
STATUTORY INSTRUMENTS

2006 No. 223

The Child Benefit (General) Regulations 2006

PART 6

Residence

Circumstances in which person treated as not being in Great Britain

23.—(1) A person shall be treated as not being in Great Britain for the purposes of section 146(2)^{M1} of SSCBA if he is not ordinarily resident in the United Kingdom.

(2) [^{F1}Paragraph (1) does] not apply to a Crown servant posted overseas or his partner.

(3) A person who is in Great Britain as a result of his deportation, expulsion or other removal by compulsion of law from another country to Great Britain shall be treated as being ordinarily resident in the United Kingdom ^{F2}....

(4) A person shall be treated as not being in Great Britain for the purposes of section 146(2) of SSCBA where he [^{F3}makes a claim for child benefit on or after 1st May 2004][^{F4} and

(a) does not have a right to reside in the United Kingdom;]^{F5} ...

[^{F6}(b) has a right to reside by virtue of paragraph (1) of regulation 16 of the Immigration (European Economic Area) Regulations 2016, but only in a case where a right exists under that regulation because that person satisfies the criteria in paragraph (5) of that regulation][^{F7}; or]

(c) would fall within sub-paragraph (a) or (b) but for the fact that that person has limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 which has been granted by virtue of

[^{F8}(i) Appendix EU to the immigration rules; or

(ii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules.]

[^{F9}(4A) Paragraph (4)(b) does not apply to a person who is lawfully working in Great Britain—

(a) who—

(i) made a claim for child benefit before 1st January 2021, and

(i) is a national of a State with which the European Union had, before 1st January 2021, concluded an agreement under Article 217 of the Treaty on the Functioning of the European Union providing in the field of social security for the equal treatment of workers who are nationals of the signatory State and their families; or

(b) who is a national of a State with which the United Kingdom has concluded an agreement which replaces, in whole or in part, an EU Agreement which has ceased to apply in the United Kingdom.]

[^{F10}(4B) Paragraph (4)(c) [^{F11}(i)] does not apply to a person who—

- (a) has limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 which has been granted by virtue of Appendix EU to the Immigration Rules;
- (b) has been granted such leave in reliance of being a family member of a relevant person of Northern Ireland in accordance with those Rules; and
- (c) would have a right to reside under the Immigration (European Economic Area) Regulations 2016 if the relevant person of Northern Ireland were an EEA national within the meaning of regulation 2 of those Regulations.]

F12(5)

F12(6)

F12(7)

F1	Words in reg. 23(2) substituted (27.10.2023) by The Child Benefit and Tax Credits (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/1139) , regs. 1, 2(2)(a)
F2	Words in reg. 23(3) omitted (27.10.2023) by virtue of The Child Benefit and Tax Credits (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/1139) , regs. 1, 2(2)(b)
F3	Words in reg. 23(4) inserted (16.8.2007) by The Child Benefit (General) (Amendment) Regulations 2007 (S.I. 2007/2150) , regs. 1, 8
F4	Words in reg. 23(4) substituted (8.11.2012) by The Child Benefit and Child Tax Credit (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/2612) , regs. 1, 3
F5	Word in reg. 23(4)(a) omitted (7.5.2019) by virtue of The Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/867) , regs. 1, 2(2)(a)
F6	Reg. 23(4)(b) substituted (21.3.2019) by The Tax Credits, Child Benefit and Childcare Payments (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/364) , regs. 1, 11(4)(a)
F7	Reg. 23(4)(c) and preceding word inserted (7.5.2019) by The Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/867) , regs. 1, 2(2)(b)
F8	Reg. 23(4)(c)(i)(ii) substituted for words (31.12.2020 immediately after IP completion day) by The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020 (S.I. 2020/1372) , regs. 1(2)(a)(3)(d), 22(2)(a)
F9	Reg. 23(4A) substituted (1.1.2021) by The Social Security, Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1505) , regs. 1(1), 6(3)
F10	Reg. 23(4B) inserted (24.8.2020) by The Child Benefit and Child Tax Credit (Persons of Northern Ireland) (Amendment) Regulations 2020 (S.I. 2020/672) , regs. 1, 2(3)(a)
F11	Word in reg. 23(4B) inserted (31.12.2020 immediately after IP completion day) by The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020 (S.I. 2020/1372) , regs. 1(2)(a)(3)(d), 22(2)(b)
F12	Reg. 23(5)-(7) omitted (27.10.2023) by virtue of The Child Benefit and Tax Credits (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/1139) , regs. 1, 2(2)(c)
Modifications etc. (not altering text)	
C1	Reg. 23 applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209) , regs. 1(1), 3(3) , 4(4), 11(j)
Marginal Citations	
M1	Section 146 of the Social Security Contributions and Benefits Act 1992 (c. 4) was substituted by section 56 of the Tax Credits Act 2002 (c. 21) .

Changes to legislation:

There are currently no known outstanding effects for the The Child Benefit (General) Regulations 2006, Section 23.