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STATUTORY INSTRUMENTS

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**2021 No. 1039**

**SOCIAL SECURITY**

**The Child Benefit (General) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>at 11.45 a.m. on 14th September 2021</i>
<i>Laid before Parliament</i>		<i>at 4.00 p.m. on 14th September 2021</i>
<i>Coming into force</i>	- -	<i>15th September 2021</i>

The Treasury, in exercise of the powers conferred by sections 146(3) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1), sections 142(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) and now exercisable by them(3), make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Child Benefit (General) (Amendment) Regulations 2021 and come into force on 15th September 2021.

**Amendment of the Child Benefit (General) Regulations 2006**

2.—(1) The Child Benefit (General) Regulations 2006(4) are amended as follows.

(2) In regulation 23 (circumstances in which person treated as not being in Great Britain), after sub-paragraph (o) of paragraph (6), insert—

“(p) has been granted leave to enter, or remain in, the United Kingdom under the Immigration Rules(5) made under section 3(2) of the Immigration Act 1971(6) by virtue of—

(i) the Afghan Relocations and Assistance Policy, or

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- (1) 1992 c. 4. Section 146(3) was amended by paragraph 13 of Schedule 1(1) to the Child Benefit Act 2005 (c. 6). Section 147(1) of the Social Security Contributions and Benefits Act 1992 defines “prescribed” as meaning “prescribed by regulations”.
- (2) 1992 c. 7. Section 142(3) was substituted by section 56(1) of the Tax Credits Act 2002 (c. 21) (“the 2002 Act”) and amended by paragraph 39 of Schedule 1(2) to the Child Benefit Act 2005. Section 143 defines “prescribed” as meaning “prescribed by regulations”.
- (3) The powers of the Secretary of State under section 146(3) of the Social Security Contributions and Benefits Act 1992 were transferred to the Treasury by section 49(1)(b) of the 2002 Act. The powers of the Department for Social Development in Northern Ireland were transferred to the Treasury by section 49(2)(b) of the 2002 Act.
- (4) S.I. 2006/223, amended by S.I. 2014/1511, 2018/788 and 2020/1309; there are other amending instruments but none is relevant.
- (5) Laid before Parliament on 23rd May 1994 (HC 395), as amended.
- (6) 1971 c. 77; there are amendments but none is relevant.

- (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
  - (q) has been granted leave to enter, or remain in, the United Kingdom—
    - (i) under the Immigration Rules made under section 3(2) of the Immigration Act 1971, or
    - (ii) outside the Immigration Rules, by virtue of the Afghan Citizens Resettlement Scheme;
  - (r) left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.”.
- (3) In regulation 27 (circumstances in which person treated as not being in Northern Ireland), after sub-paragraph (o) of paragraph (5), insert—
- “(p) has been granted leave to enter, or remain in, the United Kingdom under the Immigration Rules made under section 3(2) of the Immigration Act 1971 by virtue of—
    - (i) the Afghan Relocations and Assistance Policy, or
    - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
  - (q) has been granted leave to enter, or remain in, the United Kingdom—
    - (i) under the Immigration Rules made under section 3(2) of the Immigration Act 1971, or
    - (ii) outside the Immigration Rules, by virtue of the Afghan Citizens Resettlement Scheme;
  - (r) left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.”.

*Alan Mak*

*James Morris*

Two of the Lords Commissioners of Her Majesty’s Treasury

At 11.45 a.m. on 14th September 2021

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## EXPLANATORY NOTE

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

These Regulations amend child benefit legislation by inserting an exception to the 3-month residence requirement for the purposes of entitlement to child benefit.

Regulation 1 provides for citation and commencement.

Regulation 2 amends regulations 23 and 27 of the Child Benefit (General) Regulations 2006 (S.I. 2006/223) (“the principal Regulations”). Regulation 23 of the principal Regulations sets out the circumstances in which a person is treated as not being in Great Britain for the purposes of entitlement to child benefit. In particular, paragraph (5) sets out a 3-month residence requirement, with paragraph (6) providing for exceptions to this requirement. Regulation 2(2) of these Regulations amends paragraph (6) of regulation 23 of the principal Regulations to include an exception to that requirement for any person who has been granted leave under the Afghanistan Relocations and Assistance Policy, the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme) or the Afghan Citizens Resettlement Scheme. It also amends paragraph (6) to include an exception for any person who has left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021. Regulation 27 of the principal Regulations makes identical provision in respect of Northern Ireland. Paragraph (4) sets out the 3-month residence requirement, with paragraph (5) providing for exceptions to this requirement. Regulation 2(3) of these Regulations amends paragraph (5) of regulation 27 of the principal Regulations to include identical exceptions in relation to Northern Ireland.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.