STATUTORY INSTRUMENTS

1968 No. 1205

SOCIAL SECURITY

The Family Allowances, National Insurance and Industrial Injuries (Consequential) (No. 2) Regulations 1968

Made - - - -	*26th July* 1968
Laid before Parliament	*5th August* 1968
Coming into Operation	*7th October* 1968

The Minister of Social Security, in conjunction with the Treasury and in exercise of powers conferred by section 3(3) of and Schedule 3 to the Family Allowances and National Insurance Act 1968(**a**) and of all other powers enabling her in that behalf, in consequence of the passing of that Act hereby makes the following regulations :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Allowances, National Insurance and Industrial Injuries (Consequential) (No. 2) Regulations 1968, and shall come into operation on 7th October 1968.

(2) In these regulations, unless the context otherwise requires—

" the Insurance Act " means the National Insurance Act 1965(**b**) ;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965(**c**) ;

" the 1968 Act " means the Family Allowances and National Insurance Act 1968 ;

" family allowance " means an allowance payable under the Family Allowances Act 1965(**d**) ;

and other expressions have the same meaning as in the Insurance Act, the Industrial Injuries Act or the Family Allowances Act 1965, as the case may require.

(3) References in these regulations to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

Continuation of previous rates of benefit

2.—(1) In this regulation—

" benefit " means a retirement pension, widow's allowance, widowed mother's allowance or child's special allowance under the Insurance Act or an allowance under section 21 of the Industrial Injuries Act (death benefit in respect of children) ;

(**a**) 1968 c. 40. (**b**) 1965 c. 51. (**c**) 1965 c. 52.
(**d**) 1965 c. 53. (**e**) 1889 c. 63.

" continuing beneficiary " means a person who, being entitled to receive any benefit in respect of any child or children immediately before the qualifying date, continues without a break to be entitled to receive benefit in respect of that child or both or all those children (as the case may be) and does not become so entitled in respect of any other child or children ;

" eldest child " means a child in respect of whom a continuing beneficiary is entitled to benefit at a rate applicable to an only, elder or eldest child ;

" old rate " means a rate of benefit or of family allowance in force at the passing of the 1968 Act ;

" payable " means payable to the continuing beneficiary or to any other person and, in relation to a family allowance, includes an allowance which would be, or would have been, so payable if duly claimed ;

" period " means a continuous period commencing with the qualifying date ; and

" qualifying date ", in relation to a continuing beneficiary, means the earliest day on which any weekly rate of benefit to which he is then entitled is, or but for the provisions of this regulation would be, reduced by the operation of section 1 of the 1968 Act.

(2) For any period during which the aggregate weekly rate of—

(*a*) the benefit in respect of children to which a continuing beneficiary would but for the provisions of this regulation be entitled, and

(*b*) the family allowances payable in respect of the same children,

is less than it would have been if the old rates had continued in force, the reductions in benefit rates under section 1 of the 1968 Act shall be excluded in his case to the extent necessary to enable effect to be given to the following paragraph :

Provided that this paragraph shall not, save in such cases as the Minister in his discretion may permit, have effect in relation to a person who does not before 8th April 1969 give to the Minister notice in writing that he is or claims to be a person entitled to the continuation of an old rate of benefit.

(3) During any period during which the foregoing paragraph has effect in relation to a continuing beneficiary, the weekly rate of benefit to which he is entitled in respect of each child (other than an eldest child) successively according to age shall be such sum as—

(*a*) does not exceed that which would have been applicable—

(i) if the old rates had continued in force, and

(ii) if he had not become entitled in respect of that child (where he has so become) to any benefit of which immediately before the qualifying date the rate was higher than that of the benefit to which he was then entitled, but had instead continued to be entitled to the benefit to which he was then entitled ; and

(*b*) suffices, so far as possible, to secure that the aggregate weekly rate of—

(i) the benefit to which he is entitled in respect of that child and any older children, and

(ii) the benefit to which he would be entitled in respect of any children younger than that child if this regulation did not affect the rate thereof, and

(iii) the family allowances payable in respect of all the children in respect of whom he is entitled to benefit,

is not less than the aggregate weekly rate of the benefit to which he would be entitled in respect of all those children and of the family allowances which would be payable in respect of them if the old rates had continued in force.

Effect of existing awards of family allowances

3. Where a family allowance previously awarded has not terminated by 8th October 1968, and the award does not provide for it to be paid as from that date at the rate provided for by the 1968 Act, it shall not become payable at that rate for any period before—

(*a*) the expiry of any book of allowance orders for the payment of sums on account of that allowance which is current at that date ; or

(*b*) 7th October 1969 if there is no such book ;

save in so far as sums on account thereof are made receivable before 8th April 1970.

Judith Hart,
Minister of Social Security.

25th July 1968.

J. McCann,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

26th July 1968.

EXPLANATORY NOTE

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

These Regulations are made in consequence of the Family Allowances and National Insurance Act 1968 and in accordance with Schedule 3 paragraph 7 of that Act have not been referred to the National Insurance Advisory Committee or the Industrial Injuries Advisory Council.

Regulation 2 contains provisions for the continuation of previous rates of benefit under the National Insurance and National Insurance (Industrial Injuries) Acts in special cases in which the amount payable by way of benefit and family allowances in respect of children would otherwise be reduced.

Regulation 3 makes provision as to the effect of awards of family allowances at rates in force before the coming into operation of the Family Allowances and National Insurance Act 1968.