
STATUTORY INSTRUMENTS

2003 No. 492

**The Child Benefit and Guardian's Allowance
(Administration) Regulations 2003**

PART 1

GENERAL

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Child Benefit and Guardian's Allowance (Administration) Regulations 2003 and shall come into force on 7th April 2003 immediately after the commencement of section 50 of the Tax Credits Act 2002⁽¹⁾ for the purposes of entitlement to payment of child benefit and guardian's allowance.

(2) These Regulations have effect only in relation to—

- (a) child benefit and guardian's allowance under the Contributions and Benefits Act; and
- (b) child benefit and guardian's allowance under the Contributions and Benefits (NI) Act.

Commencement Information

II [Reg. 1](#) in force at 7.4.2003, see [reg. 1](#)

Interpretation

2. In these Regulations—

“the adjudicating authority” means—

- (a) the Board;
- (b) an appeal tribunal constituted under ^{F1}... Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998⁽²⁾; or
- (c) a Commissioner ^{F2}... to whom an appeal lies under Article 15 of that Order⁽³⁾;
- (d) [^{F3}the First-tier Tribunal or the Upper Tribunal;]

“the Administration Act” means the Social Security Administration Act 1992⁽⁴⁾;

“the Administration (NI) Act” means the Social Security Administration (Northern Ireland) Act 1992⁽⁵⁾;

(1) 2002 c. 21.

(2) S.I.1998/1506 (N.I. 10).

(3) Article 15 was amended by Schedule 9 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

(4) 1992 c. 5.

(5) 1992 c. 8.

[^{F4}“appropriate office” means—

- (a) Waterview Park, Washington, Tyne and Wear; or
- (b) any other office specified in writing by the Board.]

“the approved form” has the meaning given by regulation 5(1)(a);

“the Board” means the [^{F5}Commissioners for Her Majesty’s Revenue and Customs];

[^{F6}“civil partnership” means two people ^{F7}... who are civil partners of each other and are neither—

- (a) separated under a court order, nor
- (b) separated in circumstances in which the separation is likely to be permanent;]

[^{F8}“cohabiting couple” means two people who are not a married couple or in a civil partnership but are living together as if they were married or civil partners;]

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(6);

“the Contributions and Benefits (NI) Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(7);

“interim payment” has the meaning given by regulation 22(1);

“married couple” means a man and a woman who are married to each other and are neither—

- (a) separated under a court order, nor
- (b) separated in circumstances in which the separation is likely to be permanent;

[^{F9}“partner” means a member of a married couple, [^{F10}a civil partnership or a cohabiting couple]];

“relevant authority” means—

- (a) in relation to child benefit or guardian’s allowance under the Contributions and Benefits Act, the Secretary of State or a person providing services to the Secretary of State;
- (b) in relation to child benefit or guardian’s allowance under the Contributions and Benefits (NI) Act, the Department for Social Development in Northern Ireland or a person providing services to that Department;

^{F11} ...

“writing” includes writing produced by electronic communications used in accordance with Schedule 2.

Textual Amendments

- F1** Words in [reg. 2](#) omitted (3.11.2008) by virtue of [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, [Sch. 1 para. 211\(a\)](#)
- F2** Words in [reg. 2](#) omitted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, [Sch. 1 para. 211\(b\)](#)
- F3** Words in [reg. 2](#) inserted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, [Sch. 1 para. 211\(c\)](#)
- F4** Words in [reg. 2](#) substituted (1.1.2010) by [The Child Benefit and Guardian’s Allowance \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/3268\)](#), regs. 1, [3\(2\)](#)

(6) 1992 c. 4.

(7) 1992 c. 7.

- F5** Words in reg. 2 substituted (10.4.2006) by The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/203), regs. 1, **2(2)(b)**
- F6** Words in reg. 2 inserted (5.12.2005) by The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **12(2)(a)**
- F7** Words in reg. 2 omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 64(2)(a)**
- F8** Words in reg. 2 substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 64(2)(b)**
- F9** Words in reg. 2 substituted (5.12.2005) by The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **12(2)(b)**
- F10** Words in reg. 2 substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 64(2)(c)**
- F11** Words in reg. 2 omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 64(2)(d)**

Commencement Information

- I2** Reg. 2 in force at 7.4.2003, see **reg. 1**

Use of electronic communications

3. Schedule 2 (the use of electronic communications) has effect.

Commencement Information

- I3** Reg. 3 in force at 7.4.2003, see **reg. 1**

Notification for purposes of sections 111A and 112 of the Administration Act and sections 105A and 106 of the Administration (NI) Act

4.—(1) This regulation prescribes the person to whom, and manner in which, a change of circumstances must be notified for the purposes of sections 111A(1A) to (1G) and 112(1A) to (1F) of the Administration Act(8) and sections 105A(1A) to (1G) and 106(1A) to (1F) of the Administration (NI) Act (offences relating to failure to notify a change of circumstances)(9).

(2) Notice of the change of circumstances must be given to the Board, or, where relevant, a relevant authority, in writing (except where they determine or it determines, in any particular case, that they or it will accept a notice other than in writing) by delivering or sending it to an appropriate office.

Commencement Information

- I4** Reg. 4 in force at 7.4.2003, see **reg. 1**

(8) Section 111A was inserted by section 13 of the Social Security Administration Fraud Act 1997 (c. 47) and subsections (1A) to (1G) of that section, and subsections (1A) to (1F) of section 112, were substituted by section 16 of the Social Security Fraud Act 2001 (c. 11).

(9) Section 105A was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11) and subsections (1A) to (1G) of that section, and subsections (1A) to (1F) of section 106, were substituted by section 15 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17).

Changes to legislation:

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 1.