
STATUTORY INSTRUMENTS

2003 No. 492

**The Child Benefit and Guardian's Allowance
(Administration) Regulations 2003**

PART 2

CLAIMS AND AWARDS

Making a claim

5.—^[F1](1) A claim, or an extension of a claim, for child benefit or guardian's allowance must be made—

- (a) to the Board, in writing and completed on a form approved or authorised by the Board for the purpose of the claim; or
- (b) in such other manner as the Board may decide having regard to all the circumstances.]

(2) The person making the claim must deliver or send it to an appropriate office.

(3) Subject to regulation 10, the claim is made on the date on which it is received by the appropriate office.

Textual Amendments

F1 Reg. 5(1) substituted (1.1.2010) by [The Child Benefit and Guardian's Allowance \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/3268\)](#), regs. 1, 3(3)

Commencement Information

II Reg. 5 in force at 7.4.2003, see [reg. 1](#)

Time within which claims to be made

6.—^[F2](1) The time within which a claim for child benefit or guardian's allowance is to be made is 3 months beginning with any day on which, apart from satisfying the conditions for making the claim, the person making the claim is entitled to the benefit or allowance.

^[F3](2) Paragraph (1) shall not apply where—

- (a) a person has been awarded child benefit or guardian's allowance while he was present and residing in Great Britain, or Northern Ireland;
- (b) at a time when payment of the award has not been suspended or terminated (under regulations 18 to 20 of the [Child Benefit and Guardian's Allowance \(Decisions and Appeals\) Regulations 2003](#) or otherwise), he takes up residence in Northern Ireland, or Great Britain as the case may be (“the new country of residence”); and
- (c) a new claim for that benefit or allowance is made in the new country of residence, for a period commencing on the later of—

- (i) the date of the change of residence referred to in sub-paragraph (b), or
 - (ii) the date on which, apart from satisfying the conditions for making the claim, the person became entitled to the benefit or allowance under the legislation of the new country of residence.]
- [^{F4}(d) a person who has claimed asylum and, on or after 6th April 2004, makes a claim for that benefit or allowances and satisfies the following conditions—
- (i) the person is notified that he has been recorded as a refugee by the Secretary of State; and
 - (ii) he claims that benefit or allowance within 3 months of receiving that notification.]
- [^{F5}(e) a person who has been granted section 67 leave makes a claim for that benefit or allowance within three months of receiving notification from the Secretary of State of the grant of that leave.]

[^{F6}(3) In a case falling within paragraph (2)(d) [^{F7}or (2)(e)] the person making the claim shall be treated as having made it on the date when he submitted his claim for asylum.]

[^{F8}(4) In this regulation “section 67 leave” means leave to remain in the United Kingdom granted by the Secretary of State to a person who has been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016.]

Textual Amendments

- F2** Reg. 6 renumbered as reg. 6(1) (3.9.2003) by *The Child Benefit and Guardian's Allowance (Administration) (Amendment No. 3) Regulations 2003* (S.I. 2003/2107), regs. 1, **3(1)**
- F3** Reg. 6(2) added (3.9.2003) by *The Child Benefit and Guardian's Allowance (Administration) (Amendment No. 3) Regulations 2003* (S.I. 2003/2107), regs. 1, **3(2)**
- F4** Reg. 6(2)(d) added (6.4.2004) by *The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2004* (S.I. 2004/761), regs. 1, **2(2)**
- F5** Reg. 6(2)(e) inserted (20.7.2018) by *The Child Benefit, Tax Credits and Childcare Payments (Section 67 Immigration Act 2016 Leave) (Amendment) Regulations 2018* (S.I. 2018/788), regs. 1, **3(2)(a)**
- F6** Reg. 6(3) added (6.4.2004) by *The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2004* (S.I. 2004/761), regs. 1, **2(3)**
- F7** Words in reg. 6(3) inserted (20.7.2018) by *The Child Benefit, Tax Credits and Childcare Payments (Section 67 Immigration Act 2016 Leave) (Amendment) Regulations 2018* (S.I. 2018/788), regs. 1, **3(2)(b)**
- F8** Reg. 6(4) inserted (20.7.2018) by *The Child Benefit, Tax Credits and Childcare Payments (Section 67 Immigration Act 2016 Leave) (Amendment) Regulations 2018* (S.I. 2018/788), regs. 1, **3(2)(c)**

Commencement Information

- I2** Reg. 6 in force at 7.4.2003, see **reg. 1**

Evidence and information

7.—[^{F9}(1) The Board may require the person making the claim for child benefit or guardian's allowance to supply such information or evidence in connection with the claim, or any questions arising out of it, as the Board considers reasonable.]

- (2) A person required under paragraph (1) to furnish ^{F10}... information and evidence must do so—
 - (a) within one month of being required by the Board to do so; or
 - (b) within such longer period as the Board may consider reasonable.

^{F11}(3)

Textual Amendments

- F9** Reg. 7(1) substituted (15.3.2023) by The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/179), regs. 1, **4(2)(a)**
- F10** Words in reg. 7(2) omitted (15.3.2023) by virtue of The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/179), regs. 1, **4(2)(b)**
- F11** Reg. 7(3) omitted (15.3.2023) by virtue of The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/179), regs. 1, **4(2)(c)**

Commencement Information

- I3** Reg. 7 in force at 7.4.2003, see **reg. 1**

Amending claims

8.—(1) A person who has made a claim for child benefit or guardian's allowance may amend it by giving to the Board or a relevant authority notice in writing in accordance with paragraph (2).

(2) A notice under paragraph (1) must be delivered or sent to an appropriate office at any time before a determination has been made on the claim.

(3) The Board may treat a claim amended in accordance with this regulation as if it had been so amended when first made.

Commencement Information

- I4** Reg. 8 in force at 7.4.2003, see **reg. 1**

Withdrawing claims

9.—^{F12}(1) A person who has made a claim for child benefit or guardian's allowance may withdraw it by giving notice—

- (a) in writing to the Board,
- (b) by telephone to the Board, or
- (c) in such other manner as the Board may accept as sufficient in the circumstances of the particular case.]

(2) A notice of withdrawal given in accordance with paragraph ^{F13}(1)(a)] has effect when it is received by an appropriate office.

Textual Amendments

- F12** Reg. 9(1) substituted (21.3.2019) by The Tax Credits, Child Benefit and Childcare Payments (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/364), regs. 1, **10(2)(a)**
- F13** Word in reg. 9(2) substituted (21.3.2019) by The Tax Credits, Child Benefit and Childcare Payments (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/364), regs. 1, **10(2)(b)**

Commencement Information

- I5** Reg. 9 in force at 7.4.2003, see **reg. 1**

Defective applications

10.—(1) If an appropriate office receives a defective application, the Board or the relevant authority may refer it back to the person making it or supply him with the approved form for completion.

(2) Where—

- (a) in accordance with paragraph (1), a defective application has been referred back, or an approved form supplied, to a person; and
- (b) a claim is received by an appropriate office—
 - (i) within the period of one month beginning with the date on which the defective application was referred back or the approved form was supplied; or
 - (ii) within such longer period as the Board may consider reasonable,
 the claim shall be treated as having been made on the date on which the appropriate office received the defective application.

(3) “Defective application” means an intended claim which—

- (a) is made on an approved form which has not been completed in accordance with the instructions on it; or
- (b) is in writing but is not made on the approved form.

Commencement Information

I6 [Reg. 10](#) in force at 7.4.2003, see [reg. 1](#)

Claims for child benefit treated as claims for guardian’s allowance and vice versa

11.—(1) Where it appears to the Board that a person who has made a claim for child benefit in respect of a child [^{F14}or qualifying young person] may be entitled to guardian’s allowance in respect of the same child [^{F15}or qualifying young person], the Board may treat, either in the alternative or in addition, the claim as being a claim for guardian’s allowance by that person.

(2) Where it appears to the Board that a person who has made a claim for guardian’s allowance in respect of a child [^{F14}or qualifying young person] may be entitled to child benefit in respect of the same child [^{F15}or qualifying young person], the Board may treat, either in the alternative or in addition, the claim as being a claim for child benefit by that person.

Textual Amendments

F14 Words in [reg. 11\(1\)\(2\)](#) inserted (10.4.2006) by [The Child Benefit and Guardian’s Allowance \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/203\)](#), [regs. 1, 2\(4\)\(a\)](#)

F15 Words in [reg. 11\(1\)\(2\)](#) inserted (10.4.2006) by [The Child Benefit and Guardian’s Allowance \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/203\)](#), [regs. 1, 2\(4\)\(b\)](#)

Commencement Information

I7 [Reg. 11](#) in force at 7.4.2003, see [reg. 1](#)

Advance claims and awards

12.—(1) This regulation applies where a person who has made a claim for child benefit or guardian's allowance does not satisfy the requirements for entitlement on the date on which the claim is made.

(2) If the Board are of the opinion that, unless there is a change of circumstances, the person will satisfy those requirements for a period beginning with a date ("the relevant date") not more than 3 months after the date on which the claim is made, they—

- (a) may treat the claim as if made for a period beginning with the relevant date; and
- (b) may award the benefit or allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when the benefit or allowance becomes payable under the award.

(3) If the requirements for entitlement are found not to have been satisfied on the relevant date, a decision under paragraph (2)(b) to award benefit may be revised under—

- (a) in relation to child benefit and guardian's allowance under the Contributions and Benefits Act, section 9 of the Social Security Act 1998(1);
- (b) in relation to child benefit and guardian's allowance under the Contributions and Benefits (NI) Act, Article 10 the Social Security (Northern Ireland) Order 1998(2).

Commencement Information

18 Reg. 12 in force at 7.4.2003, see reg. 1

Date of entitlement under an award for the purposes of payability

13.—(1) This regulation applies where child benefit or guardian's allowance is awarded for a period of a week or weeks and the earliest date on which entitlement would commence is not a Monday.

(2) For the purposes of determining the day from which the benefit or allowance is to become payable, entitlement shall be treated as beginning on the Monday next following the earliest date referred to in paragraph (1).

Commencement Information

19 Reg. 13 in force at 7.4.2003, see reg. 1

Effective date of change of rate

14. Where a change in the rate of child benefit or guardian's allowance would take effect, but for this regulation, on a day which would not be the appropriate pay day for the benefit or allowance, the change shall take effect from the appropriate pay day next following.

- (1) Section 9 is contained in Chapter 2 of Part 1 of the Social Security Act 1998 (social security decisions and appeals: Great Britain) and the functions of the Secretary of State under that Chapter, so far as relating to child benefit and guardian's allowance, are transferred to the Commissioners of Inland Revenue by section 50(1) and (2)(e) of the Tax Credits Act 2002.
- (2) Article 10 is contained in Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals: Northern Ireland) and the functions of the Department for Social Development in Northern Ireland under that Chapter, so far as relating to child benefit and guardian's allowance, are transferred to the Commissioners of Inland Revenue by section 50(1) and (2)(f) of the Tax Credits Act 2002.

Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 2. (See end of Document for details)

Commencement Information

I10 [Reg. 14](#) in force at 7.4.2003, see [reg. 1](#)

Duration of claims and awards

15.—(1) Subject to paragraphs (2) and (3), a claim for child benefit or guardian's allowance shall be treated as made for an indefinite period and any award shall be made for an indefinite period.

(2) If it would be inappropriate to treat a claim as made and to make an award for an indefinite period (for example, where a relevant change of circumstances is reasonably to be expected in the near future), the claim shall be treated as made for a definite period which is appropriate in the circumstances and any award shall be made for that period.

(3) In any case where benefit or allowance is awarded in respect of days subsequent to the date on which the claim was made, the award shall be subject to the condition that the person by whom the claim was made satisfies the requirements for entitlement.

Commencement Information

I11 [Reg. 15](#) in force at 7.4.2003, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 2.