
STATUTORY INSTRUMENTS

1976 No. 963

**The Child Benefit (Residence and
Persons Abroad) Regulations 1976**

PART II

**ADDITIONAL PROVISIONS APPLICABLE TO CERTAIN CATEGORIES
OF PERSONS WHO ARE OR HAVE BEEN OUTSIDE GREAT BRITAIN**

Interim payments to persons to whom regulation 6 applies who are absent from Great Britain

8.—(1) Where a person to whom regulation 6 applies and who is in fact absent from Great Britain makes a claim to benefit in respect of a child, the Secretary of State may make arrangements whereby pending the determination of that claim interim payments on account of benefit are made pursuant to it in respect of that child.

(2) Interim payments made under paragraph (1) shall be deemed to be payments of benefit for the purposes of the Act and regulations made under it or provisions applied to it; and if in determining a claim pending the determination of which interim payments have been made a determining authority decides that those payments were not properly payable—

- (a) section 119(1) and (2) of the Social Security Act as modified by regulation 21 of the Child Benefit (Determination of Claims and Questions) Regulations 1976⁽¹⁾ shall apply as it applies to a decision which is reversed or varied on appeal or is revised on a review; and
- (b) repayment of an overpayment shall not be required from any person unless a determining authority is satisfied that that person has not throughout used due care and diligence to avoid overpayment.

(3) In paragraph (2) “determining authority” means, as the case may require, an insurance officer, a local tribunal, the Chief National Insurance Commissioner or any other National Insurance Commissioner or a tribunal of three National Insurance Commissioners constituted in accordance with regulation 6(4) of the Child Benefit (Determination of Claims and Questions) Regulations 1976.