



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART IX **N.I.**

CHILD BENEFIT

139 Meaning of “person responsible for child”. **N.I.**

- (1) For the purposes of this Part of this Act a person shall be treated as responsible for a child in any week if—
 - (a) he has the child living with him in that week; or
 - (b) he is contributing to the cost of providing for the child at a weekly rate which is not less than the weekly rate of child benefit payable in respect of the child for that week.
- (2) Where a person has had a child living with him at some time before a particular week he shall be treated for the purposes of this section as having the child living with him in that week notwithstanding their absence from one another unless, in the 16 weeks preceding that week, they were absent from one another for more than 56 days not counting any day which is to be disregarded under subsection (3) below.
- (3) Subject to subsection (4) below, a day of absence shall be disregarded for the purposes of subsection (2) above if it is due solely to the child’s—
 - (a) receiving full-time education by attendance at a recognised educational establishment;
 - (b) undergoing medical or other treatment as an in-patient in a hospital or similar institution; or
 - (c) being, in such circumstances as may be prescribed, in residential accommodation pursuant to arrangements made under [^{F1}Article 15 or 36] of the ^{M1}Health and Personal Social Services (Northern Ireland) Order 1972 [^{F2}or under the Children (Northern Ireland) Order 1995].

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 139 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The number of days that may be disregarded by virtue of subsection (3)(b) or (c) above in the case of any child shall not exceed such number as may be prescribed unless the person claiming to be responsible for the child regularly incurs expenditure in respect of the child.
- (5) Regulations may prescribe the circumstances in which a person is or is not to be treated—
- (a) as contributing to the cost of providing for a child as required by subsection (1) (b) above; or
 - (b) as regularly incurring expenditure in respect of a child as required by subsection (4) above;

and such regulations may in particular make provision whereby a contribution made or expenditure incurred by two or more persons is to be treated as made or incurred by one of them or whereby a contribution made or expenditure incurred by one of two spouses [^{F3}or civil partners] residing together is to be treated as made or incurred by the other.

Textual Amendments

- F1** Words in s. 139(3)(c) substituted (22.11.2000) by 2000 c. 4 (N.I.), s. 63; S.R. 2000/358, art. 2(a), **Sch. Pt. 1**
- F2** Words in s. 139(3)(c) added (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 185**; S.R. 1996/297, **art. 2**
- F3** Words in s. 139(5) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 100**; S.I. 2005/3175, art. 2(1), Sch. 1

Marginal Citations

- M1** S.I. 1972/1265 (N.I. 14).

Status:

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