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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 422**

**SOCIAL SECURITY**

**The Child Benefit (General) (Amendment)  
Regulations (Northern Ireland) 1996**

*Made* - - - - *12th September 1996*

*Coming into operation* *7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 142A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made consequential upon section 10 of the Asylum and Immigration Act 1996<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Child Benefit (General) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Amendment of the Child Benefit (General) Regulations**

2. After regulation 16A of the Child Benefit (General) Regulations (Northern Ireland) 1979<sup>(4)</sup> (exception to Article 8(3) of the Order) there shall be inserted the following regulation—

**“Prescribed conditions relating to persons subject to immigration control**

**16B.** The prescribed conditions for the purposes of section 142A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (entitlement of person subject to immigration control to child benefit) are that a person subject to immigration control is—

- (a) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951<sup>(5)</sup>, as extended by Article I(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967<sup>(6)</sup>;

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(1) c. 7; section 142A was inserted by section 10 of the Asylum and Immigration Act 1996 (c. 49)  
(2) 1996 c. 49  
(3) 1954 c. 33 (N.I.)  
(4) S.R. 1979 No. 5; regulation 16A was inserted by regulation 7 of S.R. 1988 No. 273  
(5) Cmnd. 9171

- (b) a person who has been granted exceptional leave outside the provisions of the immigration rules within the meaning of the Immigration Act 1971(7) to remain in the United Kingdom by the Secretary of State;
- (c) a national, or a member of the family of a national, of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(8);
- (d) a person who is—
  - (i) lawfully working in Northern Ireland and is a national of a State with which the European Community has concluded an Agreement under Article 238(9) of the Treaty establishing the European Community(10) providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families, or
  - (ii) a member of the family of, and living with, such a person;
- (e) a person in respect of whom there is an Order in Council under section 155 of the Social Security Administration (Northern Ireland) Act 1992(11) giving effect to a reciprocal agreement which, for the purposes of child benefit, has the effect that periods of presence or residence in another country are to be treated as periods of presence or residence in Northern Ireland.”.

### **Saving**

3. Where child benefit is being paid to a person immediately before the coming into operation of these Regulations, the Child Benefit (General) Regulations (Northern Ireland) 1979 shall, until such time as his entitlement to that benefit is reviewed under section 23 of the Social Security Administration (Northern Ireland) Act 1992, have effect as if regulation 2 had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th September 1996.

*D. A. Baker*  
Assistant Secretary

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(6) Cmnd. 3906

(7) 1971 c. 77

(8) OJ No. L1, 3.1.94, p. 7

(9) Article 238 was amended by Article G(84) of the Treaty on European Union

(10) The title of the Treaty of Rome was amended by Article G(1) of the Treaty on European Union

(11) 1992 c. 8

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## EXPLANATORY NOTE

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

These Regulations further amend the Child Benefit (General) Regulations (Northern Ireland) 1979 (S.R. 1979 No. 5) and prescribe conditions when section 142A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) (which disentitles persons who require leave to enter or remain in the United Kingdom from receiving child benefit) will not apply (regulation 2).

Regulation 3 makes a saving provision.

These Regulations are made in consequence of section 10 of the Asylum and Immigration Act 1996 (c. 49) which inserted section 142A into the Contributions and Benefits (Northern Ireland) Act 1992. Section 10 came into operation on 19th August 1996 by virtue of the Asylum and Immigration Act 1996 (Commencement No. 2) Order 1996 (S.I.1996/2127 (C. 50)). The Regulations are made within 6 months of the coming into force of section 10 and accordingly are exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.