
STATUTORY INSTRUMENTS

1976 No. 963

The Child Benefit (Residence and Persons Abroad) Regulations 1976

PART I

GENERAL

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 Great Britain for more than 182 days in the 52 weeks preceding that week

5.—(1) Section 13(3)(b) of the Act (subject to regulations, no person to be entitled to benefit in respect of a child for a week if that person has not been in Great Britain for more than 182 days in the 52 weeks preceding that week) shall have effect subject to the following provisions of this regulation and to the provisions of Parts II and III of these regulations.

(2) The said section 13(3)(b) shall not operate to disentitle a person to benefit in respect of a child for any week if—

- [^{F1}(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 section 13(2)(a) and (b) of the Act and that person is in fact in Great Britain and responsible for that child within the meaning of section 3(1) of the Act; or]
- (b) that week begins in a period of 183 consecutive days throughout which (disregarding up to 28 days of temporary absence from Great Britain, whether consecutive or not) that person is likely to be in Great Britain; and before that week but within that period that person, while in Great Britain, has been an employed earner (not being an employed earner in relation to whom primary Class 1 contributions are not payable by reason of regulation 113(2) or (3) of the Social Security (Contributions) Regulations 1975⁽¹⁾ (primary and secondary Class 1 contributions not payable in relation to certain persons who are ordinarily neither resident nor employed in the United Kingdom)) or a self-employed earner (not being a self-employed earner who is not liable to pay Class 2 contributions by reason of regulation 113(1)(d) of those regulations (liability of a person to pay contributions as a self-employed earner related to that person's being ordinarily resident, or resident for a certain time, in Great Britain)); or
- (c) in that week that person is in fact in Great Britain and residing with his spouse who satisfies or is to be regarded as satisfying the requirements in the said section 13(3)(b); or
- (d) in that week that person is in fact in Great Britain; and that week begins in a period of 183 consecutive days throughout which (disregarding up to 28 days of temporary absence from Great Britain whether consecutive or not) that person is likely to be in Great Britain; and for a week not more than 156 weeks before that week—
 - (i) that person was entitled to benefit in respect of a child; or

⁽¹⁾ (1975 I, p. 1516).

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(ii) that person's spouse (if any) was so entitled and when so entitled, or in that week, was residing with that person.

(3) The expressions “employed earner”, “self-employed earner”, “primary Class 1 contributions” and “Class 2 contributions” used in paragraph (2)(b) shall have the same meanings as the corresponding expressions in the Social Security Act; and if a question arises as to whether a person has been such an employed earner or such a self-employed earner as is referred to in that paragraph that question shall be determined by the Secretary of State as if it were a question arising under that Act.

(4) For the purposes of the said section 13(3)(b) a week in which under the provisions of regulation 4 a person is to be regarded as satisfying the requirement in section 13(3)(a) and any week for which a person is entitled to benefit in respect of a child shall be treated as a week in which that person is in Great Britain.

Textual Amendments

F1 Reg. 5(2)(a) substituted (22.11.1976) by [The Child Benefit \(Miscellaneous Minor Amendments\) Regulations 1976 \(S.I. 1976/1758\)](#), regs. 1, **4(2)**

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