



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART IX

CHILD BENEFIT

137 Child benefit.

A person who is responsible for one or more children in any week shall be entitled, subject to the provisions of this Part of this Act, to a benefit (to be known as “child benefit”) for that week in respect of the child or each of the children for whom he is responsible.

138 Meaning of “child”.

- (1) For the purposes of this Part of this Act a person shall be treated as a child for any week in which—
 - (a) he is under the age of 16;
 - (b) he is under the age of 18 and not receiving full-time education and prescribed conditions are satisfied in relation to him; or
 - (c) he is under the age of 19 and receiving full-time education either by attendance at a recognised educational establishment or, if the education is recognised by the Department, elsewhere.
- (2) The Department may recognise education provided otherwise than at a recognised educational establishment for a person who, in the opinion of the Department, could reasonably be expected to attend such an establishment only if the Department is satisfied that education was being so provided for that person immediately before he attained the age of 16.
- (3) Regulations may prescribe the circumstances in which education is or is not to be treated for the purposes of this Part of this Act as full-time.

Status: Point in time view as at 12/04/1993. This version of this part contains provisions that are not valid for this point in time.

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- (4) In determining for the purposes of paragraph (c) of subsection (1) above whether a person is receiving full-time education as mentioned in that paragraph, no account shall be taken of such interruptions as may be prescribed.
- (5) Regulations may provide that a person who in any week ceases to fall within subsection (1) above shall be treated as continuing to do so for a prescribed period; but no person shall by virtue of any such regulations be treated as continuing to fall within that subsection for any week after that in which he attains the age of 19.

139 Meaning of “person responsible for child”.

- (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 Article 7 of the ^{M1}Health and Personal Social Services (Northern Ireland) Order 1972.
- (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 residing together is to be treated as made or incurred by the other.

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Marginal Citations

M1 [S.I. 1972/1265 \(N.I. 14\)](#).

140 Exclusions and priority.

- (1) Regulations may provide that child benefit shall not be payable by virtue—
 - (a) of paragraph (b) of section 138(1) above and regulations made under that paragraph; or
 - (b) of paragraph (c) of that subsection, in such cases as may be prescribed.
- (2) Schedule 9 to this Act shall have effect for excluding entitlement to child benefit in other cases.
- (3) Where, apart from this subsection, two or more persons would be entitled to child benefit in respect of the same child for the same week, one of them only shall be entitled; and the question which of them is entitled shall be determined in accordance with Schedule 10 to this Act.

141 Rate of child benefit.

- (1) Child benefit shall be payable by the Department at such weekly rate as may be prescribed.
- (2) Different rates may be prescribed in relation to different cases, whether by reference to the age of the child in respect of whom the benefit is payable or otherwise.
- (3) The power to prescribe different rates under subsection (2) above shall be exercised so as to bring different rates into force on such day as the Department may by order specify.
- (4) No rate prescribed in place of a rate previously in force shall be lower than the rate that it replaces.
- (5) Regulations under this section shall be made by the Department in conjunction with the Department of Finance and Personnel.

142 Persons outside Northern Ireland.

- (1) Regulations may modify the provisions of this Part of this Act in their application to persons who are or have been outside Northern Ireland at any prescribed time or in any prescribed circumstances.
- (2) Subject to any regulations under subsection (1) above, no child benefit shall be payable in respect of a child for any week unless—
 - (a) he is in Northern Ireland in that week; and
 - (b) either he or at least one of his parents has been in Northern Ireland for more than 182 days in the 52 weeks preceding that week.
- (3) Subject to any regulations under subsection (1) above, no person shall be entitled to child benefit for any week unless—
 - (a) he is in Northern Ireland in that week; and

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- (b) he has been in Northern Ireland for more than 182 days in the 52 weeks preceding that week.

VALID FROM 19/08/1996

[^{F1}142A Persons subject to immigration control.

No person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 shall be entitled to child benefit for any week unless he satisfies prescribed conditions.]

Textual Amendments

- F1** S. 142A inserted (19.8.1996 for the purpose only of prescribing conditions and 7.10.1996 otherwise) by 1996 c. 49, s. 10(1)(2); S.I. 1996/2127, art. 2, Sch. Pts. I, II

143 Interpretation of Part IX and supplementary provisions.

- (1) In this Part of this Act—
- “prescribed” means prescribed by regulations;
 - “recognised educational establishment” means an establishment recognised by the Department as being, or as comparable to, a university, college or school;
 - “voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association;
 - “week” means a period of 7 days beginning with a Monday.
- (2) Subject to any provision made by regulations, references in this Part of this Act to any condition being satisfied or any facts existing in a week shall be construed as references to the condition being satisfied or the facts existing at the beginning of that week.
- (3) References in this Part of this Act to a parent, father or mother of a child shall be construed—
- (a) as including references to the natural parent, father or mother of an illegitimate child;
 - (b) as including references to a step-parent, step-father or step-mother.
- (4) Regulations may prescribe the circumstances in which persons are or are not to be treated for the purposes of this Part of this Act as residing together.
- (5) Regulations may make provision as to the circumstances in which—
- (a) a marriage celebrated under a law which permits polygamy; or
 - (b) a marriage during the subsistence of which a party to it is at any time married to more than one person,
- is to be treated for the purposes of this Part of this Act as having, or not having, the consequences of a marriage celebrated under a law which does not permit polygamy.

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- (6) Nothing in this Part of this Act shall be construed as conferring a right to child benefit on any body corporate; but regulations may confer such a right on voluntary organisations and for that purpose may make such modifications as the Department thinks fit—
- (a) of any provision of this Part of this Act; or
 - (b) of any provision of the Administration Act relating to child benefit.

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