
STATUTORY INSTRUMENTS

2003 No. 492

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

PART 2

CLAIMS AND AWARDS

Time within which claims to be made

6.—^[F1(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.

^[F2(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.]

^[F3(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.]

^[F4(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.]

^[F5(3)] In a case falling within paragraph (2)(d) ^[F6 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.]

^[F7(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.]

Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, Section 6. (See end of Document for details)

Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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

- I1** Reg. 6 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, Section 6.