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STATUTORY RULES OF NORTHERN IRELAND

1999 No. 42

SOCIAL SECURITY

The Child Benefit (Residence and Persons Abroad) (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*2nd February 1999*
Coming into operation	*1st March 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 142(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit (Residence and Persons Abroad) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st March 1999.

(2) In these Regulations "the principal Regulations" means the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976(**2**).

(3) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

2. Subject to regulation 3 (saving), in regulation 2(2)(*c*) of the principal Regulations (child benefit to remain payable during a child's absence abroad in specified cases)–

(a) in head (i)(**4**) for "eight" there shall be substituted "twelve";

(b) for head (ii) there shall be substituted the following head–

"(ii) is a week, not falling within the period specified in head (i), in which the child's absence is by reason only of his receiving full-time education by attendance at a recognised educational establishment in another State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on

(**1**) 1992 c. 7
(**2**) S.R. 1976 No. 227; relevant amending regulations are S.R. 1984 No. 226
(**3**) 1954 c. 33 (N.I.)
(**4**) Head (i) was amended by regulation 2 of S.R. 1984 No. 226

2nd May 1992(**5**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**6**) or his being engaged in an educational exchange or visit made with the written approval of the recognised educational establishment which he normally attends;".

Saving

3. Where child benefit was payable, in any week in the twelve weeks immediately preceding 1st March 1999 in the case of a child, by virtue of regulation 2(2)(*c*)(ii) of the principal Regulations as then in operation, and that child either–

(a) remains continuously absent from Northern Ireland; or

(b) returns to Northern Ireland for any period not exceeding twelve weeks,

that regulation as originally in operation shall continue to have effect in his case, as if regulation 2 has not been made, up to and including either 6th September 1999 or the Monday of the one hundred and fifty-sixth week following the date the child first started being educated abroad, whichever is the later.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

L.S.

John O'Neill

2nd February 1999. Assistant Secretary

(**5**) OJNo. L1, 3.1.94, p. 7

(**6**) OJ No. L1, 3.1.94, p. 572

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976 (S.R. 1976 No. 227) so that child benefit shall not cease to be payable in respect of a child who is temporarily absent abroad either for a period of 12 weeks or less, or for more than 12 weeks by reason only of receiving full-time education in another EEA State or education in consequence of an educational exchange or visit made with the written consent of the recognised educational establishment which he normally attends.

These Regulations shall not have effect in the case of a child in respect of whom child benefit is payable, where the child was absent from Northern Ireland for any week in the 12 weeks preceding 1st March 1999 by reason only of receiving full-time education at a recognised educational establishment and that child either–

(a) remains continuously absent from Northern Ireland; or

(b) returns to Northern Ireland for any period not exceeding 12 weeks,

up to and including either 6th September 1999 or the Monday of the 156th week following the start of the child's education abroad, whichever is the later.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.