
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Dependency) Regulations 1977.

Regulation 3 inserts a new paragraph (3) into regulation 4B so as to provide that, for the purposes of those provisions of the Social Security Act 1975 relating to child's special allowance, guardian's allowance, increases of benefit for dependent children and persons having the care of dependent children and industrial death benefit, a person entitled to child benefit in respect of a child (which is normally a condition of entitlement to an increase under those provisions) shall be treated as not so entitled for any period when that benefit is not payable because the child is in employment, or between the ages of 16 and 19 and receiving advanced education, or receiving a training allowance or supplementary benefit.

Regulation 4 amends regulation 11 by removing obsolete references in paragraph 2. It also inserts a new paragraph (2A). This provides that a woman who is not residing with her husband but who was entitled to an increase of unemployment or sickness benefit in respect of him because she was contributing to his maintenance at not less than the standard rate of that increase, and who within one month becomes entitled to another benefit which attracts a higher rate of increase, shall be deemed to be contributing to her husband's maintenance at that higher rate if she continues to contribute at the lower rate.

Regulation 5 makes three amendments to Schedule 2. The first provides that the provisions of paragraphs 2A and 2B (which provide for the reduction of increases of invalid care allowance in respect of dependent children by reference to the earnings of a spouse or other partner) shall not apply if the beneficiary would, but for those provisions, have continuously been entitled to receive the increase from before 26th November 1984 (when paragraphs 2A and 2B came into operation) to the date of coming into operation of these regulations. The disapplication is to continue until the first occasion when the beneficiary would cease to so be entitled for some other reason. The second amendment omits the requirement in paragraph 7(b)(i) that to be entitled to an increase of invalid care allowance in respect of an adult having the care of a child the beneficiary must be entitled to an increase of that allowance in respect of that child. The third amendment adds a new paragraph 9 to the Schedule which provides that any reference in the Schedule to earnings includes a reference to payments by way of occupational pension but not so as to affect entitlement to an increase of invalid care allowance in those cases where the beneficiary was so entitled immediately before the paragraph came into operation until such time as he first otherwise ceases to be so entitled.

The report of the Social Security Advisory Committee dated 17th December 1986 on the draft of these Regulations referred to them, together with a statement showing that the Regulations give effect to the Committee's recommendations, is contained in Command Paper No. 106 published by Her Majesty's Stationery Office.