

1980 No. 261

SOCIAL SECURITY

**The Child Benefit (General) (Amendment) Regulations
(Northern Ireland) 1980**

Made 31st July 1980

Coming into operation 24th November 1980

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(2) and (3), 5(5)(a) and 6(1) of, and paragraph 2(2) of Schedule 1 to, the Child Benefit (Northern Ireland) Order 1975(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit (General) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(2) In these regulations “the principal regulations” means the Child Benefit (General) Regulations (Northern Ireland) 1979(b).

Amendment of regulation 6 of the principal regulations

2. In regulation 6 of the principal regulations (interruption of full-time education)—

(a) in paragraph (1) for “Subject to paragraphs (2) and (3)” there shall be substituted “Subject to paragraph (2)”;

(b) for paragraphs (2) and (3) there shall be substituted the following paragraph:

“(2) The provisions of paragraph (1) shall not apply to any period of interruption of a person’s full-time education which is likely to be followed, or which is followed, immediately by a period during which—

(a) provision is made for his financial support under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(c), section 3 of the Employment and Training Act (Northern Ireland) 1950(d) or section 2 of the Industrial Training Act (Northern Ireland) 1964(e); or

(b) he is receiving education by virtue of his employment or of any office held by him.”.

Substitution of regulation 7 of the principal regulations

3. For regulation 7 of the principal regulations there shall be substituted the following regulation:

“*Circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child*

7.—(1) A person who has ceased to receive full-time education not being advanced education shall, if—

(a) S.I. 1975/1504 (N.I. 16); Article 4(3) was amended by Article 5(5) of S.I. 1980/870 (N.I. 8)
 (b) S.R. 1979 No. 5 (I, p. 24), to which there is an amendment not relevant to these regulations
 (c) 1945 c. 6 (N.I.)
 (d) 1950 c. 29 (N.I.)
 (e) 1964 c. 18 (N.I.)

- (a) he is under the age of sixteen when he so ceases and attains that age on or before the terminal date specified in paragraph (2), from the date on which he attains that age; or
- (b) he is sixteen or over when he so ceases, from the date on which he so ceases,

continue to be treated as a child within Article 4(1) of the Order up to and including the week including the terminal date or if he attains the age of nineteen on or before that date up to and including the week including the last Monday before he attains that age.

(2) In this regulation the "terminal date" means—

- (a) the first Monday in January; or
- (b) the Monday following Easter Monday; or
- (c) the first Monday in September,

whichever first occurs after the date on which the person's said education ceased."

Substitution of regulation 9 of the principal regulations

4. For regulation 9 of the principal regulations there shall be substituted the following regulation:

"Child receiving financial support under the Disabled Persons (Employment) Act (Northern Ireland) 1945, the Employment and Training Act (Northern Ireland) 1950 or the Industrial Training Act (Northern Ireland) 1964

9. Benefit shall not be payable in respect of a child over the age of sixteen for any week in which financial support for that child is being provided by way of payments made under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945, section 3 of the Employment and Training Act (Northern Ireland) 1950 or section 2 of the Industrial Training Act (Northern Ireland) 1964 unless that week forms part of the period during which regulation 7 applies to that child."

Insertion of new regulation 9A in the principal regulations

5. There shall be inserted in the principal regulations, after regulation 9 thereof, the following regulation:

"Child receiving supplementary benefit

9A. Child benefit shall not be payable in respect of a child by virtue of Article 4(1)(b) of the Order for any week in respect of which that child receives a supplementary allowance under the Supplementary Benefits (Northern Ireland) Order 1977(f)."

Amendment of regulation 10 of the principal regulations

6. In regulation 10(1) of the principal regulations (employed trainees) for the words following "if that week" there shall be substituted the following:

"—

- (a) begins in what has been or is likely to be a continuous period of not less than six months in respect of which that child receives no financial support by virtue of his employment or any office held by him; or
- (b) forms part of the period during which regulation 7 applies to that child."

Amendment of regulation 19 of the principal regulations

7. In regulation 19 of the principal regulations (right to benefit of voluntary organisations) after paragraph (6) there shall be added the following paragraph—

“(7) Where a person makes a claim for benefit in respect of a child on or after 24th November 1980, that person shall not be treated for the purposes of Article 5(1)(b) of the Order as contributing to the cost of providing for that child for any week in which that child is boarded-out by a voluntary organisation in the home of that person in accordance with the provisions of the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 31st July 1980.

(L.S.)

T. S. Martin

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations further amend the Child Benefit (General) Regulations (Northern Ireland) 1979 so as to enable a school-leaver aged 16 or over to continue to be treated as a child for a specified period, roughly the period of the final school holiday. They make provision for a child not to be excluded from child benefit during the specified period notwithstanding that he is in receipt of financial support under the Disabled Persons (Employment) Act (Northern Ireland) 1945, the Employment and Training Act (Northern Ireland) 1950 or the Industrial Training Act (Northern Ireland) 1964 or receiving education by virtue of his employment or office. The regulations exclude payment of child benefit in respect of a child who has been awarded supplementary benefit.

The regulations also provide that where a person with whom a child is boarded-out by a voluntary organisation claims child benefit on or after 24th November 1980, he shall not be treated for that purpose as contributing to the cost of providing for the child.