

Child Benefit Act 1975

1975 CHAPTER 61

An Act to replace family allowances with a new benefit to be known as child benefit and, pending the introduction of that benefit, to provide an interim benefit for unmarried or separated parents with children; to amend the Family Allowances Act 1965 as respects children entitled to non-contributory invalidity pension; to repeal paragraph 5 of Schedule 2 to the Supplementary Benefit Act 1966; and for purposes connected with those matters. [7th August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CHILD BENEFIT

Entitlement and amount

Child benefit.

1.—(1) Subject to the provisions of this Part of this Act, a person who is responsible for one or more children in any week beginning on or after the appointed day shall be entitled to a benefit (to be known as "child benefit") for that week in respect of the child or each of the children for whom he is responsible.

(2) Child benefit shall be paid by the Secretary of State out of moneys provided by Parliament.

1965 c. 53.

(3) No allowances shall be payable under the Family Allowances Act 1965 for any period beginning on or after the appointed day.

PART I

Meaning of "child".

2.—(1) For the purposes of this Part of this Act a person shall be treated as a child for any week in which—

(*a*) he is under the age of sixteen; or

(*b*) he is under the age of nineteen and receiving full-time education by attendance at a recognised educational establishment.

(2) In determining for the purposes of paragraph (*b*) of subsection (1) above whether a person is receiving full-time education as mentioned in that paragraph, no account shall be taken of such interruptions as may be prescribed.

(3) Regulations may provide that a person who in any week ceases to fall within subsection (1) above shall be treated as continuing to do so for a prescribed period ending not more than thirteen weeks after the end of that week; but no person shall by virtue of any such regulations be treated as continuing to fall within that subsection for any week after that in which he attains the age of nineteen.

Meaning of "person responsible for child".

3.—(1) For the purposes of this Part of this Act a person shall be treated as responsible for a child in any week if—

(*a*) he has the child living with him in that week; or

(*b*) he is contributing to the cost of providing for the child at a weekly rate which is not less than the weekly rate of child benefit payable in respect of the child for that week.

(2) Where a person has had a child living with him at some time before a particular week he shall be treated for the purposes of this section as having the child living with him in that week notwithstanding their absence from one another unless, in the sixteen weeks preceding that week, they were absent from one another for more than fifty-six days not counting any day which is to be disregarded under subsection (3) below.

(3) Subject to subsection (4) below, a day of absence shall be disregarded for the purposes of subsection (2) above if it is due solely to the child's—

(*a*) receiving full-time education by attendance at a recognised educational establishment;

(*b*) undergoing medical or other treatment as an in-patient in a hospital or similar institution; or

(*c*) being, in such circumstances as may be prescribed, in residential accommodation pursuant to arrangements made under section 12 of the Health Services and Public Health Act 1968 or section 27(1) of the National Health Service (Scotland) Act 1947.

1968 c. 46.
1947 c. 27.

(4) The number of days that may be disregarded by virtue of subsection (3)(*b*) or (*c*) above in the case of any child shall not exceed such number as may be prescribed unless the person claiming to be responsible for the child regularly incurs expenditure in respect of the child.

(5) Regulations may prescribe the circumstances in which a person is or is not to be treated—

(*a*) as contributing to the cost of providing for a child as required by subsection (1)(*b*) above; or

(*b*) as regularly incurring expenditure in respect of a child as required by subsection (4) above;

and such regulations may in particular make provision whereby a contribution made or expenditure incurred by two or more persons is to be treated as made or incurred by one of them or whereby a contribution made or expenditure incurred by one of two spouses residing together is to be treated as made or incurred by the other.

Exclusions and priority.

4.—(1) Regulations may provide that child benefit shall not be payable by virtue of section 2(1)(*b*) above in such cases as may be prescribed; and Schedule 1 to this Act shall have effect for excluding entitlement to child benefit in other cases.

(2) Where, apart from this subsection, two or more persons would be entitled to child benefit in respect of the same child for the same week, one of them only shall be entitled; and the question which of them is entitled shall be determined in accordance with Schedule 2 to this Act.

Rate of child benefit.

5.—(1) Child benefit shall be payable at such weekly rate as may be prescribed.

(2) Different rates may be prescribed in relation to different cases, whether by reference to the age of the child in respect of whom the benefit is payable or otherwise.

(3) The power to prescribe different rates under subsection (2) above shall be exercised so as to bring different rates into force on such day as the Secretary of State may by order specify.

(4) No rate prescribed in place of a rate previously in force shall be lower than the rate that it replaces.

(5) In the year beginning with the appointed day and in each subsequent year beginning with the anniversary of that day, the Secretary of State shall consider whether the rate or any of the rates then in force under this section should be increased having regard to the national economic situation as a whole, the general standard of living and such other matters as he thinks relevant.

PART I

(6) The transitional provisions contained in Schedule 3 to this Act shall have effect where there is an increase in the rate or any of the rates for the time being in force under this section.

Administration and enforcement

Claims and payment.

6.—(1) Subject to the provisions of this Act, no person shall be entitled to child benefit unless he claims it in the prescribed manner.

(2) Unless regulations otherwise provide, no person shall be entitled to child benefit for any week more than fifty-two weeks before that in which it is claimed.

(3) Except where regulations otherwise provide, no person shall be entitled to child benefit for any week on a claim made by him after that week if child benefit in respect of the same child has already been paid for that week to another person, whether or not that other person was entitled to it.

(4) Regulations may make provision—

(*a*) for permitting a claim to child benefit to be made, or treated as if made, for a period beginning after the date on which the claim is made;

(*b*) for permitting an award on any such claim to be made for a period beginning after the date on which the claim is made subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable under the award;

(*c*) for the review of any such award if those requirements are found not to have been satisfied;

(*d*) for enabling one person to act for another in relation to a claim to child benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;

(*e*) for a claim to child benefit to be treated as a claim to benefits under any other Act and for a claim to any such benefits to be treated as a claim to child benefit.

(5) Regulations may also make provision—

(*a*) as to the time when and the manner in which child benefit is to be paid;

(*b*) as to the information and evidence to be furnished by persons claiming or entitled to child benefit or to whom child benefit is being or may be paid;

(*c*) for child benefit to which one person is entitled to be paid to another person on his behalf;

(*d*) for the payment or distribution of child benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;

(*e*) for extinguishing the right to child benefit if it is not obtained within a prescribed period, not being less than twelve months from the date on which the right is to be treated under the regulations as having arisen.

Determination of questions.

7.—(1) Subject to subsection (2) below, any question as to the right to child benefit shall be determined by an insurance officer, a local tribunal or a National Insurance Commissioner in accordance with regulations made for the purposes of this section; and any such regulations may in particular—

(*a*) contain provisions corresponding to, or apply with or without modifications, any of the provisions for the time being applying to the determination of questions as to the right to any benefit under the Social Security Act 1975; 1975 c. 14.

(*b*) make provision for purposes corresponding to those for which provision may be made by regulations under section 115 of that Act.

(2) Subsection (1) above does not apply to any question which under Schedule 2 to this Act or regulations made under this Act falls to be determined by the Secretary of State in his discretion.

(3) Any decision of the Secretary of State on any such question as is mentioned in subsection (2) above may be given so as to have effect with respect to a period before the date of the decision; and the Secretary of State may at any time and from time to time reconsider the exercise of his discretion with respect to any such question and decide it again with such other effect as may seem to him to be proper in the circumstances of the case.

Suspension, and effect of adjudication on payment and recovery.

8.—(1) The provisions of section 82(3) of the Social Security Act 1975 (suspension of payment of benefit) and section 119 of that Act (effect of adjudication on payment and recovery) shall apply—

(*a*) in relation to child benefit as they apply in relation to benefit under that Act; and

(*b*) in relation to a person entitled to child benefit as they apply in relation to a beneficiary under that Act,

with the necessary modifications (in particular in relation to payments of child benefit not made to the person entitled but made to some other person on his behalf).

PART I

(2) Where, in the case of any person, any sum may by virtue of any provision made for the purposes of this Part of this Act by regulations under subsection (4) of the said section 119 be recovered by deduction from any payment under this Act, it may instead be recovered from him in whole or in part by deduction from benefit under the Social Security Act 1975, the Industrial Injuries and Diseases (Old Cases) Act 1975 or the Social Security Pensions Act 1975.

1975 c. 14.
1975 c. 16.

Age, marriage and death.

9.—(1) Section 160 of the Social Security Act 1975 (information as to births, marriages and deaths) shall apply for the purposes of this Part of this Act as it applies for the purposes of that Act.

(2) Regulations may make provision as to the circumstances in which—

(*a*) a marriage celebrated under a law which permits polygamy; or

(*b*) a marriage during the subsistence of which a party to it is at any time married to more than one person,

is to be treated for the purposes of this Part of this Act as having, or not having, the consequences of a marriage celebrated under a law which does not permit polygamy.

Disclosure of information by Inland Revenue.

10.—(1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to inland revenue shall prevent information obtained in connection with the assessment or collection of income tax from being disclosed to the Secretary of State, or to an officer authorised to receive such information, in connection with the operation of this Part of this Act.

(2) Subsection (1) above extends only to disclosure by or under the authority of the Commissioners of Inland Revenue; and information which is subject to disclosure to any person by virtue of that subsection shall not be further disclosed to any person except where the disclosure is made—

(*a*) to a person to whom disclosure could by virtue of that subsection have been made by or under the authority of the Commissioners of Inland Revenue; or

(*b*) for the purposes of proceedings (civil or criminal) in connection with the operation of this Part of this Act; or

(*c*) for any purposes of section 7 above.

Offences and prosecutions.

11.—(1) If any person for the purpose of obtaining child benefit, whether for himself or some other person, or for any other purpose connected with this Part of this Act—

(*a*) knowingly makes any false statement or false representation; or

(*b*) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or to imprisonment for a term not exceeding three months, or to both.

(2) Any regulations made for the purposes of this Part of this Act may provide that any person who contravenes any requirement of the regulations shall be guilty of an offence under this Part of this Act and liable on summary conviction to a fine not exceeding £50.

(3) Proceedings in England and Wales for an offence under this Part of this Act shall not be instituted except by or with the consent of the Secretary of State or by an officer authorised for that purpose by special or general directions of the Secretary of State.

(4) Any officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.

(5) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings in England and Wales for an offence under this Part of this Act may be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a prosecution for the offence comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

(6) Proceedings in Scotland for an offence under this Part of this Act may be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a report to the Lord Advocate with a view to consideration of the question of prosecution comes to the knowledge of the Secretary of State, or within the period of twelve months after the commission of the offence, whichever period last expires; and section 23(2) of the Summary Jurisdiction (Scotland) Act 1954 (time limits) shall apply for the purposes of this subsection as it applies for the purposes of that section. 1954 c. 48.

(7) For the purposes of subsections (5) and (6) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which the evidence referred to in those subsections came to his knowledge shall be conclusive evidence of the date on which it did so.

PART I

(8) In any proceedings for an offence under this Part of this Act the wife or husband of the accused shall be competent to give evidence, whether for or against the accused, but shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

Benefit to be inalienable.

12.—(1) Every assignment of or charge on, and every agreement to assign or charge, child benefit shall be void; and on the bankruptcy of a person entitled to child benefit no rights in respect of the benefit shall pass to any trustee or other person acting on behalf of his creditors.

(2) In the application of this section to Scotland references to assignment shall be read as references to assignation and the reference to a person's bankruptcy shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 14 of the Bankruptcy (Scotland) Act 1913 or section 15 of the Solicitors (Scotland) Act 1958.

1913 c. 20.
1958 c. 28.

Persons outside Great Britain and reciprocal arrangements with other countries

Persons outside Great Britain.

13.—(1) Regulations may modify the provisions of this Part of this Act in their application to persons who are or have been outside Great Britain at any prescribed time or in any prescribed circumstances.

(2) Subject to any regulations under subsection (1) above, no child benefit shall be payable in respect of a child for any week unless—

(*a*) he is in Great Britain in that week; and

(*b*) either he or at least one of his parents has been in Great Britain for more than one hundred and eighty-two days in the fifty-two weeks preceding that week.

(3) Subject to any regulations under subsection (1) above, no person shall be entitled to child benefit for any week unless—

(*a*) he is in Great Britain in that week; and

(*b*) he has been in Great Britain for more than one hundred and eighty-two days in the fifty-two weeks preceding that week.

Reciprocal arrangements with Northern Ireland.

14.—(1) The Secretary of State may with the consent of the Treasury make reciprocal arrangements with the authority administering any scheme in force in Northern Ireland and appearing to him to correspond substantially with the scheme contained in this Part of this Act for co-ordinating the operation of those schemes, and such arrangements may include provision for making any necessary financial adjustments.

(2) Regulations may make provision for giving effect to any such arrangements; and such regulations may in particular provide—

(*a*) for modifying this Part of this Act or any regulations made under it;

(*b*) without prejudice to paragraph (*a*) above, for securing that acts, omissions and events having any effect for the purposes of the scheme in force in Northern Ireland shall have a corresponding effect for the purposes of this Part of this Act (but not so as to confer any double benefit);

(*c*) for determining, in cases where rights accrue both under that scheme and under this Part of this Act, which of those rights shall be available to the person concerned.

(3) The power conferred by subsection (2)(*a*) above shall be exercisable in relation to provisions contained in any Act passed after this Act which is directed to be construed as one with this Act or this Part of it; but this subsection shall apply only so far as a contrary intention is not expressed in the later Act and shall be without prejudice to the generality of any such direction.

Reciprocal agreements with countries outside the United Kingdom.

15.—(1) For the purpose of giving effect to any agreement with the government of any country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of this Part of this Act, Her Majesty may by Order in Council make provision for modifying the provisions of this Part of this Act and regulations made under it in their application to cases affected by the agreement.

(2) The modifications which may be made by virtue of subsection (1) above shall include in particular provision—

(*a*) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Part of this Act (but not so as to confer any double benefit);

(*b*) for determining, in cases where rights accrue both under that law and under this Part of this Act, which of those rights shall be available to the person concerned;

(*c*) for making any necessary financial adjustments.

(3) Subsection (3) of section 14 above shall apply to the power conferred by subsection (1) above as it applies to the power conferred by subsection (2)(*a*) of that section.

PART II

OTHER BENEFITS

Interim benefit for unmarried or separated parents with children.

16.—(1) Subject to the provisions of this section, a person who is the parent of one or more children shall be entitled to a benefit under this section for any week in the interim period in which—

(*a*) he has the child or any of the children living with him; and

(*b*) either he has no spouse or is not residing with his spouse; and

(*c*) he is not cohabiting with any other person as his spouse.

(2) In subsection (1) above "the interim period" means the period ending immediately before the appointed day and beginning with such earlier day (being a Monday) as the Secretary of State may by order specify.

(3) The benefit to which a person is entitled under this section for any week shall be of an amount equal to that for the time being specified under section 1 of the Family Allowances Act 1965 as the weekly rate of an allowance under that Act for one child.

1965 c. 53.

(4) Benefit under this section shall be paid by the Secretary of State out of moneys provided by Parliament.

(5) Subject to the provisions of this Act, no person shall be entitled to benefit under this section unless he claims it in the prescribed manner; and, unless regulations otherwise provide, no person shall be entitled to such benefit for any week before that in which it is claimed.

(6) Regulations may—

(*a*) prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as having a child living with him;

(*b*) make provision for excluding entitlement to benefit under this section in the case of a person who is entitled to any such other payment out of public funds as may be prescribed and in a case where the child or all the children living with a person are included in another person's family for the purposes of the Family Allowances Act 1965;

(*c*) make provision, in a case where a person is entitled to benefit under this section, for reducing by the amount of that benefit the amount of any such other payment out of public funds as may be prescribed.

(7) Any question as to the right to benefit under this section shall be determined by the Secretary of State but regulations shall make provision for an appeal to lie—

(*a*) to such tribunal as may be constituted for that purpose by the regulations from any decision given by the Secretary of State on any such question, and

(*b*) to such person as may be appointed for that purpose by the Lord Chancellor after consultation with the Lord Advocate from any decision given by such a tribunal.

(8) The chairman of any tribunal constituted for the purposes of subsection (7)(*a*) above shall be a barrister, advocate or solicitor.

(9) Regulations may also make provision—

(*a*) for the review of decisions given under or by virtue of subsection (7) above;

(*b*) for any purpose corresponding to the purposes of the provisions mentioned in subsection (1) of section 8 above or to the purposes of subsection (2) of that section.

(10) The Secretary of State may out of moneys provided by Parliament—

(*a*) pay to members of any such tribunal as may be constituted by regulations under this section, and to any such person as may be appointed under this section, such fees and allowances; and

(*b*) make such other payments to any other persons for the purpose of, or in connection with, their attendance before such a tribunal or such a person,

as the Secretary of State may with the consent of the Minister for the Civil Service determine.

(11) Sections 2, 6(4) and (5), 9, 11, 12, 13 and 14 above shall have effect in relation to this section and benefit thereunder as they have effect in relation to Part I of this Act and child benefit.

Social security benefits in respect of children.

17.—(1) Regulations may, with effect from any day in the week beginning with the appointed day, reduce the sum specified in any of the provisions mentioned in subsection (2) below to such extent as the Secretary of State thinks appropriate having regard to the introduction of child benefit; and regulations may, with effect from any day on or after that on which there is an increase in the rate or any of the rates of child benefit, reduce any such sum as aforesaid to such extent as the Secretary of State thinks appropriate having regard to that increase.

PART II

1975 c. 14.

(2) The provisions referred to in subsection (1) above are—

(*a*) paragraph 10 of Part I of Schedule 4 to the Social Security Act 1975 (child's special allowance);

(*b*) paragraph 4 of Part III of that Schedule (guardian's allowance);

(*c*) column (2) of Part IV of that Schedule (increase for child dependants);

(*d*) paragraphs 9 and 10 of Part V of that Schedule (increase of injury benefit and disablement pension in respect of children);

(*e*) paragraph 15 of Part V of that Schedule (allowance in respect of deceased's children).

(3) Schedule 14 to the Social Security Act 1975 (provisions applying where rates of benefit are altered by an Act) shall have effect as if any alteration by regulations under this section were an alteration by an Act.

(4) Any reduction that could be made under subsection (1) above may be made instead by an order under section 124 of the said Act of 1975 (power to increase rates of benefit); and where section 125(3) of that Act (duty to increase rates of benefit) requires the Secretary of State to prepare and lay before Parliament the draft of an order under the said section 124 increasing any sum that could be reduced under subsection (1) above, the order may make such alteration in that sum as reflects the combined effect of that increase and of any reduction that could be made under that subsection.

(5) Regulations may provide for treating child benefit paid under this Act as having been properly paid for any period for which it is not in fact payable in cases where in consequence of a subsequent decision under the Social Security Act 1975 the person in respect of whom the child benefit was paid is entitled to a non-contributory invalidity pension for that period, and for reducing or withholding any arrears payable by virtue of the subsequent decision.

(6) Regulations may also provide for treating a non-contributory invalidity pension paid to a person which it is subsequently decided was not payable as having been properly paid for any period for which it is not in fact payable in cases where in consequence of a subsequent decision under this Act another person is entitled to child benefit in respect of him for that period, and for reducing or withholding any arrears payable by virtue of that subsequent decision.

PART II

Provisions as to the exclusion from a family for family allowances purposes of children entitled to non-contributory invalidity pension.

18.—(1) In section 11 (which provides that certain children are not to be included in a family for family allowances purposes) of the Family Allowances Act 1965 after subsection (7) there shall be inserted—

" (8) Where a person is entitled to a non-contributory invalidity pension under section 36 of the Social Security Act 1975, he shall not be treated as included in any family as being a child for the purposes of this Act as respects any period during which he is so entitled.".

(2) In section 13(1) (regulations) of the said Act of 1965 after paragraph (*e*) there shall be inserted—

" (*f*) for treating an allowance as having been paid on account of a non-contributory invalidity pension in cases where in consequence of a subsequent decision under the Social Security Act 1975 a child who had been treated as included in a family for the purposes of this Act is entitled to a non-contributory invalidity pension for any period for which the allowance was paid, and for reducing or withholding accordingly any arrears payable by virtue of the subsequent decision;

(*g*) for treating a non-contributory invalidity pension paid to a child which it is subsequently decided was not payable as having been paid on account of an allowance in cases where in consequence of a subsequent decision under this Act he is treated as included in a family for any period for which the non-contributory invalidity pension was paid, and for reducing or withholding accordingly any arrears payable by virtue of that subsequent decision.".

1965 c. 53.

Abolition of wage-stop.

19. Paragraph 5 of Schedule 2 to the Supplementary Benefit Act 1966 (which prevents a person's supplementary benefit exceeding what would be his earnings if he were engaged in full-time work in his normal occupation) shall cease to have effect.

1966 c. 20.

PART III

GENERAL

Transitional provisions.

20.—(1) Regulations may make provision for any transitional matter connected with the coming into force of any provision of this Act.

(2) Without prejudice to the generality of subsection (1) above, regulations may in particular make provision—

(*a*) for enabling claims to child benefit to be made and disposed of, and for enabling such benefit to be awarded, before the appointed day (but not so as to accrue before that day);

PART III

1965 c. 53.

(*b*) for treating a person who before the appointed day is entitled to an allowance under the Family Allowances Act 1965 as having made a claim to child benefit in respect of each child within the meaning of that Act (including the elder or eldest) who is included in his family for the purposes of that Act;

(*c*) for treating a person who immediately before the appointed day is entitled to an allowance under that Act in respect of any child as entitled from the appointed day to child benefit in respect of that child at such rate, for such period and subject to such conditions as may be prescribed;

(*d*) for enabling claims to benefit under section 16 above to be made and disposed of, and for enabling such benefit to be awarded, before the beginning of the interim period mentioned in that section (but not so as to accrue before the beginning of that period);

(*e*) for treating a person who immediately before the appointed day has a child living with him within the meaning of that section, and is entitled to benefit under that section, as entitled from the appointed day to child benefit in respect of that child at such rate, for such period and subject to such conditions as may be prescribed.

Consequential amendments and repeals.

21.—(1) The enactments mentioned in Schedule 4 to this Act shall be amended in accordance with that Schedule with effect from such day in the week beginning with the appointed day as the Secretary of State may by order specify.

(2) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule—

(*a*) in the case of the enactments in Part I of that Schedule, with effect from such day in the week beginning with the appointed day as the Secretary of State may by order specify;

(*b*) in the case of the enactments in Part II of that Schedule, with effect from the passing of this Act.

(3) Different days may be specified under subsections (1) and (2)(*a*) above in relation to different provisions or for different purposes in relation to the same provision.

PART III

(4) No amendment or repeal taking effect by virtue of subsection (1) or (2) above shall affect the operation of any enactment, or of any instrument made thereunder, in relation to any benefit or allowance for a period before the day from which the amendment or repeal of that enactment takes effect.

(5) In section 16(1) of the Supplementary Benefit Act 1966 and paragraph 24(2) of Schedule 2 to that Act, and in section 2(5) of the Social Security Act 1971, references to allowances under the Family Allowances Act 1965 shall include references to benefit under section 16 above; and in section 8(4) of the Family Income Supplements Act 1970, Schedule 4 to the Attachment of Earnings Act 1971 and section 6(1) of the National Insurance Act 1974 references to the Family Allowances Act 1965 or to the Family Allowances Acts 1965 to 1969 shall include references to section 16 above.

1966 c. 20. 1971 c. 73. 1965 c. 53. 1970 c. 55. 1971 c. 32. 1974 c. 14.

(6) Section 139(1) of the Social Security Act 1975 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft is laid before Parliament) and section 141(2) of that Act (which requires a proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice) shall not apply to regulations made, or to a draft of regulations laid, before the appointed day if the instrument containing the regulations or, as the case may be, the draft states that the regulations contain no provisions other than such as are made in consequence of this Act.

1975 c. 14.

(7) Section 167(1) of the said Act of 1975 and section 4(8)(*a*) of the Industrial Injuries and Diseases (Old Cases) Act 1975 shall not require a draft of any regulations, order or scheme to be laid before Parliament or approved by resolution of either House of Parliament before the making of the regulations, order or scheme if the instrument containing the regulations, order or scheme is made before the appointed day and states that it is made in consequence of this Act; but where either of those enactments would otherwise so require, the instrument containing the regulations, order or scheme shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.

1975 c. 16.

Regulations and orders.

22.—(1) Any power conferred by this Act to make regulations shall be exercisable—

(*a*) in the case of regulations made under section 5, by the Secretary of State in conjunction with the Treasury; and

(*b*) in any other case, by the Secretary of State.

PART III

(2) The power to make any regulations or orders under this Act shall be exercisable by statutory instrument.

(3) Subject to subsection (4) below, no regulations shall be made under section 5 or 17(1) above unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.

(4) Subsection (3) above shall not apply to regulations to be made for the purpose only of consolidating regulations thereby revoked.

(5) A statutory instrument containing regulations to which subsection (3) above does not apply shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any power conferred by this Act to make an Order in Council or regulations may be exercised—

(*a*) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;

(*b*) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),

(ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any specified condition.

(7) Any power conferred by this Act to make an Order in Council or regulations includes power to make thereby such incidental or supplementary provision as appears to Her Majesty, the Secretary of State or the Secretary of State and the Treasury, as the case may be, to be expedient for the purposes of the Order or regulations.

(8) Any power conferred by this Act to make an Order in Council includes power to vary or revoke a previous Order; and any order under section 5(3), 16(2), 21(1) or (2)(*a*) or 24(1) of this Act may be varied or revoked at any time before the day specified or appointed thereby.

(9) Any order under the provisions mentioned in subsection (8) above shall be laid before Parliament after being made.

PART III
Financial provisions.

23.—(1) There shall be paid out of moneys provided by Parliament—

(*a*) any expenses of the Secretary of State or any other government department in the administration of this Act;

(*b*) any increase attributable to this Act in the sums payable out of moneys so provided under any other Act.

(2) As respects any increase attributable to this Act in the expenses which under subsection (3)(*a*) of section 135 of the Social Security Act 1975 are to be paid out of moneys provided by Parliament, subsection (1)(*b*) above is without prejudice to the provision made by subsection (5) of that section for reimbursement out of the National Insurance Fund. 1975 c. 14.

(3) Any sums repaid to the Secretary of State by virtue of section 8 above shall be paid by him into the Consolidated Fund.

(4) Where in consequence of this Act any payments fall to be made by way of adjustment out of the National Insurance Fund into the Consolidated Fund or out of moneys provided by Parliament into the National Insurance Fund, those payments shall be taken to be such, and payments on account of them shall be made at such time and in such manner, as may be determined by the Secretary of State subject to any directions given by the Treasury.

Interpretation.

24.—(1) In this Act—

"the appointed day" means such day (being a Monday) as the Secretary of State may by order appoint;

"insurance officer" means an insurance officer appointed under section 97 of the Social Security Act 1975; 1975 c. 14.

"local tribunal" means a tribunal appointed under section 97 of that Act;

"prescribed", except where the context otherwise requires, means prescribed by regulations under this Act;

"recognised educational establishment" means an establishment recognised by the Secretary of State as being, or as comparable to, a university, college or school, and regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this Act as receiving full-time education by attendance at such an establishment;

"voluntary organisation" means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

"week" means a period of seven days beginning with a Monday.

PART III

(2) Subject to any provision made by regulations, references in this Act to any condition being satisfied or any facts existing in a week shall be construed as references to the condition being satisfied or the facts existing at the beginning of that week.

(3) References in this Act to a parent, father or mother of a child shall be construed—

(*a*) as including references to the natural parent, father or mother of an illegitimate child;

(*b*) as including references to a step-parent, step-father or step-mother;

(*c*) as if a child that has been adopted in pursuance of an adoption order made in the United Kingdom, any of the Channel Islands or the Isle of Man, or by an overseas adoption within the meaning of section 4 of the Adoption Act 1968, were the child of the adopter and not of any person who (not being the adopter) was its parent at the time of the adoption.

1968 c. 53.

(4) Regulations may prescribe the circumstances in which persons are or are not to be treated for the purposes of this Act as residing together.

(5) Nothing in this Act shall be construed as conferring a right to child benefit on any body corporate; but regulations may confer such a right on voluntary organisations and for that purpose may make such modifications of any provision of this Act as the Secretary of State thinks fit.

(6) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Short title and extent.

25.—(1) This Act may be cited as the Child Benefit Act 1975.

(2) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 4(1).

EXCLUSIONS FROM ENTITLEMENT

Children in detention, care etc.

1. Except where regulations otherwise provide, no person shall be entitled to child benefit in respect of a child for any week if in that week the child is—

(*a*) undergoing imprisonment or detention in legal custody;

(*b*) subject to a supervision requirement made under section 44 of the Social Work (Scotland) Act 1968 and residing in a residential establishment within the meaning of that section; or 1968 c. 49.

(*c*) in the care of a local authority in such circumstances as may be prescribed.

Employed trainees, etc.

2.—(1) No person shall be entitled to child benefit by virtue of section 2(1)(*b*) of this Act in respect of a child if the education in question is received by that child by virtue of his employment or of any office held by him.

(2) Regulations may specify the circumstances in which a child is or is not to be treated as receiving education as mentioned in sub-paragraph (1) above.

Married children

3. Except where regulations otherwise provide, no person shall be entitled to child benefit in respect of a child who is married.

Persons exempt from tax

4. Except where regulations otherwise provide, no person shall be entitled to child benefit in respect of a child if either that person or such other person as may be prescribed is exempt from tax under such provisions as may be prescribed.

Children entitled to non-contributory invalidity pension

5. Except where regulations otherwise provide, no person shall be entitled to child benefit in respect of a child for any week in which the child is entitled to a non-contributory invalidity pension under the Social Security Act 1975. 1975 c. 14.

SCHEDULE 2

Section 4(2).

PRIORITY BETWEEN PERSONS ENTITLED

Person with prior award

1.—(1) Subject to sub-paragraph (2) below, as between a person claiming child benefit in respect of a child for any week and a

SCH. 2

person to whom child benefit in respect of that child for that week has already been awarded when the claim is made, the latter shall be entitled.

(2) Sub-paragraph (1) above shall not confer any priority where the week to which the claim relates is later than the third week following that in which the claim is made.

Person having child living with him

2. Subject to paragraph 1 above, as between a person entitled for any week by virtue of paragraph (*a*) of subsection (1) of section 3 of this Act and a person entitled by virtue of paragraph (*b*) of that subsection the former shall be entitled.

Husband and wife

3. Subject to paragraphs 1 and 2 above, as between a husband and wife residing together the wife shall be entitled.

Parents

4.—(1) Subject to paragraphs 1 to 3 above, as between a person who is and one who is not a parent of the child the parent shall be entitled.

(2) Subject as aforesaid, as between two persons residing together who are parents of the child but not husband and wife, the mother shall be entitled.

Other cases

5. As between persons not falling within paragraphs 1 to 4 above, such one of them shall be entitled as they may jointly elect or, in default of election, as the Secretary of State may in his discretion determine.

Supplementary

6.—(1) Any election under this Schedule shall be made in the prescribed manner.

(2) Regulations may provide for exceptions from and modifications of the provisions of paragraphs 1 to 5 above in relation to such cases as may be prescribed.

Section 5(6).

SCHEDULE 3

INCREASES IN RATE OF BENEFIT

Preliminary

1. In this Schedule "benefit" means child benefit in relation to which the rate is increased under section 5 of this Act and "the increase date" means the date fixed for the commencement of payment of benefit at the increased rate.

Awards made before increase date

2.—(1) Where benefit has been awarded before the increase date, then, subject to any prescribed exceptions or conditions, the benefit shall (except as respects any period falling before that date) become payable at the increased rate without any claim being made therefor, and the award shall have effect accordingly.

(2) Where benefit is awarded before the increase date but after that date has been fixed, the award may provide for benefit to be paid as from the increase date at the increased rate or may be expressed in terms of the rate appropriate when the award is made.

Calculation of contributions and expenditure in respect of child

3. Where in connection with benefit any question arises in respect of a period after the increase date—

(*a*) as to the weekly rate at which a person is contributing to the cost of providing for a child ; or

(*b*) as to the expenditure that a person is incurring in respect of a child,

and in determining that question account falls to be taken of contributions made or expenditure incurred for a period before that date, the contributions made or expenditure incurred before that date shall be treated as increased in proportion to the increase in the rate of benefit.

SCHEDULE 4

Section 21(1)

CONSEQUENTIAL AMENDMENTS

The Supplementary Benefit Act 1966 (*The Ministry of Social Security Act* 1966)

1966 c. 20.

1. In section 16(1) of the Supplementary Benefit Act 1966 for paragraph (*c*) there shall be substituted—

" (*c*) child benefit ; ".

2. In paragraph 24(2) of Schedule 2 to that Act for paragraph (*a*) there shall be substituted—

" (*a*) any child benefit ; ".

The Family Income Supplements Act 1970

1970 c. 55.

3. For section 2 of the Family Income Supplements Act 1970 there shall be substituted—

" 2.—(1) Subject to subsection (2) of this section, the prescribed amount for any family shall be such amount as may be specified by regulations and different amounts may be so specified according to the number of children included in the family.

(2) The amount specified under this section for any family shall not be less than the amount which immediately before the

SCH. 4

appointed day for the purposes of the Child Benefit Act 1975 was the prescribed amount for a family which includes only one child."

4. In section 3 of that Act—

(*a*) for subsection (1) there shall be substituted—

"(1) Subject to the following provisions of this section, the weekly rate of a family income supplement shall be one half of the difference between the amounts mentioned in section 1(2) of this Act but shall not in any case exceed such amount as may be specified by regulations.

(1A) Different amounts may be so specified according to the number of children included in a family and no amount so specified shall be less than the existing maximum minus an amount equal to the weekly rate of child benefit for the time being in force or, if different weekly rates of child benefit are in force, the lower or lowest of them.

In this subsection "the existing maximum" means the amount which immediately before the appointed day for the purposes of the Child Benefit Act 1975 was the maximum weekly rate of a family income supplement in the case of a family which includes only one child.";

(*b*) in subsection (4) the words "and increase the amounts" shall be omitted.

5. In section 8(4) of that Act for the words "the Family Allowances Acts 1965 to 1969" there shall be substituted the words "the Child Benefit Act 1975".

1971 c. 32.

The Attachment of Earnings Act 1971

6. In Schedule 4 to the Attachment of Earnings Act 1971 for the words "The Family Allowances Act 1965" there shall be substituted the words "The Child Benefit Act 1975".

1971 c. 73.

The Social Security Act 1971

7. In section 2(5) of the Social Security Act 1971 for the words "any allowances under the Family Allowances Act 1965" there shall be substituted the words "any child benefit".

1974 c. 14.

The National Insurance Act 1974

8. In section 6(1) of the National Insurance Act 1974 for the words "the Family Allowances Acts 1965 to 1969" there shall be substituted the words "the Child Benefit Act 1975".

1975 c. 14.

The Social Security Act 1975

9. In section 25 of the Social Security Act 1975—

(*a*) in subsection (1) for paragraphs (*a*) to (*c*) there shall be substituted—

"(*a*) the woman is entitled to child benefit in respect of a child falling within subsection (2) below; or

(*b*) the woman is pregnant by her late husband.";

(*b*) for subsection (2) there shall be substituted—

"(2) A child falls within this subsection if one of the conditions specified in section 43(1) of this Act (conditions of payment of increase for child dependants) is for the time being satisfied with respect to the child and the child is either—

(*a*) a son or daughter of the woman and her late husband; or

(*b*) a child in respect of whom her late husband was immediately before his death entitled to child benefit; or

(*c*) if the woman and her late husband were residing together immediately before his death, a child in respect of whom she was then entitled to child benefit.";

(*c*) in subsection (3) for the words "subsection (1)(*a*), (*b*) or (*c*) above" there shall be substituted the words "subsection (1)(*a*) or (*b*) above".

10. In section 31 of that Act for paragraph (*b*) there shall be substituted—

"(*b*) she is entitled to child benefit in respect of a child and either—

(i) she was so entitled immediately before that husband's death; or

(ii) in such circumstances as may be prescribed, he was then so entitled; and".

11. In section 32 of that Act—

(*a*) in subsection (2)(*b*) for the words "widow or a child of the family of a qualifying contributor" there shall be substituted the words "or widow of a qualifying contributor or a child in respect of whom a qualifying contributor was entitled to child benefit";

(*b*) in subsection (2)(*c*)(i) for the words "a child of the family of a person who pre-deceased him (and was so at the death of that person)" there shall be substituted the words "a child in respect of whom a person who pre-deceased him was entitled at that person's death to child benefit".

12. In section 38 of that Act—

(*a*) in subsection (1) for the words "in respect of a child of his family, where" there shall be substituted the words "in respect of a child where he is entitled to child benefit in respect of that child and";

(*b*) subsection (4)(*c*)(iii) shall be omitted;

(*c*) for subsection (5) there shall be substituted—

"(5) Where a husband and wife are residing together and, apart from this subsection, they would each be

SCH. 4

entitled to a guardian's allowance in respect of the same child, only the wife shall be entitled but payment may be made either to her or to him unless she elects in the prescribed manner that payment is not to be made to him."

13. In section 41 of that Act—

(*a*) in subsection (1) for the words " has a family which includes " and " the appropriate amount specified in relation to the benefit in question in Schedule 4, Part IV, column (2) or (3) " there shall be substituted respectively the words " is entitled to child benefit in respect of " and " the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (2) " ;

(*b*) in subsection (4) for the words from " for the time being included in her family " onwards there shall be substituted the words " in respect of whom she is for the time being entitled to child benefit by the amount specified in relation to that allowance in Schedule 4, Part IV, column (2) " ;

(*c*) in subsection (5) for the words " has a family which includes " and " the appropriate amount specified in relation to that allowance in Schedule 4, Part IV, column (3) " there shall be substituted respectively the words " is entitled to child benefit in respect of " and " the amount specified in relation to that allowance in Schedule 4, Part IV, column (2) ".

14. Section 42 of that Act shall be omitted.

15. In section 43 of that Act—

(*a*) in subsection (1) the words " who is, or who falls to be treated for the purposes of the relevant provision as a child of that person's family " shall be omitted and for paragraph (*a*) there shall be substituted—

" (*a*) that the beneficiary would be treated for the purposes of the Child Benefit Act as having the child living with him ; or " ;

(*b*) in subsection (2), in paragraph (*a*)(ii) for the words " living together " there shall be substituted the words " residing together " and for paragraph (*b*) there shall be substituted—

" (*b*) the contributions are over and above those required for the purpose of satisfying subsection (1)(*b*) of section 3 of the Child Benefit Act. " ;

(*c*) subsections (3) and (4) shall be omitted.

16. In section 44 of that Act—

(*a*) in subsections (1) and (2) for the words " column (4) " there shall be substituted the words " column (3) " ;

(*b*) in subsection (3)(*c*) for the words " a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 41 " there shall be substituted the words " a child or children in respect of whom the beneficiary is entitled to child benefit ".

17. In section 45(2) of that Act for the words " column (4) " there shall be substituted the words" column (3) ".

18. In section 46(2) of that Act for the words " column (4) " and " a child or children of the pensioner's family, or of a child or children treated as such for the purposes of section 41 " there shall be substituted respectively the words " column (3) " and " a child or children in respect of whom the pensioner is entitled to child benefit ".

19. In section 47(1) of that Act for the words " column (4) " there shall be substituted the words " column (3) " .

20. In section 56(7) of that Act for the words " school-leaving age " there shall be substituted the words " the age of 16 ".

21. In section 64 of that Act—

(*a*) in subsection (1) for the words " has a family which includes a child or children " there shall be substituted the words " is entitled to child benefit in respect of a child or children." ;

(*b*) subsections (3) and (4) shall be omitted.

22. In section 65 of that Act—

(*a*) in subsection (1) for paragraph (*a*) there shall be substituted—

" (*a*) the beneficiary would be treated for the purposes of the Child Benefit Act as having the child living with him ; or " ;

(*b*) in subsection (2), in paragraph (*a*)(ii) for the words " living together " there shall be substituted the words " residing together " and for paragraph (*b*) there shall be substituted—

" (*b*) the contributions are over and above those required for the purpose of satisfying subsection (1)(*b*) of section 3 of the Child Benefit Act." ;

(*c*) subsection (3) shall be omitted.

23. In section 66(1)(*d*) of that Act for the words " a child or children of the beneficiary's family, or a child or children treated as such for the purpose of section 64 above " there shall be substituted the words " a child or children in respect of whom the beneficiary is entitled to child benefit."

24. In section 68(2)(*a*) of that Act the words " in respect of a child of the deceased's family " shall be omitted.

25. In section 70 of that Act—

(*a*) in subsection (1) for the words " had a family which included a child or children, then, for any period during which a person has a family which includes that child or one or more of those children " there shall be substituted the words " was entitled to child benefit in respect of a child or children, then, for any period for which a person is entitled to child benefit in respect of that child or one or more of those children " ;

(*b*) subsection (3) shall be omitted ;

(*c*) in subsection (4) for " to (3) " there shall be substituted " and (2) ".

SCH. 4

26. In section 73 of that Act—

(*a*) in subsection (1)(*a*) for the words "had a family which included" there shall be substituted the words "was entitled to child benefit in respect of";

(*b*) subsection (2) shall be omitted.

27. In section 80 of that Act—

(*a*) in subsection (1) the words following paragraph (*b*) shall be omitted;

(*b*) in subsection (2) paragraph (*c*) together with the word "or" immediately preceding it shall be omitted.

28. In section 85(2) of that Act for the words "pension or allowance" there shall be substituted the words "pension, allowance or benefit" and the words "excluding an allowance under the Family Allowances Act, but" shall be omitted.

29. In section 86 of that Act the following shall be omitted—

(*a*) in subsection (1) the words "or a family allowance", "or by virtue of section 11(6) of the Family Allowances Act" and ", or as the case may be, to a guardian's allowance under section 38 of this Act";

(*b*) in subsection (2) the words "or a family allowance", "or allowance" (in each place) and "or of the said section 11(6)";

(*c*) in subsection (3) the words "or of a family allowance", "or such an allowance" and "or family allowance";

(*d*) subsection (4)(*b*);

and in subsection (5) for the words "as being a child of the family or" there shall be substituted the words "as being a child in respect of whom the payee is entitled to child benefit or as being" and in subsection (6) the words "or a family allowance" and "or family allowance" shall be omitted.

30. In section 93(1) of that Act paragraph (*c*) shall be omitted.

31. In section 95 of that Act in subsection (1) for paragraph (*d*) there shall be substituted—

"(*d*) a question which by virtue of regulations under Part II of this Act falls to be determined by the Secretary of State in his discretion".

32. Section 118 of that Act shall be omitted.

33. In section 119(4)(*c*) of that Act for the words from "a child of the family" onwards there shall be substituted the words "a child, or by way of an attendance allowance in respect of a person who is under the age of sixteen, where the person entitled to the benefit or allowance is one of two spouses who are residing together;".

SCH. 4

34. In Part IV of Schedule 4 to that Act—

(*a*) in the heading of column (2) the words "only, elder or eldest" shall be omitted;

(*b*) column (3) shall be omitted;

(*c*) in the heading of column (4) for "(4)" there shall be substituted "(3)" and in the words following the table for the words "column (4)" (in both cases) there shall be substituted "column (3)";

(*d*) in column (2) of paragraph 8 there shall be inserted a figure corresponding to that in the second column of paragraph 10 of Part I of that Schedule.

35. In Part V of Schedule 4 to that Act—

(*a*) in paragraphs 9 and 10 the whole entry in the second column shall be omitted except the figure in sub-paragraph (*a*);

(*b*) in paragraph 15, in the first column, for the words "in respect of children of deceased's family" there shall be substituted the words "in respect of children" and the whole entry in the second column shall be omitted except the figures in sub-paragraphs (*a*)(i) and (*b*)(i).

36. In Schedule 15 to the Act in paragraph 15 for sub-paragraphs (*a*) and (*b*) there shall be substituted the words "having effect by virtue of section 8 of the Child Benefit Act".

37. In Schedule 16 to that Act in paragraph 6 for sub-paragraphs (*a*) and (*b*) there shall be substituted the words "having effect by virtue of section 8 of the Child Benefit Act".

38. In Schedule 20 to that Act, the definitions of "Child", "child of family", "Family allowance", "The Family Allowances Act" and "School-leaving age" shall be omitted and the following definitions shall be inserted at the appropriate points—

"'Child'	A person under the age of nineteen who would be treated as a child for the purposes of the Child Benefit Act or such other person under that age as may be prescribed."
"'The Child Benefit Act'	The Child Benefit Act 1975."
"'Entitled to child benefit'	A person who is residing with his spouse shall be treated as entitled to any child benefit to which his spouse is entitled. Regulations may, for the purposes of any provision of this Act under which the right to any benefit or increase of benefit depends on a person being or having been entitled to child benefit, make provision whereby a person is to be treated as if he were or had been so entitled or as if he were not or had not been so entitled."

SCH. 4

"'School-leaving age'	Unless regulations otherwise provide, a person shall be deemed for the purposes of this Act to have attained or not to have attained school-leaving age if he is over or, as the case may be, under the upper limit of compulsory school age; and a person who at any time attains the upper limit of compulsory school age shall not be treated as being under that limit at any time thereafter, notwithstanding any subsequent change in that limit."
"'The upper limit of compulsory school age'	In relation to England and Wales, subject to section 9 of the Education Act 1962, the age that is for the time being that limit by virtue of section 35 of the Education Act 1944 together with any Order in Council made under that section and, in relation to Scotland, the age at which under the law for the time being in force the parents of the person in question cease to be under obligation to cause him to receive efficient education."

1975 c. 16.

The Industrial Injuries and Diseases (Old Cases) Act 1975

39. In section 7(3)(*c*) of the Industrial Injuries and Diseases (Old Cases) Act 1975 for the words "has a family which includes" there shall be substituted the words "is entitled to child benefit in respect of".

SCHEDULE 5

Section 21(2).

REPEALS

PART I

ABOLITION OF FAMILY ALLOWANCES

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 12.	The Education Act 1962.	In section 9(5) the words " family allowances or ".
1965 c. 53.	The Family Allowances Act 1965.	The whole Act.
1967 c. 90.	The Family Allowances and National Insurance Act 1967.	Section 2(1) and (2). Section 3(1). Section 4(1)(*a*) and (2)(*a*). In Schedule 3, paragraphs 2 and 5(1).
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 8, paragraph 74.
1969 c. 44.	The National Insurance Act 1969.	Section 8(2)(*c*).
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraphs 54 and 78.
1970 c. 55.	The Family Income Supplements Act 1970.	In section 3(4) the words " and increase the amounts ".
1973 c. 38.	The Social Security Act 1973.	In Schedule 27, paragraphs 48, 50 and 53.
1975 c. 11.	The Social Security Benefits Act 1975.	Sections 9 and 10. In section 14(2) the words " and with the Family Allowances Acts 1965 to 1969 as the Family Allowances Acts 1965 to 1975 ". In Schedule 5, paragraphs 5 and 6.
1975 c. 14.	The Social Security Act 1975.	Section 38(4)(*c*)(iii). Section 42. In section 43, in subsection (1) the words " who is, or who falls to be treated for the purposes of the relevant provision as a child of that person's family " and subsections (3) and (4). Section 64(3) and (4). Section 65(3). In section 68(2)(*a*) the words " in respect of a child of the deceased's family ". Section 70(3). Section 73(2).

SCH. 5

Chapter	Short Title	Extent of Repeal
1975 c. 14. *cont.*	The Social Security Act 1975—*cont.*	In section 80, in subsection (1) the words following paragraph (*b*) and in subsection (2), paragraph (*c*) together with the word " or " immediately preceding it. In section 85(2) the words " excluding an allowance under the Family Allowances Act, but ". In section 86, in subsection (1) the words " or a family allowance ", " or by virtue of section 11(6) of the Family Allowances Act " and ", or as the case may be, to a guardian's allowance under section 38 of this Act ", in subsection (2) the words " or a family allowance ", " or allowance " (in each place) and " or of the said section 11(6) ", in subsection (3) the words " or of a family allowance ", " or such an allowance ", and " or family allowance ", subsection (4)(*b*), in subsection (6) the words " or a family allowance " and " or family allowance ". Section 93(1)(*c*). Section 118. In Schedule 4, in Part IV, in the heading of column (2) the words " only, elder or eldest " and column (3), and in Part V, in paragraphs 9 and 10 the whole of the entry in the second column except the figure in sub-paragraph (*a*), and in paragraph 15(*a*) and (*b*) the whole of the entry in the second column except the figure in sub-paragraph (i). In Schedule 9, in paragraph 1(*a*) the words from " nor shall " onwards, paragraph 1(*b*) and in paragraph 1(*c*) the words from " and any allowance " onwards. In Schedule 20 the definitions of " Child ", " child of family ", " Family allowance ", " The Family Allowances Act " and " School-leaving age ".

Chapter	Short Title	Extent of Repeal
1975 c. 18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraphs 13 to 18.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraphs 6 and 48. In Schedule 5, in the entry relating to the Social Security Act 1975, the entry relating to section 42(4)(*a*).
1975 c. 61.	The Child Benefit Act 1975.	Sections 16, 18 and 21(5).

PART II

ABOLITION OF WAGE-STOP

Chapter	Short Title	Extent of Repeal
1966 c. 20.	The Supplementary Benefit Act 1966.	In Schedule 2, paragraph 5.
1970 c. 55.	The Family Income Supplements Act 1970.	Section 13(2).
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	In Schedule 2, paragraph 20. In Schedule 3, paragraph 18(3).
1972 c. 47.	The Housing Finance Act 1972.	In Schedule 3, paragraph 20. In Schedule 4, paragraph 17(3)