STATUTORY INSTRUMENTS

1975 No. 1250

SOCIAL SECURITY

The Family Allowances (Determination of Claims and Questions) Amendment Regulations 1975

Made - - - -	*28th July* 1975
Laid before Parliament	*5th August* 1975
Coming into Operation	*26th August* 1975

The Secretary of State for Social Services, in exercise of the powers conferred upon her by section 119(3) and (4) of the Social Security Act 1975**(a)** as that section has effect by virtue of section 8(1) of the Family Allowances Act 1965**(b)**, as amended by paragraph 14 of Schedule 2 to the Social Security (Consequential Provisions) Act 1975**(c)**, and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Family Allowances (Determination of Claims and Questions) Amendment Regulations 1975 and shall come into operation on 26th August 1975.

Amendment of the Family Allowances (Determination of Claims and Questions) (No. 2) Regulations 1967

2. In the Family Allowances (Determination of Claims and Questions) (No. 2) Regulations 1967**(d)**, as amended**(e)**, after regulation 5 there shall be inserted the following regulation:—

"*Overpaid allowances to be treated as properly paid where additional supplementary benefit would otherwise have been payable.*"

5A.—(1) Subject to paragraph (2) of this regulation, where—

(*a*) by a decision given on appeal or review, as respects a period for which sums on account of an allowance (in this regulation referred to as "family allowance") have been paid, it is decided that the whole or part of the family allowance was for that period not payable and but for this regulation would be required to be repaid; and

(*b*) the Supplementary Benefits Commission certifies that the person who would otherwise be required to repay the family allowance, or some other person, would have been paid supplementary benefit of a specified amount, additional to that which was paid for that period, had there been no overpayment of the family allowance,

(a) 1975 c. 14.
(b) 1965 c. 53.
(c) 1975 c. 18.
(d) S.I. 1967/1572 (1967 III, p. 4377).
(e) The amending Regulations are not relevant to the subject matter of these Regulations.

the decision on appeal or review shall direct that the overpaid family allowance shall be treated as properly paid to the extent of the additional amount shown in the certificate.

(2) Where the overpaid family allowance resulted from the exclusion from the family of a child not living with the person who would otherwise be required to repay the family allowance, paragraph (1) shall not apply unless in respect of any period either—

(*a*) that person has contributed to the cost of providing for such child at a weekly rate not less than that for the time being specified in section 3(2) of the Family Allowances Act; or

(*b*) it appears from the certificate that less supplementary benefit was paid than would have been the case had there been no overpayment of family allowance and, where the payment of supplementary benefit was to some other person, that either he was a member of the same household as the person who would otherwise be required to repay the family allowance or the latter was his spouse and they were living together.

(3) In this regulation supplementary benefit means benefit under the Supplementary Benefit Act 1966**(a)**."

Barbara Castle,
Secretary of State for Social Services.

28th July 1975.

EXPLANATORY NOTE

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

These Regulations further amend the Family Allowances (Determination of Claims and Questions) (No. 2) Regulations 1967 ("the Principal Regulations").

Regulation 1 is formal.

Regulation 2 inserts a new regulation into the Principal Regulations which provides that, where a person has been overpaid family allowance for a period for which that person or some other person was paid benefit under the Supplementary Benefit Act 1966, then, in certain circumstances, the overpaid family allowance is to be treated as properly paid to the extent of the difference between the amount actually paid by way of benefit under the 1966 Act and the amount that would have been payable under that Act had there been no overpayment of family allowance.

(a) 1966 c. 20 (enacted as the Ministry of Social Security Act 1966).

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