
STATUTORY INSTRUMENTS

2005 No. 2919

The Civil Partnership Act 2004 (Tax Credits,
etc.) (Consequential Amendments) Order 2005

PART 3

AMENDMENTS RELATING TO CHILD
BENEFIT AND GUARDIAN'S ALLOWANCE

Amendment of the Child Benefit (General) Regulations 2003

- 10.**—(1) The Child Benefit (General) Regulations 2003(1) shall be amended as follows.
- (2) In regulation 1(2) (interpretation)—
- (a) after the definition of “the Children Order” insert—
- ““civil partnership” means two people of the same sex 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; “cohabiting same-sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;”; and
- (b) for the definition of “partner” substitute—
- ““partner” means, except in regulation 12, where a person is a member of—
- (a) a married couple,
- (b) an unmarried couple,
- (c) a cohabiting same-sex couple, or
- (d) a civil partnership,
- the other member of that couple or partnership as the case may be.”.
- (3) In regulation 4(4) (prescribed circumstances relating to contributions and expenditure in respect of a child) after “spouses” insert “or civil partners”.
- (4) In regulation 12(1) (child living with another person as his spouse)—
- (a) after “spouse” insert “or civil partner”; and
- (b) in the heading to regulation 12 add “or civil partner”.
- (5) For regulation 13 (married child) substitute—

“Child in a relevant relationship

13.—(1) A person is not disentitled to child benefit in respect of a child in a relevant relationship by virtue of paragraph 3 of Schedule 9 to the Contributions and Benefits Act or paragraph 3 of Schedule 9 to the Contributions and Benefits (NI) Act (unless regulations otherwise provide no person to be entitled to child benefit in respect of a child in a relevant relationship) if—

- (a) that person is not the spouse or civil partner of that child; and
- (b) that child is not residing with his spouse or civil partner, or if he is, the spouse or civil partner is receiving full-time education.

(2) In this regulation, “relevant relationship” means a marriage or civil partnership.”.

(6) In regulation 34 (persons treated as residing together)—

- (a) in paragraph (a) omit “but not husband and wife”; and
- (b) in paragraph (b) after “spouses” insert “or two persons who are parents of a child”.

Amendment of the Guardian’s Allowance (General) Regulations 2003

11.—(1) The Guardian’s Allowance (General) Regulations 2003⁽²⁾ shall be amended as follows.

(2) For regulation 6(1)(a) (marriage of a child’s parents has been terminated by divorce) substitute—

- “(a) the marriage or the civil partnership of a child’s parents has been terminated by divorce or dissolved;”.

Amendment of the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003

12.—(1) The Child Benefit and Guardian’s Allowance (Administration) Regulations 2003⁽³⁾ shall be amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Board” insert—

““civil partnership” means two people of the same sex 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;

“cohabiting same-sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;”;

(b) in the definition of “partner” substitute—

““partner” means a member of a married couple, an unmarried couple, or a cohabiting same-sex couple or a civil partnership”.

Amendment of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976

13.—(1) The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976⁽⁴⁾ shall be amended as follows.

(2) S.I. 2003/495.
(3) S.I. 2003/492.
(4) S.I. 1976/1267.

- (2) In regulation 2(2ZA)(5) (weekly rates of child benefit)—
 - (a) in paragraph (a) after “spouse” insert “or civil partner” in each place it occurs; and
 - (b) in paragraph (c) after “spouse” insert “, civil partner”.

Amendment of the Child Benefit and Social Security (Fixing and Adjustment of Rates) (Northern Ireland) Regulations 1976

14.—(1) The Child Benefit and Social Security (Fixing and Adjustment of Rates) (Northern Ireland) Regulations 1976(6) shall be amended as follows.

- (2) In regulation 2(2ZA)(7) (weekly rates of child benefit)—
 - (a) in paragraph (a) after “spouse” insert “or civil partner” in each place it occurs; and
 - (b) in paragraph (c) after “spouse” insert “, civil partner”.

(5) Paragraph (2ZA) was inserted by regulation 2(b) of S.I. 1991/502.

(6) S.R. 1976 No. 223.

(7) Paragraph (2ZA) was inserted by regulation 2(b) of S.R. 1991 No. 82.