

Status: Point in time view as at 13/01/2020.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, SCHEDULE 10 is up to date with all changes known to be in force on or before 14 June 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)

SCHEDULES

SCHEDULE 10

Section 140(3).

PRIORITY BETWEEN PERSONS ENTITLED TO CHILD BENEFIT

Modifications etc. (not altering text)

- C1** Sch. 10 modified (7.4.2003 immediately after 2002 c. 21, s. 49 comes into force) by [The Child Benefit \(General\) Regulations 2003 \(S.I. 2003/493\)](#), regs. 1(1), **15**

Person with prior award

- 1 (1) Subject to sub-paragraph (2) below, as between a person claiming child benefit in respect of a child [^{F1}or qualifying young person] for any week and a person to whom child benefit in respect of that child [^{F2}or qualifying young person] for that week has already been awarded when the claim is made, the latter shall be entitled.
- (2) Sub-paragraph (1) above shall not confer any priority where the week to which the claim relates is later than the third week following that in which the claim is made.

Textual Amendments

- F1** Words in Sch. 10 para. 1(1) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 44(2)(a)**
- F2** Words in Sch. 10 para. 1(1) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 44(2)(b)**

Person having child [^{F3}or qualifying young person] living with him

Textual Amendments

- F3** Words in Sch. 10 para. 2 cross-heading inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 44(3)**

- 2 Subject to paragraph 1 above, as between a person entitled for any week by virtue of paragraph (a) of subsection (1) of section 139 above and a person entitled by virtue of paragraph (b) of that subsection the former shall be entitled.

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[^{F4}Opposite-sex spouses or civil partners

Textual Amendments

- F4** Sch. 10 para. 3 substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **66(20)(a)** (with regs. 6-9)

- 3 Subject to paragraphs 1 and 2 above, as between a man and woman who are married to, or civil partners of, each other and are residing together, the woman shall be entitled.]

Parents

- 4 (1) Subject to paragraphs 1 to 3 above, as between a person who is and one who is not a parent of the child [^{F5}or qualifying young person] the parent shall be entitled.
- (2) Subject as aforesaid, as between two persons residing together who are parents of the child [^{F5}or qualifying young person] but [^{F6}do not fall within paragraph 3], the mother shall be entitled.

Textual Amendments

- F5** Words in Sch. 10 para. 4 inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 44(4)**
- F6** Words in Sch. 10 para. 4(2) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **66(20)(b)** (with regs. 6-9)

Other cases

- 5 As between persons not falling within paragraphs 1 to 4 above, such one of them shall be entitled as they may jointly elect or, in default of election, as the Department may in its discretion determine.

Supplementary

- 6 (1) Any election under this Schedule shall be made in the prescribed manner.
- (2) Regulations may provide for exceptions from and modifications of the provisions of paragraphs 1 to 5 above in relation to such cases as may be prescribed.

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