



Family Allowances and National Insurance Act 1967

1967 CHAPTER 90

2 Meaning of "child".

- (1) The power to make regulations under section 13 of the Family Allowances Act 1965 shall, as regards England and Wales, include power to provide, either generally or for particular cases or classes of case,—
- (a) that for the purpose of determining whether a person is to be treated as a child either—
 - (i) as being under the upper limit of the compulsory school age (in a case where by virtue of section 9(5) of the Education Act 1962 this may depend on the ending of a school term); or
 - (ii) as undergoing full-time instruction in a school;the term in any school or establishment shall be treated as ending on a date determined by or under the regulations, and the instruction given there during the term as continuing to or ending on that date accordingly;
 - (b) that for the purpose of determining whether a person is to be treated as a child as undergoing full-time instruction in a school, a person who receives full-time instruction during any term shall be treated as continuing to receive it until the end of term (whether the actual end or the date treated as such by virtue of paragraph (a) above).
- (2) The power to make regulations as aforesaid shall, as regards Scotland, include power to provide, either generally or for particular cases or classes of case—
- (a) that for the purpose of determining whether a person is to be treated as a child either—
 - (i) as being under the upper limit of the compulsory school age (in a case where by virtue of section 33 of the Education (Scotland) Act 1962 the upper limit of school age may depend on the incidence of the school leaving dates required to be fixed by education authorities for their areas); or
 - (ii) as undergoing full-time instruction in a school;

the school leaving date in respect of any school or establishment shall be treated as being a date determined by or under the regulations, and the instruction given there be treated as continuing to or ending on that date accordingly, whether or not any such date falls in a holiday period;

- (b) that for the purpose of determining whether a person is to be treated as a child as undergoing full-time instruction in a school, a person who receives full-time instruction during any term shall be treated as continuing to receive it throughout the term or until the occurrence of any school leaving date which may be fixed under the regulations.
- (3) Section 114(2)(a) of the National Insurance Act 1965 and section 86(2) (a) of the National Insurance (Industrial Injuries) Act 1965 (under which the expression " child " is in those Acts to be construed by reference to the operation of the Family Allowances Act 1965) shall have effect accordingly; but section 114(2)(b) and section 86(2) (b) (which make corresponding provision about references to the upper limit of the compulsory school age) shall continue to have effect as if subsections (1) and (2) above had not been passed, and in the National Insurance (Industrial Injuries) Act 1965 the word "person" shall be substituted for the word " child " wherever occurring in section 86(2)(b) or in section 78 (which makes special provision as to contributions and as to injury benefit in the case of a child under the upper limit of the compulsory school age).