
STATUTORY INSTRUMENTS

1976 No. 963

The Child Benefit (Residence and Persons Abroad) Regulations 1976

PART III

TRANSITIONAL PROVISIONS

Modification of the Act to take account of reciprocal agreements relating to family allowances under the Family Allowances Acts 1965 to 1975

9. Without prejudice to any other provision of these regulations, Part I of the Act shall have effect as if the provisions relating to family allowances under the Family Allowances Acts 1965 to 1975 contained in agreements set out in the Schedules to the Orders in Council specified in the Schedule to these regulations applied (with the necessary modifications) to benefit.

Transitional provision relating to the operation of regulations 2 to 5 and 7(2)(b)

10. Where under the provisions of regulations 2 to 5 or 7(2)(b) the question whether a requirement in section 13(2) or (3) of the Act is to be regarded as satisfied in any week is dependent upon an earlier week requirement, that is to say a requirement that a person was entitled to benefit or could have satisfied the requirements for entitlement to benefit in a week earlier than that week, then if that person could have satisfied the earlier week requirement had the relevant provisions of the Act and of regulations been in force during the period within which that requirement has to be satisfied, it shall be deemed to have been satisfied.

Transitional provision relating to certain persons to whom regulation 6 applies

11.—(1) If in the transitional period, that is to say the period beginning on 8th August 1976 and ending immediately before the appointed day—

- (a) an allowance in respect of a child is payable to a civil servant as defined in regulation 6(1)
 - (a) by his employing department or to a serving member of the forces as defined in regulation 6(1)(b) by the Ministry of Defence; and
- (b) the Secretary of State is satisfied that that allowance is likely to be payable to the said civil servant or serving member of the forces immediately before the appointed day,

then if the Secretary of State in his discretion so determines the said civil servant or serving member of the forces, or if he has residing with him such a person as is described in regulation 6(1)(d) or living with him such a person as is described in regulation 6(1)(e) that person, shall be treated as having made a claim to benefit in respect of that child.

(2) Where under paragraph (1) a person is treated as having claimed benefit in respect of a child, then unless before the appointed day the Secretary of State in accordance with section 7(3) of the Act reconsiders the exercise of his discretion and decides that that person shall not be treated as having claimed benefit in respect of that child, that person shall be treated as having been awarded benefit in respect of that child for a period beginning with the appointed day by a decision given

on the date on which the Secretary of State determines that that person is to be treated as having claimed benefit in respect of that child.

(3) A decision under paragraph (2) awarding a person benefit shall be subject to the condition that the requirements for entitlement to benefit are satisfied on the appointed day and if those requirements are not so satisfied that decision may be reviewed.

(4) This regulation shall not apply to an increase as defined in regulation 1(2) of the Child Benefit (Claims and Payments) Regulations 1976⁽¹⁾.

⁽¹⁾ (1976 II, p. 2517).