1984 No. 979

SOCIAL SECURITY

The Family Income Supplements (General) Amendment Regulations 1984

Made - - -	11*th July* 1984
Laid before Parliament	13*th July* 1984
Coming into Operation	7*th August* 1984

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 6(2) and (3) and 10(2)(*e*) of the Family Income Supplements Act 1970(**a**) and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so(**b**), hereby makes the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Family Income Supplements (General) Amendment Regulations 1984, shall come into operation on 7th August 1984.

Amendment of the Family Income Supplements (General) Regulations 1980

2. In regulation 3 of the Family Income Supplements (General) Regulations 1980(**c**) (awards for other than fifty-two weeks and increases in rates of benefit) —

(*a*) in paragraph (2), for the words from "any benefit" to the end of the paragraph there shall be substituted the following sub-paragraphs —

"(*a*) subject to sub-paragraph (*c*) of this paragraph, any benefit payable on the basis of the renewal claim shall be payable for a period commencing immediately after the expiration of the period for which benefit was previously payable;

(*b*) subject to sub-paragraphs (*c*) and (*d*) of this paragraph, the amount of any benefit payable on the basis of the renewal claim shall be calculated in accordance with the regulations made under section 2(1) or 3 of the Act which are in operation on the day following the last day of the period for which benefit was previously payable;

(*c*) if the period for which benefit was previously payable expires on 5th or 12th November 1984, benefit shall, subject to paragraph (1), be payable on the renewal claim either —

(**a**) 1970 c.55; section 6(2) and (3) was substituted by section 3 of the Pensioners and Family Income Supplement Payments Act 1972 (c.75).
(**b**) *See* section 10(2)(*a*) of the Social Security Act 1980 (c.30).
(**c**) S.I. 1980/1437; there are no relevant amending instruments.

(i) for the period of fifty-two weeks commencing on the day immediately following the expiration of the period for which benefit was previously payable at the weekly rate calculated in accordance with the Family Income Supplements (Computation) Regulations 1983(**a**), or

(ii) if the claimant so elects in writing, for the period of fifty-two weeks commencing on 27th November 1984 at the weekly rate calculated in accordance with the regulations made under section 2(1) or 3 of the Act which are in operation on that day;

(*d*) if the period for which benefit was previously payable expires on 19th November 1984, any benefit payable on the basis of the renewal claim calculated in accordance with the Family Income Supplements (Computation) Regulations 1983 shall be awarded for the period of one week commencing 20th November 1984 and any benefit payable on the basis of that claim calculated in accordance with the regulations made under section 2(1) or 3 of the Act which are in operation on 27th November 1984 shall, subject to paragraph (1) be awarded for the period of fifty-two weeks commencing on that day."; and

(*b*) paragraph (5) shall be omitted and, in the shoulder note to that regulation 3, the words "and in which the rate of benefit payable may be increased" shall be deleted.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

11th July 1984.

(**a**) S.I. 1983/1201.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulation 3 of the Family Income Supplements (General) Regulations 1980 by providing (1) that an award made in respect of a claim not more than four weeks before or after the expiration of a previous award to the claimant shall be assessed at the rate of benefit payable by virtue of the regulations made under sections 2(1) and 3 of the Family Income Supplements Act 1970 ("the Act") in operation at the date of the expiry of the previous award; and (2) that such an award shall be payable for a period commencing immediately after the expiration of the period for which benefit was previously payable. These regulations also make special provision for recipients of awards which terminate less than 4 weeks before the uprating of benefits on 27th November 1984: recipients of awards which expire on 5th or 12th November 1984 are given the option of electing to receive either an award for 52 weeks beginning immediately after the expiry of their old award calculated in accordance with the Family Income Supplements (Computation) Regulations 1983 ("the 1983 Computation Regulations") or an award for fifty-two weeks beginning on 27th November 1984 at the rate in accordance with the regulations in operation on that day; recipients of awards which expire on 19th November 1984 are given the right to an award for one week at the rate in accordance with the 1983 Computation Regulations and then for a further fifty-two weeks at the rate in accordance with the regulations in operation on 27th November 1984.

These regulations also omit the exception, set out in paragraph (5) of that regulation 3, to the provision in section 6(3) of the Act under which the rate at which benefit is payable is not affected by any change of circumstances during the period of the award.

These regulations will be referred to the Social Security Advisory Committee under sub-section (7) of section 10 of the Social Security Act 1980.

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