

2003 No. 937

SOCIAL SECURITY

**The Social Security (Working Tax Credit and Child Tax Credit)
(Consequential Amendments) (No. 2) Regulations 2003**

Made - - - - - *28th March 2003*

Laid before Parliament *31st March 2003*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 60, 86A(1), 114(1), 122(1), 144(1), 147(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 1(1C), 73(1), 78(2), 189(4) and 191 of the Social Security Administration Act 1992(b) of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No.2) Regulations 2003 and shall come into force—

- (a) in the case of this regulation and regulation 2(1), (3), (4)(a), (5) and (8), on 6th April 2003;
- (b) in the case of the remainder of regulation 2, on the day on which the provisions of the Tax Credits Act 2002 specified in the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003(d) come into force, subject to article 3 of that Order.

Consequential amendments

2.—(1) In the Social Security (Invalid Care Allowance) Regulations 1976(e), regulation 2A(a) shall be omitted.

(2) In the Social Security Benefit (Dependency) Regulations 1977(f)—

- (a) in regulation 3—
 - (i) in the heading, the words “or children” shall be omitted;
 - (ii) in paragraph (1), “43(1)(b),” shall be omitted;

(a) 1992 c.4. Section 86A was inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), section 2(5). Sections 122(1) and 147(1) are cited because of the meaning ascribed to the words “prescribe” and “prescribed” respectively.
(b) 1992 c.5. Section 1(1C) was inserted by the Social Security Administration (Fraud) Act 1997 (c.47), Section 19. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
(c) See section 170 and 173(1)(b) of the Social Security Administration Act 1992.
(d) S.I. 2003/ (C.).
(e) S.I. 1976/409; regulation 2A was inserted by S.I. 1997/2676.
(f) S.I. 1977/343; the relevant amending instruments are S.I. 1980/585, 1983/1001, 1989/523 and 2000/1483.

- (b) in regulation 4A(1), “41,” shall be omitted;
- (c) regulation 4B(1)(c) and (4)(e) shall be omitted.

(3) In the Social Security (Overlapping Benefits) Regulations 1979(a), at the end of the definition of “dependency benefit” in regulation 2(1) there shall be added the words “or child tax credit under the Tax Credits Act 2002”.

(4) In the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(b)–

- (a) regulation 1A(a) shall be omitted;
- (b) in regulation 6(3)(c)–
 - (i) “41,” shall be omitted;
 - (ii) the word “and” after head (i) shall be omitted;
 - (iii) head (ii) shall be omitted.

(5) In the Social Security (Severe Disablement Allowance) Regulations 1984(c), regulation 2A(a) shall be omitted.

(6) In the Social Fund (Recovery by Deductions from Benefits) Regulations 1988(d), regulation 3(o) shall be omitted.

(7) In the Social Security (Incapacity Benefit-Increases for Dependants) Regulations 1994(e)–

- (a) for regulation 3 there shall be substituted the following regulation–

“Allocation of contributions for a spouse

3. For the purposes of the Contributions and Benefits Act insofar as it relates to incapacity benefit, any sum paid by a person by way of contribution towards the maintenance of his spouse shall be treated for the purposes of regulations 9 and 12 as such contributions of such respective amounts equal in aggregate to the sum in respect of his spouse as would secure as large a payment as possible by way of benefit in respect of dependants.”;

- (b) Part II shall be omitted;
- (c) in regulation 9–
 - (i) in paragraph (1)–
 - (aa) for sub-paragraph (a)(ii), there shall be substituted “the beneficiary is entitled to child benefit in respect of a child; or”;
 - (bb) for sub-paragraph (c)(ii), there shall be substituted “cares for a child in respect of whom the beneficiary is entitled to child benefit; or”;
 - (cc) for sub-paragraph (d)(ii), there shall be substituted “cares for a child in respect of whom the beneficiary is entitled to child benefit.”;
 - (ii) paragraph (2) shall be omitted.

(8) In the Social Security (Incapacity Benefit) Regulations 1994(f), regulation 2A(a) shall be omitted.

(a) S.I. 1979/597 to which there are amendments which are not relevant to these Regulations.
(b) S.I. 1979/642; regulation 1A was inserted by S.I. 1997/2676; regulation 6(3) was substituted by S.I. 1990/2642.
(c) S.I. 1984/1303; regulation 2A was inserted by S.I. 1997/2676.
(d) S.I. 1988/35; the relevant amending instrument is S.I. 1996/1944.
(e) S.I. 1994/2945 to which there are amendments which are not relevant to these Regulations.
(f) S.I. 1994/2946; regulation 2A was inserted by S.I. 1997/2676.

Signed by authority of the Secretary of State for Work and Pensions.

28th March 2003

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of section 1(1)(a) of the Tax Credits Act 2002 (c.21) (“the Act”) which relates to the introduction of a child tax credit, and of sections 1(3)(e) and 60 of, and Schedule 6 to, the Act, insofar as they repeal provisions of the Social Security Contributions and Benefits Act 1992 (c.4) and the Social Security Administration Act 1992 (c.5) which relate to the payment of certain increases in respect of children in certain benefits.

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), the Social Security Benefit (Dependency) Regulations 1977 (S.I. 1977/343), the Social Security (Overlapping Benefits) Regulations 1979 (S.I. 1979/597), the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979 (S.I. 1979/642), the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984/1303), the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (S.I. 1988/35), the Social Security (Incapacity Benefit-Increases for Dependants) Regulations 1994 (S.I. 1994/2945) and the Social Security (Incapacity Benefit) Regulations 1994 (S.I. 1994/2946) so as to make amendments which are consequential, both on the abolition of the payment of certain increases in respect of children in certain benefits and the introduction of a child tax credit, by the Act .

These Regulations do not impose a charge on business.

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