

SCHEDULE 1

Regulation 2(1)

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO
SCHEMES OF CHILD BENEFIT MADE BETWEEN THE SECRETARY OF
STATE FOR SOCIAL SERVICES, WITH THE CONSENT OF THE TREASURY,
OF THE ONE PART AND THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES FOR NORTHERN IRELAND, WITH THE CONSENT OF THE
DEPARTMENT OF FINANCE FOR NORTHERN IRELAND, OF THE OTHER PART

1.—(1) In this Memorandum, unless the context otherwise requires:—

“legislation” means, in relation to Great Britain, the Child Benefit Act 1975 hereafter referred to as “the Act”, and, in relation to Northern Ireland, the Child Benefit (Northern Ireland) Order 1975, hereafter referred to as “the Order”, in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument other than one made for the purpose only of giving effect to the provisions of any agreement applying to one of the two territories with the government of any country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of the schemes;

“the Residence and Persons Abroad Regulations” means, in relation to regulations made under the Act, the Child Benefit (Residence and Persons Abroad) Regulations 1976 and, in relation to regulations made under the Order, the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976;

“claimant” means a person who has claimed child benefit and the expression includes, in relation to an award or decision, a person entitled to receive child benefit under the award or directly affected by the decision;

“determining authority” means, in relation to Great Britain, an insurance officer, a local tribunal, the Chief National Insurance Commissioner or any other National Insurance Commissioner or a tribunal of three National Insurance Commissioners, as the case may require, and in relation to Northern Ireland, an insurance officer, a local tribunal, a National Insurance Commissioner, or a tribunal of two or three National Insurance Commissioners, as the case may require;

“schemes” means, in relation to Great Britain, the scheme contained in Part I of the Act and, in relation to Northern Ireland, the scheme contained in Part II of the Order;

“territory” means Great Britain or Northern Ireland, as the case may require.

(2) Unless the context requires otherwise, in the application of this Memorandum to a territory, expressions used in this memorandum shall have the same respective meanings as in the Act or the Order which relates to that territory.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of this Memorandum as they apply for the purposes of the interpretation of an Act of Parliament.

2. For the purposes of all or any of the provisions of the schemes of child benefit established by the Act or by the Order, acts, omissions and events, and in particular presence, employment and the claiming or payment of child benefit, having effect for all or any of those purposes in one territory shall have corresponding effect for all or any of those purposes in the other territory.

3. An appeal from or review of any decision of a determining authority under the legislation of one territory may, if the claimant is in the other territory, be decided by a determining authority under the legislation of the other territory.

4. Part II of the Residence and Persons Abroad Regulations shall not apply to a person who is absent from a territory for any period during which he is present in the other territory.

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5. Notwithstanding the provisions of Articles 2 and 3 of this Memorandum:—
- (a) where a person would be entitled to child benefit in respect of the same child for the same week under both the Act and the Order, he shall only be entitled to the benefit payable under the legislation of the Party in whose territory he is present;
 - (b) where two or more persons would be entitled to child benefit in respect of the same child for the same week under the Act or the Order or both, one of them only shall be entitled; and the question of which of them is entitled shall be determined in accordance with the legislation of the Party in whose territory the child is present.
6. The arrangements in this Memorandum shall come into operation on 7th February 1977, but either Party may terminate them by giving not less than six months' notice in writing to the other.

SCHEDULE 2

Regulation 2(2)

ADAPTATIONS OF CERTAIN PROVISIONS OF THE CHILD BENEFIT ACT 1975

<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Child Benefit Act 1975</i>	<i>Provision of the Child Benefit (Northern Ireland) Order 1975</i>	<i>Subject matter</i>
Section 11	Article 13	Offences and prosecutions
Section 12	Article 14	Benefit to be inalienable

Signed, on 16th November 1976.

David Ennals
Secretary of State for Social Services

We consent.

J. Dormand
David Stoddart
Two of the Lords Commissioners of Her Majesty's Treasury

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Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th December 1976.

N. Dugdale
Secretary

The Department of Finance for Northern Ireland hereby consents.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 9th December 1976

W.E. Bell
Secretary