STATUTORY INSTRUMENTS

1967 No. 1228

SOCIAL SECURITY

NATIONAL INSURANCE
NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The Family Allowances (Temporary Increase and Consequential Provisions) Order 1967

Made - - -	11*th August* 1967
Laid before Parliament	17*th August* 1967
Coming into Operation	18*th August* 1967

The Minister of Social Security, with the consent of the Treasury, in exercise of powers conferred by section 5 of the National Insurance Act 1967(**a**), and of all other powers enabling her in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Family Allowances (Temporary Increase and Consequential Provisions) Order 1967 and shall come into operation on 18th August 1967.

(2) In this order, unless the context otherwise requires—

" the Family Allowances Act " means the Family Allowances Act 1965(**b**);

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

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

" the Act of 1967 " means the National Insurance Act 1967;

" the increase date ", in relation to benefit of any description under the Insurance Act or the Industrial Injuries Act, means the day appointed under Schedule 7 paragraph 1 (general provision for appointed days) of the Act of 1967 or prescribed by regulations under the Act in question for the payment of benefit of the description in question at a higher weekly rate or within a higher maximum weekly rate by virtue of the Act of 1967 or any regulations made in consequence thereof; and, in relation to allowances under the Family Allowances Act, means the 24th October 1967;

" serial order " means one of a series of orders for the payment through the Post Office of a sum on account of benefit which is or has been contained in a book of such orders;

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

(3) References in this order to any enactment or regulations shall include references to any such enactment or regulations as amended or extended by or under any other enactment, order or regulations (including, except in so far as

(**a**) 1967 c. 73.
(**b**) 1965 c. 53.
(**c**) 1965 c. 51.
(**d**) 1965 c. 52.

the contrary intention appears therein, any enactment, order or regulations subsequent to this order).

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the construction of this order as they apply for the purposes of the construction of an Act of Parliament.

Temporary increase of family allowances

2. In respect of the period beginning with the 24th October 1967 and ending with the 8th April 1968, the weekly rate of every family allowance payable under section 1 of the Family Allowances Act (direction for payment, and amount, of allowances) in respect of a child in a family not being the elder or eldest or the first or second child other than the elder or eldest shall be increased by five shillings; and accordingly the said section 1 shall in respect of that period have effect as if, for the words " and ten shillings a week in respect of each other such child ", there were substituted the words " ten shillings a week in respect of the second such child and fifteen shillings a week in respect of each other such child ".

Temporary reduction of insurance benefit for children

3. In respect of the period beginning with the increase date and ending with the 8th April 1968 the weekly rate of—

(*a*) an increase of benefit under any of the provisions of section 40 of the Insurance Act (increase of benefit for children); or

(*b*) an increase of injury benefit or disablement pension under section 17 of the Industrial Injuries Act (increase of injury benefit or disablement pension in respect of children) or a death benefit allowance under section 21(1) of that Act (children of deceased's family);

shall in the case of any qualifying child other than the only, elder or eldest, second or third be reduced by five shillings a week; and accordingly the enactments and regulations specified in column 1 of the Schedule to this order shall in respect of that period have effect as if there were made in them the modifications specified in column 3 of that Schedule.

Awards

4.—(1) In relation to benefit under the Insurance Act or the Industrial Injuries Act, any reference in Schedule 7 paragraph 2 (effect of awards made before, or in respect of the period beginning before, appointed or prescribed day) of the Act of 1967 or in any regulations made thereunder to a higher weekly rate or higher maximum weekly rate shall, as respects any period to which Article 3 of this order applies, be construed as referring to such rate as modified by the said Article 3.

(2) In relation to allowances under the Family Allowances Act, the provisions of the said Schedule 7 paragraph 2 shall, as respects any period to which Article 2 of this order applies, apply in like manner as they apply to benefit to which they relate, so, however, that the reference in those provisions to the increase date shall be construed as a reference to the 24th October 1967 and any reference therein to prescribing by regulations shall include a reference to prescribing by order under section 5 of the Act of 1967.

(3) Where an award of an allowance under the Family Allowances Act has been made before the increase date, the said Schedule 7 paragraph 2 as applied by the foregoing paragraph of this Article shall, if the period to which the award relates has not ended before the increase date, have effect subject to the following conditions:—

(a) 1889 c. 63.

(*a*) If the award has not been made in accordance with sub-paragraph (2) of the said Schedule 7 paragraph 2 (which sub-paragraph authorises the making of such an award providing for the payment of an allowance at the higher weekly rate as from that date), and a question arises as to—

(i) the weekly rate at which the allowance is payable by virtue of this order, or

(ii) whether the conditions for the receipt of the allowance at the higher weekly rate are satisfied,

the allowance shall be or continue to be payable at the weekly rate specified in the award until the said question shall have been determined in accordance with the provisions of the Family Allowances Act.

(*b*) Without prejudice to the application of section 7(2) (extinguishment of the right to an allowance) of the Family Allowances Act to so much of an allowance as is payable by a sum on account thereof made receivable under that section, the right to any additional family allowance by virtue of Article 2 of this order shall—

(i) as respects the period beginning with the increase date and ending with the expiration of the order book of the person by whom sums on account of the allowance are receivable being an order book which is current on the increase date, or, if there is no such order book, the 8th April 1968; and

(ii) so far as sums on account of such additional allowance have not become receivable under the said section 7 of the Family Allowances Act;

be extinguished at the expiration of 18 months from the increase date:

Provided that in a case where the said current order book expires after the 8th April 1968, head (i) of this sub-paragraph shall apply as if there were no such order book.

(*c*) Benefit under the Insurance Act or the Industrial Injuries Act paid to one person in respect of a child as being, or falling for the purposes of the relevant provision to be treated as, a child of the family of that person shall, unless it is required to be repaid, be treated as properly paid for any period for which it is not in fact payable, but would have been payable but for the provisions of Article 3 of this order, in cases where, by virtue of the provisions of Article 2 of this order, either that person or another person is entitled to any additional family allowance in respect of that child for that period; and any arrears of family allowance payable in respect of that child for that period shall be reduced or withheld accordingly:

Provided that for the purposes of this paragraph a week for which a family allowance is payable and a week for which benefit is payable by means of a serial order shall be treated as coincident if they begin on different days in the same calendar week.

Judith Hart,
Minister of Social Security.

9th August 1967.

We consent,

E. Alan Fitch,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

11th August 1967.

Article 3

SCHEDULE

PROVISIONS TEMPORARILY MODIFIED

Provision	Subject matter	Modification
National Insurance Act 1965 Section 41(4)(*b*)	Man and wife not both to be entitled to higher rate of increase of retirement pension for a child	For sub-paragraph (ii) there shall be substituted— " (ii) if they are both entitled for the same period to such an increase in respect of different children, then— (A) one of them shall be entitled to an increase at the rate applicable to an only, elder or eldest child; (B) the other (subject to sub-paragraph (i) of this paragraph) shall be entitled in respect of the only, elder or eldest child who is, or falls to be treated for the purposes of the said section 40(1) as, a child of his family to an increase at the rate applicable to a second qualifying child; (C) where the number of such increases to which they are entitled exceeds three, only one of the increases (other than those referred to in heads (A) and (B) of this sub-paragraph) shall be at the rate applicable to a second or third qualifying child, and any other increase or increases shall be at the rate applicable to an additional qualifying child."
Schedule 3 column 5	Increase for each additional qualifying child	For the heading of column 5 (as substituted by the Act of 1967 section 1(1)(*b*) and Schedule 2), there shall be substituted the heading 5 (*a*) Increase for third qualifying child — £ s. d. (*b*) Increase for each additional qualifying child — £ s. d. and the existing entries in column 5 shall be entries in corresponding positions in sub-column (*a*) of that column, and in sub-column (*b*) thereof there shall be inserted entries of " 12. 0." and " 1. 7. 6." adjacent respectively to each entry of " 17. 0." and " 1. 12. 6." in sub-column (*a*).

Provision	Subject matter	Modification
National Insurance (Industrial Injuries) Act 1965 Schedule 3 paragraph 7	Increase under s.17 of weekly rate of injury benefit or disablement pension in respect of children	In column 2 (as substituted by the Act of 1967 section 2(1) and Schedule 6), for para. 7(*b*), there shall be substituted the following— " (*b*) in respect of first or second additional child of beneficiary's family . . . 17s. (*c*) in respect of each other additional child of beneficiary's family . . . 12s."
Schedule 3 paragraph 11(*a*)	Weekly rate of allowance under s. 21 in respect of children of deceased's family	In column 2 (as substituted by the Act of 1967 section 2(1) and Schedule 6), for para. 11(*a*)(ii), there shall be substituted the following— " (ii) in respect of second and third qualifying child . . . 17s. (iii) in respect of each additional qualifying child . . . 12s."
Schedule 5 paragraph 1	Provisions limiting benefit payable in respect of any child	For sub-paragraph (*b*) there shall be substituted— " (*b*) if two or more of those persons are entitled for the same period to such an allowance in respect of different children, then— (i) one person shall be entitled to an allowance at, or at a rate higher than, the rate applicable to an only, elder or eldest child; (ii) the other or each of the others (subject to sub-paragraph (*a*) of this paragraph and to head (iii) of this sub-paragraph) shall be entitled in respect of the only, elder or eldest qualifying child in his family to an allowance at the rate applicable to a second qualifying child; (iii) where the number of the allowances in respect of the same death exceeds three, not more than two of the allowances (other than that referred to in head (i) of this sub-paragraph) shall be at the rate applicable to a second or third qualifying child, and any other allowance or allowances shall be at the rate applicable to an additional qualifying child; "

Provision	Subject matter	Modification
National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948(a), as amended (b), regulation 6	Priority between a man and his wife to increase of retirement pension for a child	The provisions of this regulation shall apply to the determination of priority as between a man and his wife to an increase at the rate applicable to a second or third qualifying child as they apply to the determination of priority to an increase at the rate applicable to an only, elder or eldest qualifying child.
National Insurance (General Benefit) Regulations 1948 (c), as amended (d), regulation 5C	Contribution towards cost of providing for child	For the provisions of paragraph (2) there shall be substituted— " (2) Where, for the purposes of section 40 of the National Insurance Act 1965, a person has a family which includes children, one or more of whom is, or are, treated as included in his family only by virtue of the provisions of section 41(3) of that Act (which child or children are hereafter in this paragraph referred to as a " treated child " or " treated children "), and there is, or are, also another child or other children living with that person who is, or are, included or treated as included in his family otherwise than by virtue of the said section 41(3) (which child or children are hereafter in this paragraph referred to as the " said other child or children "), that person shall in relation to an increase of sickness benefit, unemployment benefit or retirement pension in respect of a treated child be deemed to be contributing to the cost of providing for that child for the purposes of section 42(1)(*b*) at a weekly rate not less than that required in the case of that child by that section if he contributes to the cost of providing for that child at a rate not less than the rate which would be appropriate in the circumstances of the case if the said other child or children were older than the treated child or (if there is more than one treated child) any of the treated children."

(a) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).
(b) The relevant amending instruments are S.I. 1951/1232, 1963/394, 1965/40 (1951 I, p. 1457, 1963 I, p. 424, 1965 I, p. 47).
(c) S.I. 1948/1278 (Rev. XVI, p. 179: 1948 I, p. 2626).
(d) The relevant amending instrument is S.I. 1966/388 (1966 I, p. 874).

Provision	Subject Matter	Modification
National Insurance (Industrial Injuries) (Benefit) Regulations 1964 (a), as amended (b), regulation 14	Contribution towards cost of providing for child	The provisions of paragraph (2) shall apply with the like substitution as is specified in the foregoing paragraph of this column, but with the substitution for the references in the provisions substituted by the said foregoing paragraph to sections 40, 41(3) and 42(1)(*b*) of the Insurance Act, and to sickness benefit, unemployment benefit or retirement pension, of references respectively to section 17(1), (3) and (4)(*b*) of the Industrial Injuries Act, and to injury benefit or disablement pension.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for a temporary increase of 5s. with effect from 24th October 1967 in the weekly rate of allowance payable under the Family Allowances Act 1965 for each child of a family after the first three, and for a temporary reduction of 5s. in benefits payable under the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 in respect of fourth and subsequent qualifying children.

The remaining provisions are of a minor or consequential character. The changes in rates introduced by the Order will not apply after 8th April 1968.

(a) S.I. 1964/504 (1964 I, p. 833).
(b) The relevant amending instrument is S.I. 1966/389 (1966 I, p. 876).