

SCHEDULE 1

MEANING OF “CHILD” FOR THE PURPOSES OF THE ACT

Persons of 16 or 17 years of age who are not in full-time non-advanced education

1.—(1) Subject to sub-paragraph (3), the conditions which must be satisfied for a person to be a child within section 55(1)(c) of the Act are—

- (a) the person is registered for work or for training under youth training with—
 - (i) the Department of Employment;
 - (ii) the Ministry of Defence;
 - (iii) in England and Wales, a local education authority within the meaning of the Education Acts 1944 to 1992;
 - (iv) in Scotland, an education authority within the meaning of section 135(1) of the Education (Scotland) Act 1980(1) (interpretation); or
 - (v) for the purposes of applying Council Regulation (EEC) No. 1408/71(2), any corresponding body in another member State;
 - (b) the person is not engaged in remunerative work, other than work of a temporary nature that is due to cease before the end of the extension period which applies in the case of that person;
 - (c) the extension period which applies in the case of that person has not expired; and
 - (d) immediately before the extension period begins, the person is a child for the purposes of the Act without regard to this paragraph.
- (2) For the purposes of paragraphs (b), (c) and (d) of sub-paragraph (1), the extension period—
- (a) begins on the first day of the week in which the person would no longer be a child for the purposes of the Act but for this paragraph; and
 - (b) where a person ceases to fall within section 55(1)(a) of the Act or within paragraph 5—
 - (i) on or after the first Monday in September, but before the first Monday in January of the following year, ends on the last day of the week which falls immediately before the week which includes the first Monday in January in that year;
 - (ii) on or after the first Monday in January but before the Monday following Easter Monday in that year, ends on the last day of the week which falls 12 weeks after the week which includes the first Monday in January in that year;
 - (iii) at any other time of the year, ends on the last day of the week which falls 12 weeks after the week which includes the Monday following Easter Monday in that year.
- (3) A person shall not be a child for the purposes of the Act under this paragraph if—
- (a) he is engaged in training under youth training; or
 - (b) he is entitled to income support.

(1) 1980 c. 44.

(2) O.J. No.L149, 5.7.1971; Regulations (EEC) No. 1408/71 and No. 574/72 were restated in amended form in Council Regulation (EEC) No. 2001/83 (O.J. No.L230, 22.8.1983) and further amended by Council Regulations (EEC) Nos. 1660/85 (O.J. No.L160, 20.6.1985); 1661/85 (O.J. No.L160, 20.6.1985); Commission Regulation (EEC) No. 513/86 (O.J. No.L51, 28.2.1986) and Articles 60 and 220 of, and Point 1, Part VIII of Annex I to the Act of Accession to the European Communities of Spain and Portugal; 3811/86 (O.J. No.L355, 16.12.1986).