carer's allowance] for adult dependants

Textual Amendments

- F25** Words in Sch. 2 Pt. II 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

6. For the purposes of increases of [^{F25}carer's allowance] for adult dependants under [^{F26}section 90 of the Contributions and Benefits Act], the prescribed circumstances in which a beneficiary is entitled to such an increase for any period shall be as set out in paragraph 7 below.

Textual Amendments

- F26** Words in Sch. 2 para. 6 substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), 5(a)

7. The weekly rate of [^{F25}a carer's allowance] shall be increased by the amount specified in relation to that allowance in column (3) of Part IV of Schedule 4 to [^{F27}the Contributions and Benefits Act] for any period during which the beneficiary is residing with—

- [^{F28}(a) a spouse [^{F29}or civil partner] whose weekly earnings do not exceed that amount;]
[^{F30}(b) some person (not being a child [^{F31}or qualifying young person]) who—
- (i) has the care of a child or children [^{F32}or a qualifying young person or persons] in respect of whom the beneficiary is entitled to child benefit^{F33} ...
 - (ii) is not undergoing imprisonment or detention in legal custody;
 - [^{F34}(iii) if he has earnings, does not have weekly earnings exceeding that amount and for this purpose there shall be disregarded any weekly earnings derived from employment by the beneficiary in caring for a child or children [^{F32}or a qualifying young person or persons] in respect of whom the beneficiary is entitled to child benefit;]
 - (iv) is not absent from Great Britain, except for any period during which the person is residing with the beneficiary outside Great Britain and for which the beneficiary is entitled to [^{F25}a carer's allowance].]

Textual Amendments

- F27** Words in Sch. 2 para. 7 substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), 5(b)
- F28** Sch. 2 para. 7(a) substituted (11.4.1988) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1988 \(S.I. 1988/554\)](#), regs. 1(1), 5(a)
- F29** Words in Sch. 2 para. 7(a) 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)(d)** (with art. 3)
- F30** Sch. 2 para. 7(b) substituted retrospectively (22.12.84) by [Social Security Act 1986 \(c.50\)](#), s. 37(2)
- F31** Words in Sch. 2 para. 7(b) inserted (10.4.2006) by [The Social Security \(Provisions relating to Qualifying Young Persons\) \(Amendment\) Regulations 2006 \(S.I. 2006/692\)](#), regs. 1, **2(4)(a)**
- F32** Words in Sch. 2 para. 7(b) inserted (10.4.2006) by [The Social Security \(Provisions relating to Qualifying Young Persons\) \(Amendment\) Regulations 2006 \(S.I. 2006/692\)](#), regs. 1, **2(4)(b)**

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- F33** Words in Sch. 2 para. 7(b)(i) omitted (6.4.1987) by virtue of [The Social Security Benefit \(Dependency\) Amendment Regulations 1987 \(S.I. 1987/355\)](#) regs. 1, 5(b)
- F34** Sch. 2 para. 7(b)(iii) substituted (11.4.1988) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1988 \(S.I. 1988/554\)](#), **regs. 1(1), 5(b)**

8. A person who is entitled to an increase of [^{F25}a carer’s allowance] under paragraph 7(a) above shall not be entitled to an increase of that benefit under paragraph 7(b) above.

[^{F35}9.—(1) Subject to sub-paragraph (2) below in this Schedule any reference to earnings includes a reference to payments by way of [^{F36}occupational or personal pension][^{F37}or PPF periodic payment].

(2) Sub-paragraph (1) above shall not apply so as to affect entitlement to an increase of [^{F25}carer’s allowance] in respect of a child or adult dependant in any case where the beneficiary—

- (a) was entitled to receive such an increase immediately before this paragraph came into operation; and
- (b) but for the operation of sub-paragraph (1) above would continue to be so entitled,

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

- Textual Amendments**
- F35** Sch. 2 para. 9 inserted (6.4.1987) by virtue of [The Social Security Benefit \(Dependency\) Amendment Regulations 1987 \(S.I. 1987/355\)](#) regs. 1, 5(c)
 - F36** Words in Sch. 2 para. 9(1) substituted (9.10.1989) by [The Social Security Benefit \(Dependency and Computation of Earnings\) Amendment Regulations 1989 \(S.I. 1989/1690\)](#) regs. 1(1), 2 (with 4(1), 4(3))
 - F37** Words in Sch. 2 para. 9(1) inserted (5.5.2006) by [The Social Security \(PPF Payments and FAS Payments\) \(Consequential Amendments\) Regulations 2006 \(S.I. 2006/1069\)](#), regs. 1(1), **2(3)**

SCHEDULE 3

Regulation 16

REGULATIONS REVOKED

<i>Citation</i> (1)	<i>Statutory instrument</i> (2)	<i>Extent of revocation</i> (3)
The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974	S.I. 1974/2059 (1974 III, p. 8028)	Regulation 13
The Social Security (General Benefit) Regulations 1974	S.I. 1974/2079 (1974 III, p. 8113)	Regulations 3 to 10
The Social Security (Miscellaneous and Consequential Provisions) Regulations 1975	S.I. 1975/458 (1975 I, p. 1401)	Regulation 4
The Social Security (Maternity Benefit) Regulations 1975	S.I. 1975/553 (1975 I, p. 1910)	Regulation 8(3)

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<i>Citation (1)</i>	<i>Statutory instrument (2)</i>	<i>Extent of revocation (3)</i>
The Social Security (Industrial Injuries) (Benefit) Regulations 1975	S.I. 1975/559(1975 I, p. 1979)	Regulations 24 to 32 and in Schedule 4 the reference to regulation 25 and the words “the wife of the beneficiary or, as the case may be, was” and “the husband of the beneficiary or, as the case may be, was”
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975	S.I. 1975/564 (1975 I, p. 2062)	Regulations 13 and 15
The Social Security (Non-Contributory Invalidity Pension) Regulations 1975	S.I. 1975/1058(1975 II, p. 3691)	Regulations 9 and 10(2) and in Schedule 1, the entries for regulations 4 to 10
The Social Security (Relaxation of Earnings Rules) Regulations 1975	S.I. 1975/2126 (1975 III, p. 7930)	Regulation 3
The Social Security (Invalid Care Allowance) Regulations 1976	S.I. 1976/409(1976 I, p. 1087)	Regulations 12 and 13 and in Schedule 1, the entries for regulations 5(2) and (3), 8(1) and 9
The Social Security (Miscellaneous Amendments) Regulations 1976	S.I. 1976/1736 (1976 III, p. 4596)	Regulation 6(5) and (6)
The Social Security (Industrial Injuries) (Benefit) (Amendment) Regulations 1977	S.I. 1977/341 (1977 I, p.1031)	The whole of the Regulations
The Social Security (Child Benefit Consequential) Regulations 1977	S.I. 1977/342 (1977 I, p.1033)	Regulations 2, 3, 5(2) to (7), 7(7) to (9), 18(3) and (4) and 20

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