STATUTORY INSTRUMENTS

1977 No. 1048

SOCIAL SECURITY

The Child Benefit (Determination of Claims and Questions) Amendment Regulations 1977

Made - - - -	*23rd June* 1977
Laid before Parliament	*1st July* 1977
Coming into Operation	*22nd July* 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 119(3) of the Social Security Act 1975(**a**) as applied by section 8 of the Child Benefit Act 1975(**b**) and as extended by section 17(5) of the Social Security (Miscellaneous Provisions) Act 1977(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Child Benefit (Determination of Claims and Questions) Amendment Regulations 1977, shall be read as one with the Child Benefit (Determination of Claims and Questions) Regulations 1976(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on 22nd July 1977.

Amendment of regulation 18 *of the principal regulations*

2. For regulation 18 of the principal regulations (circumstances in which benefit found not to have been payable is to be treated as properly paid) there shall be substituted the following regulation:—

"*Date from which benefit is to be payable to a person in respect of a child in respect of whom another person has previously been awarded benefit*

18.—(1) The following provisions of this regulation shall have effect for the purpose of determining the date from which benefit is to be payable to a person (hereafter in this regulation referred to as "A") in respect of a child in a case where, before benefit was awarded to A in respect of that child, benefit in respect of that child had been awarded to another person (hereafter in this regulation referred to as "B").

(2) Where benefit paid in respect of the child for any week under the award made in favour of B is, by a decision on appeal or review, found not to be payable, it shall be treated as properly paid if—

(*a*) it was received by another person (whether or not A) who as at that week either had the child living with him or was contributing

(**a**) 1975 c. 14.
(**b**) 1975 c. 61.
(**c**) 1977 c. 5.
(**d**) S.I. 1976/962 (1976 II, p. 2495).

towards the cost of providing for the child at a weekly rate which was not less than the weekly rate of benefit paid in respect of the child under the award made in favour of B; and

(*b*) a person could have been entitled to benefit in respect of the child for that week had a claim been made before that week.

(3) Subject to paragraph (4), any benefit awarded to A in respect of the child for a week earlier than that in the course of which A is awarded benefit in respect of the child shall not be payable if that earlier week is one in respect of which benefit paid under the award made in favour of B is treated as properly paid under paragraph (2).

(4) Where for any week in relation to which paragraph (2) applies, being a week not earlier than that in the course of which A makes a claim to benefit in respect of the child, the weekly rate of benefit paid in respect of the child under the award made in favour of B is lower than the weekly rate of benefit awarded to A in respect of the child, paragraph (3) shall not operate so as to make the difference between those weekly rates not payable to A.

David Ennals,

Secretary of State for Social Services.

23rd June 1977.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Child Benefit (Determination of Claims and Questions) Regulations 1976.

Regulation 2 substitutes for regulation 18 of the 1976 Regulations a new provision relating to the date as from which child benefit is payable to a person in respect of a child in respect of whom another person has previously been awarded child benefit.

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