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STATUTORY INSTRUMENTS

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**2019 No. 364**

**The Tax Credits, Child Benefit and Childcare Payments  
(Miscellaneous Amendments) Regulations 2019**

**Amendment of the Child Benefit (General) Regulations 2006**

**11.**—(1) The Child Benefit (General) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)<sup>(2)</sup>, in the definition of “arrangements made by the Government”, in paragraph (c), for “Employment and Learning” substitute “Communities or the Department for the Economy”.

(3) In regulation 5(4) (extension period: 16 and 17 year olds) in sub-paragraph (c), for the words from “Employment and Learning” to “1986” substitute “Communities, the Department for the Economy or the Education Authority;”.

(4) In regulation 23 (circumstances in which person treated as not being in Great Britain)<sup>(3)</sup>—

(a) for paragraph (4)(b) substitute—

“(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.”,

(b) after paragraph (4) insert—

“(4A) Paragraph (4)(b) does not apply to a person who is lawfully working in Great Britain and is a national of a State with which the European Union has 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.”,

(c) in paragraph (6)—

(i) in sub-paragraph (b), for “Council [Directive 2004/38/EC](#) (rights of citizens of the European Union and their family members to move and reside freely within the territory of the Member States)” substitute “regulation 4(1)(a) or (b) of the Immigration (European Economic Area) Regulations 2016”,

(ii) in sub-paragraph (c), for “Article 7(3) of Council [Directive 2004/38/EC](#)” substitute “regulation 6(2) or (4) of the Immigration (European Economic Area) Regulations 2016”, and

(iii) in sub-paragraph (i), for “Council [Directive 2004/38/EC](#)” substitute “the Immigration (European Economic Area) Regulations 2016”, and

(d) in paragraph (7), for “Article 2 of Council [Directive 2004/38/EC](#)” substitute “regulation 7 of the Immigration (European Economic Area) Regulations 2016”.

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<sup>(1)</sup> [S.I. 2006/223](#); relevant amending instruments are [S.I. 2007/2150](#), [S.I. 2012/818](#), [S.I. 2012/2612](#) and [S.I. 2014/1511](#).

<sup>(2)</sup> The definition of “arrangements made by the Government” was amended by regulation 5 of [S.I. 2012/818](#).

<sup>(3)</sup> Regulation 23 was amended by regulation 3 of [S.I. 2012/2612](#) and regulation 3 of [S.I. 2014/1511](#).

- (5) In regulation 27 (circumstances in which person treated as not being in Northern Ireland)(4)—
- (a) for paragraph (3)(b) substitute—
    - “(b) has a right to reside in the United Kingdom 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.”,
  - (b) after paragraph (3) insert—
    - “(3A) Paragraph (3)(b) does not apply to a person who is lawfully working in Northern Ireland and is a national of a State with which the European Union has 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.”,
  - (c) in paragraph (5)—
    - (i) in sub-paragraph (b), for “Council [Directive 2004/38/EC](#)” substitute “regulation 4(1) (a) or (b) of the Immigration (European Economic Area) Regulations 2016”,
    - (ii) in sub-paragraph (c), for “Article 7(3) of Council [Directive 2004/38/EC](#)” substitute “regulation 6(2) or (4) of the Immigration (European Economic Area) Regulations 2016”, and
    - (iii) in sub-paragraph (i), for “Council [Directive 2004/38/EC](#)” substitute “the Immigration (European Economic Area) Regulations 2016”, and
  - (d) in paragraph (6), for “Article 2 of Council [Directive 2004/38/EC](#)” substitute “regulation 7 of the Immigration (European Economic Area) Regulations 2016”.

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(4) Regulation 27(3) was amended by regulation 10 of [S.I. 2007/2150](#) and regulation 4 of [S.I. 2012/2612](#). Paragraphs (5) and (6) of regulation 27 were inserted by regulation 4 of [S.I. 2014/1511](#).