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STATUTORY INSTRUMENTS

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**1991 No. 502**

**SOCIAL SECURITY**

**The Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1991**

*Made* - - - - *5th March 1991*  
*Coming into force* - - *8th April 1991*

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security, in conjunction with the Treasury<sup>(1)</sup> and in exercise of the powers conferred by sections 5 and 24(1) of the Child Benefit Act 1975<sup>(2)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, interpretation and commencement**

1.—(1) These Regulations, which may be cited as the Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment Regulations 1991, shall come into force on 8th April 1991, immediately after the coming into force of article 8 of the Social Security Benefits Up-rating Order 1991<sup>(3)</sup>.

(2) In these Regulations “the principal Regulations” means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976<sup>(4)</sup>.

**Amendment of regulation 2 of the principal Regulations**

2. In regulation 2 of the principal Regulations (weekly rates of child benefit)—

(a) in paragraph (1), for the words “shall be £7.25.” there shall be substituted the words

“shall be—

(a) subject to paragraphs (2ZA) and (2ZB) of this regulation, in a case where in any week that child is the only child, or if not the only child, the elder or eldest child in respect of whom child benefit is payable to a person, £8.25; and

(b) in any other case, £7.25.”;

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(1) See section 22(1)(a) of the Child Benefit Act 1975 (c. 61).

(2) 1975 c. 61; section 5(5) was repealed by section 86(2) and Schedule 11 of the Social Security Act 1986 (c. 50). Section 24(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(3) S.I.1991/503.

(4) S.I. 1970/1267; relevant amending instruments are S.I. 1977/1328, 1980/110 and 1990/320.

(b) after paragraph (2) there shall be inserted the following paragraphs—

“(2ZA) Where in any week—

(a) a person—

(i) is residing with his spouse; or

(ii) is living with any other person as his spouse; or

(iii) is a member of a polygamous marriage and is residing with other members of that marriage; and

(b) child benefit would, but for this paragraph, be payable to that person in respect of a child at the weekly rate specified in paragraph (1)(a) of this regulation; and

(c) child benefit would, but for this paragraph, be payable at that rate to his spouse or that other person or any other members of that polygamous marriage, as the case may be, in respect of another child,

the rate specified in paragraph (1)(a) of this regulation shall be payable in that week in respect of one only of the children mentioned in sub-paragraphs (b) and (c) of this paragraph, being the elder, or if there are more than two children, the eldest of those children.

(2ZB) Child benefit shall not be payable at the rate specified in paragraph (1)(a) of this regulation where the person to whom child benefit is payable is a voluntary organisation.”;

(c) after paragraph (5) there shall be inserted the following paragraph—

“(6) For the purposes of paragraph (2ZA) of this regulation a person is a member of a polygamous marriage if—

(a) during the subsistence of the marriage any party to it is married to more than one person; and

(b) the ceremony of marriage took place under the law of a country which permits polygamy.”.

Signed by authority of the Secretary of State for Social Security.

4th March 1991

*Michael Jack*  
Parliamentary Under-Secretary of State,  
Department of Social Security

We consent,

5th March 1991

*Sydney Chapman*  
*Irvine Putnick*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

**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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## EXPLANATORY NOTE

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

These Regulations further amend the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976. They introduce a new rate of Child Benefit, £8.25, in respect of an only, elder or eldest child. They specify that, in certain circumstances, where two or more children in the same household can qualify, the higher rate is to be payable in respect of the eldest only, and it is not to be payable to voluntary organisations.