
STATUTORY INSTRUMENTS

1976 No. 963

The Child Benefit (Residence and Persons Abroad) Regulations 1976

PART I

GENERAL

Circumstances in which benefit may be payable in respect of a child for a week where neither the child nor one of his parents has been in Great Britain for more than 182 days in the 52 weeks preceding that week

3.—(1) Section 13(2)(b) of the Act (subject to regulations, no benefit to be payable in respect of a child for any week unless that child or at least one of his parents has been in Great Britain for more than 182 days in the 52 weeks preceding that week) shall have effect subject to the following provisions of this regulation and to the provisions of Parts II and III of these regulations.

(2) The said section 13(2)(b) shall not operate to make benefit not payable in respect of a child for any week if in that week—

- (a) that child is in fact in Great Britain and at least one of his parents is to be regarded as satisfying the requirement in section 13(3)(b) of the Act; or
- (b) that child is in fact in Great Britain and is a child in respect of whom the conditions for entitlement to a guardian's allowance under section 38 of the Social Security Act could be satisfied by a person were that person entitled to benefit in respect of that child; or
- (c) that child is in fact in Great Britain and—
 - (i) is not residing with any parent of his; and
 - (ii) is living with another person with whom he is likely to continue to live permanently, being a person who satisfies or is to be regarded as satisfying the requirement in section 13(3)(b) of the Act.

(3) The modification of the said section 13(2)(b) effected by paragraph (2)(c) shall apply only in relation to the person referred to in paragraph (2)(c)(ii); and for the purposes of paragraph (2)(c)(i) a child shall not be regarded as having ceased to reside with any parent of his by reason of any absence the one from the other which is likely to be temporary.

(4) For the purposes of the said section 13(2)(b), a week in which under the provisions of regulation 2 a child is to be regarded as satisfying the requirement in section 13(2)(a) and any week for which a person is entitled to benefit in respect of that child shall be treated as a week in which that child is in Great Britain.

Status:

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There are currently no known outstanding effects for the The Child Benefit (Residence and Persons Abroad) Regulations 1976, Section 3.