
STATUTORY INSTRUMENTS

1991 No. 2105

SOCIAL SECURITY

The Child Benefit (General) Amendment Regulations 1991

Made - - - - 18th September 1991
23rd September
Laid before Parliament 1991
Coming into force - - 14th October 1991

Secretary of State for Social Security, in exercise of powers conferred by sections 3(3), 22(1)(b) and 24(1) of, and paragraph 1 of Schedule 1 to, the Child Benefit Act 1975(1), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(2), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit (General) Amendment Regulations 1991 and shall come into force on 14th October 1991 immediately following the coming into force of such provisions of the Children Act 1989(3) as are mentioned in article 3(2) of the Children Act 1989 (Commencement and Transitional Provisions) Order 1991(4).

(2) In these Regulations the expression “the General Regulations” means the Child Benefit (General) Regulations 1976(5).

Amendment of regulation 3 of the General Regulations

2. In regulation 3 of the General Regulations (child in residential accommodation in prescribed circumstances) from the words “section 12 of the Health Services” to the end there shall be substituted the following words—

(1) 1975 c. 61. Section 3(3)(c) was amended by Schedule 15, paragraph 67 of the National Health Service Act 1977 (c. 49) and article 2 of the Children Act 1989 (Consequential Amendment of Enactments) Order 1991 (S.I.1991/1881). Section 22(1)(b) is cited in relation to the power to make regulations. Section 24(1) is cited for the meaning it ascribes to prescribed

(2) See the Social Security Act 1980 (c. 30), section 10(1) and the Social Security Act 1986 (c. 50), section 61(1)(b) and (10); the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4) added a definition of regulations to section 61(10) of the Social Security Act 1986.

(3) 1989 c. 41.

(4) S.I. 1991/828.

(5) S.I. 1976/965; relevant amending instruments are S.I. 1983/3, 1984/337 and 1987/357.

“paragraph 2 of Schedule 8 to the National Health Service Act 1977⁽⁶⁾, the Children Act 1989 or section 37 of the National Health Service (Scotland) Act 1978⁽⁷⁾) are any circumstances in which a child—

- (a) who has attained the age of eighteen is in residential accommodation pursuant to arrangements made under the said paragraph 2 or the said section 37; or
- (b) is in residential accommodation pursuant to arrangements made under section 17(1) of the Children Act 1989 (provision of services for children in need) and is a child to whom—
 - (i) section 17(10)(b) of the Children Act 1989 (impairment of health or development) applies because his health is likely to be significantly impaired, or further impaired, without the provision of services for him; or
 - (ii) section 17(10)(c) of the Children Act 1989 (disability) applies.”.

Amendment of regulation 16 of the General Regulations

3.—(1) Regulation 16 of the General Regulations (children in detention, care etc.) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In paragraph (5) at the end there shall be added the following sub-paragraphs—

- “(f) provided with accommodation by a local authority under sections 20 or 21(2)(c) of the Children Act 1989 (provision of accommodation for children);
- (g) treated by virtue of paragraph 20 of Schedule 14 to the Children Act 1989 (children in voluntary care) as a child who is provided with accommodation under Part III of that Act; or
- (h) in the care of a local authority pursuant to a care order within the meaning of section 105(1) of the Children Act 1989 (interpretation).”.

(3) In paragraph (9)⁽⁸⁾ for the words “section 21 of the Child Care Act 1980⁽⁹⁾” there shall be substituted the words “section 23 of the Children Act 1989”.

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

Michael Jack
Parliamentary Under-Secretary of State,
Department of Social Security

18th September 1991

⁽⁶⁾ 1977 c. 49.

⁽⁷⁾ 1978 c. 29; paragraph 2 of Schedule 15 replaces references to the National Health Service (Scotland) Act 1947 (c. 27) with references to the 1978 Act.

⁽⁸⁾ Regulation 16(9) was added by regulation 6 of S.I. 1987/357.

⁽⁹⁾ 1980 c. 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations further amend the Child Benefit (General) Regulations 1976 “the 1976 Regulations”.

Under regulation 3 of the 1976 Regulations a person may be entitled to child benefit notwithstanding the absence of a child who is in residential accommodation pursuant to certain arrangements. Regulation 2 amends the regulation by specifying the arrangements where the accommodation is provided under the Children Act 1989 and up-dating the reference to a superseded enactment.

Regulation 3 amends regulation 16(5) of the 1976 Regulations as a consequence of the coming into force of the Children Act 1989 so as to provide that there will be no title to child benefit in respect of a child who is looked after by a local authority in specified circumstances.

Regulation 3 also up-dates a reference to a superseded enactment in regulation 16(9) of the 1976 Regulations.