STATUTORY INSTRUMENTS

1975 No. 1661

SOCIAL SECURITY

The Family Allowances (Determination of Claims and Questions) Amendment (No. 2) Regulations 1975

Made - - -	*15th October* 1975
Laid before Parliament	*23rd October* 1975
Coming into Operation	*20th November* 1975

The Secretary of State for Social Services, in exercise of the powers conferred upon her by section 13(1)(*f*) and (*g*) of the Family Allowances Act 1965(**a**), added to that Act by section 18(2) of the Child Benefit Act 1975(**b**), 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 (No. 2) Regulations 1975 and shall come into operation on 20th November 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(**c**), as amended (**d**), after regulation 6 there shall be inserted the following regulation:—

"*Treating an allowance as paid on account of arrears of non-contributory invalidity pension under the Social Security Act* 1975 *and non-contributory invalidity pension as paid on account of arrears of an allowance*

6A.—(1) Where an allowance or allowances has or have been paid in respect of a child or children in a family and that allowance or those allowances is or are not required to be repaid, that allowance or one of those allowances shall be treated as having been paid on account of a non-contributory invalidity pension under the Social Security Act 1975 (**e**) in cases where in consequence of a subsequent decision under that Act a child

(**a**) 1965 c. 53. (**b**) 1975 c. 61. (**c**) S.I. 1967/1572 (1967 III, p. 4377).

(**d**) The amending regulations are not relevant to the subject matter of these regulations.

(**e**) 1975 c. 14.

who had been treated as included in that family is entitled to a non-contributory invalidity pension for any period for which that allowance or those allowances was or were paid and any arrears of non-contributory invalidity pension payable by virtue of the subsequent decision shall be reduced or withheld accordingly.

(2) A non-contributory invalidity pension paid to a child which it is subsequently decided was not payable shall be treated as having been paid on account of an allowance in cases where in consequence of a subsequent decision under the Family Allowances Act that child is treated as included in a family for any period for which the non-contributory invalidity pension was paid and is not required to be repaid, and any arrears of allowance payable by virtue of that subsequent decision shall be reduced or withheld accordingly.".

Barbara Castle,
Secretary of State for Social Services.

15th October 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").

They insert into the Principal Regulations a new regulation 6A which sets out the circumstances in which -

(*a*) an allowance paid under the Family Allowances Act 1965 may be treated as having been paid on account of arrears of a non-contributory invalidity pension under the Social Security Act 1975 which are payable to a person who had been treated as included in a family for the purposes of the 1965 Act; and

(*b*) a non-contributory invalidity pension paid to a child which it is subsequently decided was not payable may be treated as paid on account of arrears of an allowance under the 1965 Act which subsequently become payable.

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