



Child Trust Funds Act 2004

2004 CHAPTER 6

Introductory

2 Eligible children

- (1) For the purposes of this Act a child is an “eligible child” if the child was born after 31st August 2002^[F1] and before 3rd January 2011] and either—
 - (a) a person is entitled to child benefit in respect of the child, or
 - (b) entitlement to child benefit in respect of the child is excluded by the provisions specified in subsection (2)(a) or (b) (children in care of authority),but subject as follows.
- (2) The provisions referred to in subsection (1)(b) are—
 - (a) paragraph 1(c) of Schedule 9 to the Social Security Contributions and Benefits Act 1992 (c. 4) and regulations made under it, and
 - (b) paragraph 1(1)(f) of Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) and regulations made under it.
- (3) Where entitlement to child benefit in respect of a child is excluded because of a directly applicable ^[F2]EU provision or an international agreement, subsection (1) applies as if that exclusion did not apply.
- (4) Where a person is entitled to child benefit in respect of a child only because of a directly applicable ^[F2]EU provision or an international agreement, subsection (1) applies as if the person were not so entitled.
- (5) A child who—
 - (a) does not have the right of abode in the United Kingdom within the meaning given by section 2 of the Immigration Act 1971 (c. 77),
 - ^[F3](b) is not entitled to enter or remain in the United Kingdom by virtue of an enforceable Community right or any provision made under section 2(2) of the European Communities Act 1972, and]
 - (c) is not settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971,

Changes to legislation: There are currently no known outstanding effects for the Child Trust Funds Act 2004, Section 2. (See end of Document for details)

is not an eligible child.

[^{F4}(5A) A child born before 3rd January 2011 who would otherwise have become an eligible child on or after that date is not an eligible child unless subsection (5B) or (5C) applies to the child.

(5B) This subsection applies to a child (who accordingly is an eligible child by virtue of subsection (1)(a)) if—

- (a) a person is entitled to child benefit in respect of the child,
- (b) the first day for which child benefit is paid falls on or before 3rd January 2011, and
- (c) either subsection (5) does not apply to the child at the beginning of 3rd January 2011, or that subsection applies to the child at that time but ceases to apply to the child before 3rd April 2011.

(5C) This subsection applies to a child (who accordingly is an eligible child by virtue of subsection (1)(b)) if—

- (a) the child is in the United Kingdom at the beginning of 3rd January 2011,
- (b) the provisions specified in subsection (2)(a) or (b) apply in relation to the child before 3rd April 2011, and
- (c) either subsection (5) does not apply to the child at the beginning of 3rd January 2011, or that subsection applies to the child at that time but ceases to apply to the child before 3rd April 2011.]

(6) A person is not to be regarded for the purposes of subsection (1)(a)[^{F5}or (5B)(a)] as entitled to child benefit in respect of a child (otherwise than by virtue of subsection (3)) unless it has been decided in accordance with—

- (a) Chapter 2 of Part 1 of the Social Security Act 1998 (c. 14), or
- (b) Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)),

that the person is so entitled (and that decision has not been overturned).

(7) Regulations may amend subsection (1) by substituting for the reference to 31st August 2002 a reference to an earlier date.

Textual Amendments

- F1** Words in s. 2(1) inserted (16.12.2010) by [Savings Accounts and Health in Pregnancy Grant Act 2010 \(c. 36\), ss. 1\(2\), 4\(3\)](#)
- F2** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\), arts. 2, 3, 6 \(with art. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)\)](#)
- F3** S. 2(5)(b) substituted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\), reg. 1, Sch. 2 para. 1](#)
- F4** S. 2(5A)-(5C) inserted (16.12.2010) by [Savings Accounts and Health in Pregnancy Grant Act 2010 \(c. 36\), ss. 1\(3\), 4\(3\)](#)
- F5** Words in s. 2(6) inserted (16.12.2010) by [Savings Accounts and Health in Pregnancy Grant Act 2010 \(c. 36\), ss. 1\(4\), 4\(3\)](#)

Commencement Information

- I1** S. 2 in force at 6.4.2005 by [S.I. 2004/3369, art. 2\(1\)](#)

Changes to legislation:

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