
STATUTORY INSTRUMENTS

1991 No. 547

SOCIAL SECURITY

The Social Security (Overlapping Benefits) Amendment Regulations 1991

Made - - - - - *7th March 1991*
Laid before Parliament *14th March 1991*
Coming into force
in accordance with
regulation 1(2)

The Secretary of State for Social Security, in exercise of the powers conferred by sections 85, 166(2) and (3) of, and Schedule 20 to, the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Overlapping Benefits) Amendment Regulations 1991.

(2) Subject to paragraph (3), these Regulations shall come into force on 8th April 1991.

(3) These Regulations shall come into force—

- (a) on the 9th April 1991, where in any particular case the weekly rate of widowed mother's allowance is increased, or guardian's allowance is payable (other than a case where the Secretary of State has arranged for the allowance to be payable on a Monday) in respect of one or more children;
- (b) on the 10th April 1991, where in any particular case an increase in the weekly rate of disablement benefit, or invalid care allowance where that benefit is payable on a Wednesday, is increased in respect of a child or children, or where an allowance is paid in respect of a child under section 70 of the Social Security Act 1975 (children of deceased's family);

(1) 1975 c. 14; section 85(2) was amended by the Child Benefit Act 1975 (c. 61), Schedule 4, paragraph 28; section 85(4) and (5) was inserted by the Social Security Act 1979 (c. 18), section 15(1). Section 166(3) was amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(1). Schedule 20 is cited because of the meaning ascribed to the word "Regulations".

(2) See section 61(1)(b) and (10) of the Social Security Act 1986 (c. 50). The Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4) added a definition of "regulations" to section 61(10) of the Social Security Act 1986.

- (c) on the 11th April 1991 where in any particular case the weekly rate of sickness benefit, unemployment benefit, invalidity benefit, severe disablement allowance or retirement pension of any category (where that pension is payable on a Thursday), is increased in respect of a child or children;
 - (d) where in any particular case the weekly rate of retirement pension is increased in respect of a child or children and that pension is payable, in accordance with regulation 22(3) of, and paragraph 5 of Schedule 6 to, the Social Security (Claims and Payments) Regulations 1987(3) on a day other than Monday or Thursday, on the day in the week commencing 8th April 1991 which corresponds with the day of the week in respect of which retirement pension is payable in that case.
- (4) In these Regulations—
“the Overlapping Benefits Regulations” means the Social Security (Overlapping Benefits) Regulations 1979(4).

Amendment to regulation 8

2. For regulation 8 of the Overlapping Benefits Regulations (child benefit) there shall be substituted the following regulation—

“8.—(1) Subject to the following provisions of this regulation, where any benefit, or increase of a benefit, under the Act is payable to a beneficiary, the weekly rate of that benefit or increase shall not be adjusted by reference to child benefit.

(2) Where an increase of child benefit is payable to a beneficiary under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(5) (increase for single parent) and for the same period, in respect of the same child, any benefit or increase of benefit under the Act is or would be payable to a beneficiary, the weekly rate of that benefit or increase thereof shall be reduced by the amount of the said increase of child benefit.

(3) Subject to paragraph (4) of this regulation, where a child is the only child, or if not the only child, the elder or eldest child, and child benefit is payable in respect of that child and for the same period any benefit or increase of benefit under the Act is payable in respect of that child, the weekly rate of that benefit or increase of benefit shall be reduced by the amount by which the child benefit payable exceeds the amount of child benefit which would have been payable had that child not been the only, the elder or eldest child.

(4) No adjustment of benefit under paragraph (3) of this regulation shall be made in respect of an increase of child benefit payable to a person under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976.”

Signed by authority of the Secretary of State for Social Security

7th March 1991

Nicholas Scott
Minister of State,
Department of Social Security

(3) S.I.1987/1968.

(4) S.I. 1979/597.

(5) S.I. 1976/1267; relevant amending instruments are S.I. 1980/110, 1990/320 and 1991/502.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Overlapping Benefits) Regulations 1979 by providing for adjustments of benefit payable under the Social Security Act 1975 by reference to the new rate of child benefit in respect of the only, elder or eldest child payable for the same period.

The Regulations also provide for the commencement of the adjustment to coincide with the Up-rating Order 1991.