
 S T A T U T O R Y I N S T R U M E N T S

1980 No. 1045

SOCIAL SECURITY

The Child Benefit (General) Amendment Regulations 1980*Made - - - - - 23rd July 1980**Laid before Parliament 31st July 1980**Coming into Operation 24th November 1980*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 2(2) and (3), 3(5)(a) and 4(1) of, and paragraph 2(2) of Schedule 1 to, the Child Benefit Act 1975 (a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Child Benefit (General) Amendment Regulations 1980, amend the Child Benefit (General) Regulations 1976 (b) (hereinafter referred to as the “principal regulations”) and shall come into operation on 24th November 1980.

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 the words “Subject to paragraphs (2) and (3)” there shall be substituted the words “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 immediately or which is followed immediately by a period during which:—

- (a) provision is made for his financial support under the Employment and Training Act 1973 (c); or
- (b) he is receiving education by virtue of his employment or of any office held by him.”

(a) 1975 c. 61; section 2(3) was amended by section 4(5) of the Social Security Act 1980 (c. 30).

(b) S.I. 1976/965; relevant amending instruments are S.I. 1977/534; 1978/540, 1275.

(c) 1973 c. 50.

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) he is under the age of 16 when he so ceases and attains that age on or before the terminal date specified in the next paragraph, from the date on which he attains that age; or
- (b) he is 16 or over when he so ceases, from the date on which he so ceases,

continue to be treated as a child within section 2(1) of the Act up to and including the week including the terminal date or if he attains the age of 19 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 7B of the principal regulations

4. For regulation 7B of the principal regulations there shall be substituted the following regulation:—

“Child receiving financial support under the Employment and Training Act 1973

7B. Child benefit shall not be payable in respect of a child over the age of 16 for any week in which financial support for that child is being provided by way of payments under arrangements made by virtue of section 2 of the Employment and Training Act 1973 unless that week forms part of the period during which regulation 7 applies to that child.”

Insertion of new regulation 7C in the principal regulations

5. There shall be inserted in the principal regulations, after regulation 7B thereof, the following regulation:—

“Child receiving supplementary benefit

7C. Child benefit shall not be payable in respect of a child by virtue of section 2(1)(b) of the Act for any week in respect of which that child receives a supplementary allowance under the Supplementary Benefits Act 1976 (a).”

(a) 1976 c. 71.

Amendment of regulation 8 of the principal regulations

6. In regulation 8(1) of the principal regulations for the words following the words "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 6 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 17 of the principal regulations

7. In regulation 17 of the principal regulations (right to benefit of voluntary organisation) after paragraph (6) there shall be added the following paragraph:—

“(7) Where a person makes a claim for child benefit in respect of a child on or after 24th November 1980, that person shall not be treated for the purposes of section 3(1)(b) of the Act 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 Boarding-Out of Children Regulations 1955 or the Boarding-Out of Children (Scotland) Regulations 1959.”

Patrick Jenkin,

Secretary of State for Social Services.

23rd July 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Child Benefit (General) Regulations 1976 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 Employment and Training Act 1973 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.

