STATUTORY INSTRUMENTS

1972 No. 1282

SOCIAL SECURITY

The Family Income Supplements (Miscellaneous Amendments) Regulations 1972

Made - - -	*15th August* 1972
Laid before Parliament	*25th August* 1972
Coming into Operation	*15th September* 1972

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 4(2)(*a*) and (*b*) and 10(2) of the Family Income Supplements Act 1970(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Family Income Supplements (Miscellaneous Amendments) Regulations 1972, shall come into operation on 15th September 1972.

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

Amendment of the Family Income Supplements (General) Regulations 1971

2.—(1) The Family Income Supplements (General) Regulations 1971(**c**), as amended (**d**), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) of the said regulations (definitions), for the definition of "war disablement pension" there shall be substituted the following definition:—

"'war disablement pension' means—

(*a*) retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Ministry of Pensions Act 1916(**e**), the Air Force (Constitution) Act 1917(**f**), the Personal Injuries (Emergency Provisions) Act 1939(**g**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**h**), the Polish Resettlement Act 1947(**i**), the Home Guard Act 1951(**j**) or the Ulster Defence Regiment Act 1969(**k**);

(*b*) any retired pay or pension to which section 365(1) of the Income and Corporation Taxes Act 1970(**l**) applies, not being retired pay, pension or allowance to which head (*a*) of this definition applies; or

(**a**) 1970 c. 55. (**b**) 1889 c. 63. (**c**) S.I. 1971/226 (1971 I, p. 662).
(**d**) S.I. 1972/14 (1972 I, p. 29). (**e**) 1916 c. 65. (**f**) 1917 c. 51.
(**g**) 1939 c. 82. (**h**) 1939 c. 83. (**i**) 1947 c. 19.
(**j**) 1951 c. 8 (15 & 16 Geo. 6 & 1 Eliz. 2). (**k**) 1969 c. 65. (**l**) 1970 c. 10.

(*c*) any payment which the Secretary of State accepts as being analogous to any such retired pay, pension or allowance as is referred to in head (*a*) or head (*b*) of this definition;".

(3) For paragraph (5) (sums to be disregarded in calculating or estimating a person's normal gross income) of regulation 2 of the said regulations there shall be substituted the following paragraph:—

"(5) In calculating or estimating a person's normal gross income and the weekly amount thereof, there shall be deducted—

(*a*) the whole of any sums by way of attendance allowance;

(*b*) the whole of any payments made in respect of a child who is boarded out for the purposes of the Boarding-Out of Children Regulations 1955(**a**) or the Boarding-Out of Children (Scotland) Regulations 1959(**b**);

(*c*) the whole of any sums by way of benefit under the Act;

(*d*) the whole of any sums by way of benefit under the Ministry of Social Security Act 1966(**c**);

(*e*) up to £2·00 a week of any sums (other than sums payable by way of attendance allowance) payable by way of a war disablement pension; and

(*f*) the whole of any sums by way of a rent allowance under Part II of the Housing Finance Act 1972(**d**) or under Part II of the Housing (Financial Provisions) (Scotland) Act 1972(**e**).

Amendment of the Family Income Supplements (Claims and Payments) Regulations 1971

3.—(1) Regulation 2 (manner in which claims are to be made) of the Family Income Supplements (Claims and Payments) Regulations 1971(**f**) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) there shall be substituted the following paragraph:—

"(1) Every claim shall be made in writing on a form approved by the Secretary of State, or in such other manner, being in writing, as the Secretary of State may accept as sufficient in the circumstances of any particular case or class of cases and shall be delivered or sent to an office of the Department."

(3) After paragraph (1) as so substituted, there shall be inserted the following paragraph:—

"(1A) The date on which a claim is made shall be the date on which it is received in an office of the Department (hereafter in this paragraph) referred to as 'the relevant date'), so however that if—

(*a*) a person making a claim requests the Secretary of State to treat that claim as having been made on a date earlier than the relevant date, or the Secretary of State is aware that a claim which has been sent by post has not been delivered in the ordinary course of post; and

(*b*) the Secretary of State is satisfied that it was through no fault on the part of that person that the claim was not made on a date earlier than the relevant date,

(**a**) S.I. 1955/1377 (1955 I, p. 286). (**b**) S.I. 1959/835 (1959 I, p. 579).
(**c**) 1966 c. 20. (**d**) 1972 c. 47. (**e**) 1972 c. 46.
(**f**) S.I. 1971/227 (1971 I, p. 668).

the Secretary of State may treat the claim as having been made on a date earlier than the relevant date, being a date not more than three months before the relevant date.

(4) For paragraph (5) there shall be substituted the following paragraph:—

"(5) Any reference in the Act or in regulations to the date on which a claim is made shall—

(*a*) in the case of a claim which is treated as having been made on a date earlier than the relevant date under paragraph (1A) of this regulation, be construed as a reference to the date on which such claim is so treated as having been made; and

(*b*) in the case of a claim which is treated as if it had been duly made in the first instance under paragraph (3) of this regulation, be construed as a reference to the date on which such claim is so treated as having been duly made."

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

Paul Dean,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

15th August 1972.

EXPLANATORY NOTE

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

These Regulations make minor amendments to the Family Income Supplements (General) Regulations 1971 and the Family Income Supplements (Claims and Payments) Regulations 1971.

Regulation 1 relates to the citation, commencement and interpretation of the Regulations. Regulation 2 amends the Family Income Supplements (General) Regulations 1971 by substituting for the definition of "war disablement pension" in regulation 1(2) a new definition and by substituting for regulation 2(5) a new provision whereby rent allowances under the Housing Finance Act 1972 and the Housing (Financial Provisions) (Scotland) Act 1972 and sums which hitherto fell to be disregarded for the purpose of computing a person's normal gross income will in future be deducted for that purpose. Regulation 3 amends the Family Income Supplements (Claims and Payments) Regulations 1971 so that, in certain circumstances, a claim for family income supplement may be treated as having been made before the date on which it is received in an office of the Department of Health and Social Security.