

1976 No. 329

SOCIAL SECURITY

**The Child Benefit (Miscellaneous Minor Amendments) Regulations
(Northern Ireland) 1976**

Made 5th November 1976

Coming into operation 13th December 1976

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(3), 5(5), 8(3), 15(1) and 22(1) of, and paragraph 5 of Schedule 1 to, the Child Benefit (Northern Ireland) Order 1975(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit (Miscellaneous Minor Amendments) Regulations (Northern Ireland) 1976 and shall come into operation on 13th December 1976.

(2) In these regulations—

“the Claims and Payments Regulations” means the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976(b);

“the General Regulations” means the Child Benefit (General) Regulations (Northern Ireland) 1976(c);

“the Residence and Persons Abroad Regulations” means the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976(d),

and each provision of these regulations which amends other regulations shall be read as one with the regulations which it amends.

Amendment of the Claims and Payments Regulations

2.—(1) In regulation 9 of the Claims and Payments Regulations (modification of Article 8(3) of the Child Benefit (Northern Ireland) Order 1975 which Article provides that, except where regulations otherwise provide, no person shall be entitled to benefit for any week on a claim made by him after that week if benefit in respect of the same child has already been paid for that week to another person, whether or not that other person was entitled to it) at the end of paragraph (b) there shall be added “in a case where the determining authority has decided that that benefit while not properly payable is not required to be repaid.”

(2) In Part V of the Claims and Payments Regulations (transitional provisions) after regulation 16 there shall be inserted the following regulation:

“Treating a claim to benefit under Article 18 of the Order as a claim to an increase

16A. If the Department in its discretion so determines, a claim to benefit under Article 18 of the Order (interim benefit for unmarried or separated parents with children) made in the transitional period may be treated as a claim to an increase.”

(a) S.I. 1975/1504 (N.I. 16)
(b) S.R. 1976 No. 224

(c) S.R. 1976 No. 226
(d) S.R. 1976 No. 227

Amendment of the General Regulations

3.—(1) In regulation 2 of the General Regulations (special provisions as to contributions and expenditure in respect of a child) in paragraph (1) for “made” there shall be substituted “contributed”.

(2) After regulation 6 of the General Regulations there shall be inserted the following regulation:

“Circumstances in which a person who has ceased to receive full-time education is to be treated as continuing to receive such education

6A. A person who ceases to receive full-time education not before May of 1977 but before the week which contains the last Sunday in June of that year shall if—

- (a) he is under the age of seventeen when he so ceases; and
- (b) he was not entitled to cease to attend school before the beginning of the 1977 summer term,

be treated as continuing to receive full-time education until the week which includes that Sunday; and similarly with regard to the year 1978.”

(3) In regulation 14 of the General Regulations (set-off of benefit against arrears of a non-contributory invalidity pension and of a non-contributory invalidity pension against arrears of benefit) after paragraph (2) there shall be added the following paragraph:

“(3) For any period for which—

- (a) a person would have been entitled to benefit in respect of a child but for the provisions of paragraph 5 of Schedule 1 to the Order (except where regulations otherwise provide, no person to be entitled to benefit in respect of a child for any week in which the child is entitled to a non-contributory invalidity pension under the Social Security Act); and
- (b) benefit paid in respect of that child is treated as properly paid under paragraph (1),

the said paragraph 5 shall not apply in relation to that person and that child for the purpose, but only for the purpose, of determining the weekly rate of benefit to which that person is entitled in respect of any other child.”

Amendment of the Residence and Persons Abroad Regulations

4.—(1) In regulation 4 of the Residence and Persons Abroad Regulations (circumstances in which a person may be entitled to benefit in respect of a child for a week in which that person is absent from Northern Ireland) after paragraph (2) there shall be inserted the following paragraph:

“(2A) If a person dies while paragraph (2) applies to him, the said Article 15(3)(a) shall not operate to disentitle another person to benefit in respect of a child, being a child in respect of whom the deceased was entitled to benefit immediately before his death, for any week which falls within a period of twenty-six weeks beginning with the first week of the deceased’s absence from Northern Ireland.”

(2) In regulation 5 of the said Regulations (circumstances in which a person may be entitled to benefit in respect of a child for a week where that person has not been in Northern Ireland for more than one hundred and eighty-two days in the fifty-two weeks preceding that week) for sub-paragraph (a) of paragraph (2) there shall be substituted the following sub-paragraph:

“(a) in that week that child satisfies or, otherwise than by virtue of regulation 3(2)(a), is to be regarded as satisfying the requirements in Article 15(2)(a) and (b) of the Order and that person is in fact in Northern Ireland and responsible for that child within the meaning of Article 5(1) of the Order; or”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 5th November 1976.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

Regulation 1 relates to the citation, commencement and interpretation of these regulations.

Regulations 2 and 4 make minor amendments to the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976 and to the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976 respectively.

Regulation 3, besides making minor amendments to the Child Benefit (General) Regulations (Northern Ireland) 1976, inserts in those regulations a new regulation 6A which specifies the circumstances in which a person who has ceased to receive full-time education is to be treated as continuing to receive such education.