

1987 No. 357

**SOCIAL SECURITY**

**The Child Benefit (General) Amendment Regulations  
1987**

|                               |                        |
|-------------------------------|------------------------|
| <i>Made</i> - - - -           | <i>5th March 1987</i>  |
| <i>Laid before Parliament</i> | <i>16th March 1987</i> |
| <i>Coming into force</i> -    | <i>6th April 1987</i>  |

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 2(1B)(a), (2) and (3), 4(1), 22(1)(b), 24(1)(c), 24(5) and paragraph 1 of Schedule 1 to the Child Benefit Act 1975(d), and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(e), hereby makes the following Regulations:-

**Citation and commencement**

1. These Regulations may be cited as the Child Benefit (General) Amendment Regulations 1987 and shall come into force on 6th April 1987.

**Amendment of the Child Benefit (General) Regulations 1976**

2. The Child Benefit (General) Regulations 1976(f) (hereinafter referred to as "the principal Regulations") shall be amended in accordance with the following provisions of these Regulations.

**Amendment of regulation 1 of the principal regulations**

3. In regulation 1(2) of the principal Regulations (definitions) for the definitions of "advanced education" and "full-time education" there shall be substituted the following definitions-

"advanced education" means full-time education for the purposes of-

- (a) a course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher national diploma of the Business & Technician Education Council or the Scottish Vocational Education Council or a teaching qualification; or
- (b) any other course which is of a standard above ordinary national diploma, a national diploma of the Business & Technician Education Council or a national certificate of the Scottish Vocational Education Council, a general

---

(a) Section 2(1B) was inserted into the Child Benefit Act 1975 by section 70(1)(b) of the Social Security Act 1986 (c.50).

(b) See for explanation of the meaning of "regulations".

(c) See for definition of "prescribed".

(d) 1975 c.61.

(e) See sections 9 and 10 of the Social Security Act 1980 (c.30).

(f) S.I. 1976/965; relevant amending instruments are S.I. 1977/534, 1978/540, 1980/1045, 1982/470, 1983/3, 1984/337, 939.

certificate of education (advanced level), a Scottish certificate of education (higher grade) or a Scottish certificate of sixth year studies;"

“full-time education” means—

- (a) full-time education by attendance at a recognised educational establishment; or
- (b) full-time education, elsewhere than at a recognised educational establishment, where the education is recognised by the Secretary of State under section 2 of the Act; or
- (c) education treated as full-time under regulation 5;"

#### **Substitution of regulation 5 of the principal regulations**

4. For regulation 5 of the principal regulations (circumstances in which a person is to be treated as receiving full-time education) there shall be substituted the following regulation—

##### **“Circumstances in which education is to be treated as full-time education**

5.—(1) For the purposes of the Act the education which is specified in paragraph (2) shall be treated as full-time education.

(2) The education referred to in paragraph (1) is education received by a person attending a course of education at a recognised educational establishment and in the pursuit of that course, the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, exceeds 12 hours per week, so however that in calculating the time spent in pursuit of the course, no account shall be taken of time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment.”

#### **Amendment of regulation 7 of the principal regulations**

5.—(1) In regulation 7 of the principal regulations (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child)—

- (a) in paragraph (1) for the words “paragraph 3” there shall be substituted the words “paragraphs (1A) and (3)”; and
- (b) in sub-paragraph (a) of paragraph (1) the words “and attains that age on or before the terminal date specified in the next paragraph” shall be omitted.

(2) After paragraph (1) of regulation 7 of the principal regulations there shall be inserted the following paragraph—

“(1A) In the case of a person specified in either sub-paragraph (a) or (b) of paragraph (1) who had not attained compulsory school age when he ceased to receive full-time education, the terminal date in his case shall be that specified in sub-paragraph (a), or (b) or (c) of paragraph (2) whichever next follows the date on which he would have attained that age.”

(3) After paragraph (2) of regulation 7 of the principal regulations there shall be inserted the following paragraph—

“(2A) In this regulation “compulsory school age” means—

- (a) in England and Wales, the upper limit of compulsory school age as determined in accordance with section 9 of the Education Act 1962(a);
- (b) in Scotland, the upper limit of school age as determined in accordance with sections 31 and 33 of the Education (Scotland) Act 1980(b).”

(4) After paragraph (3) of regulation 7 of the principal regulations there shall be added the following three paragraphs—

“(4) Subject to paragraphs (3) and (6), a person whose name was entered as a

---

(a) 1962 c.12 as amended by the Education (School-leaving Dates) Act 1976 (c.5).

(b) 1980 c.44.

candidate for any external examination in connection with full-time education not being advanced education, which he was receiving at that time, shall so long as his name continued to be so entered before ceasing to receive such education continue to be treated as a child for any week in the period specified in paragraph (5).

(5) Subject to paragraph (6), the period specified for the purposes of paragraph (4) is the period beginning with the date when that person ceased to receive such education ending with—

(a) whichever of the dates in sub-paragraphs (a), (b) and (c) of paragraph (2) first occurs after the conclusion of the examination (or the last of them, if there are more than one), or

(b) the expiry of the week which includes the last Monday before his 19th birthday,

whichever is the earlier.

(6) The period specified in paragraph (5) shall in the case of a person who has not attained the age of 16 when he so ceased, begin with the date on which he attained that age.”.

#### **Amendment of regulation 16 of the principal regulations**

6. After paragraph (8) of regulation 16 of the principal regulations (children in detention, care etc.) there shall be added the following two paragraphs—

“(9) Paragraph (6) shall not apply in respect of any child in the care of a local authority who has been placed for adoption in the home of a person proposing to adopt him, provided that a local authority is making a payment in respect of either the child’s accommodation or maintenance or both, under section 21 of the Child Care Act 1980 or section 21 of the Social Work (Scotland) Act 1968.

(10) For the purposes of paragraph (9), placing for adoption means placing for adoption in accordance with the Adoption Agencies Regulations 1983(a) or the Adoption Agencies (Scotland) Regulations 1984(b).”.

#### **Amendment of references to the Boarding-out of Children (Scotland) Regulations 1959**

7. In paragraphs (5)(b) and (8) of regulation 16 of the principal regulations and in paragraphs (1)(b) and (7) of regulation 17 of those regulations (right to benefit of voluntary organisations) for the words “the Boarding-out of Children (Scotland) Regulations 1959”, in each place where they occur, there shall be substituted the words “the Boarding-out and Fostering of Children (Scotland) Regulations 1985”(c).

#### **Transitional provision**

8. Notwithstanding the provisions of paragraphs (9) and (10) of regulation 16 of the principal regulations (which were added thereto by regulation 6 of these regulations), a person shall continue to be entitled to child benefit under paragraph (6) of the said regulation 16 where he was so entitled in the week prior to the week commencing on 6th April 1987 provided that he otherwise satisfies the conditions of entitlement to child benefit.

Signed by authority of the Secretary of State for Social Services.

*John Major*

5th March 1987

Minister of State, Department of Health and Social Security

---

(a) S.I. 1983/1964.

(b) S.I. 1984/988.

(c) S.I. 1985/1799; these regulations revoked and replaced the Boarding-out of Children (Scotland) Regulations 1959 (S.I. 1959/835).

## EXPLANATORY NOTE

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

These Regulations further amend the Child Benefit (General) Regulations 1976 ("the 1976 Regulations").

A revised definition of "advanced education" and "full-time education" is inserted by regulation 3 into the 1976 Regulations.

Regulation 4 replaces regulation 5 of the 1976 Regulations with a new regulation 5 which specifies education that is to be treated as full-time education.

Regulation 5 amends regulation 7 of the 1976 Regulations. The amended provision further provides for treating persons as entitled to child benefit for a specified period upon their ceasing to receive full-time education; and also in certain cases where a person has been entered for an external examination.

Regulation 6 adds two new paragraphs, (9) and (10), to regulation 16 of the 1976 Regulations so as to provide that there will be no title to child benefit in the case of a child in care, who is placed for adoption and in respect of whom a local authority is making a payment.

Regulation 7 up-dates references to superseded provisions in regulations 16 and 17 of the 1976 Regulations.

Regulation 8 is a transitional provision relating to the continuation of entitlement to child benefit in respect of a child placed for adoption prior to 6th April 1987.

The Report of the Social Security Advisory Committee dated 17th December 1986 relevant to these Regulations is contained in Command Paper No. 106 published by Her Majesty's Stationery Office.

80p net

ISBN 0 11 076357 2