
STATUTORY INSTRUMENTS

1996 No. 2327

SOCIAL SECURITY

The Child Benefit (General) Amendment Regulations 1996

Made - - - - *9th September 1996*
Laid before Parliament *16th September 1996*
Coming into force - - *7th October 1996*

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 146A, 147(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1) and of all other powers enabling him in that behalf, by this instrument which is made before the end of the period of 6 months beginning with the coming into force of the aforesaid section 146A(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Benefit (General) Amendment Regulations 1996 and shall come into force on 7th October 1996.

Amendment of the Child Benefit (General) Regulations 1976

2. After regulation 14A of the Child Benefit (General) Regulations 1976(3), there shall be inserted the following regulation—

“Prescribed conditions relating to persons subject to immigration control

14B. The prescribed conditions for the purposes of section 146A of the Social Security Contributions and Benefits Act 1992(4) (entitlement of person subject to immigration control to child benefit) are that a person subject to immigration control is—

- (a) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(5), as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(6);

(1) 1992 c. 4; section 146A was inserted by the Asylum and Immigration Act 1996 (c. 49), section 10. Section 147(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
(2) See the Social Security Administration Act 1992 (c. 5), section 173(5)(a).
(3) S.I. 1976/965; regulation 14A was inserted by S.I. 1988/1227.
(4) 1992 c. 4; section 146A was inserted by the Asylum and Immigration Act 1996 (c. 49), section 10.
(5) Cmnd. 9171.

- (b) a person who has been granted exceptional leave outside the provisions of the immigration rules within the meaning of the Immigration Act 1971(7) to remain in the United Kingdom by the Secretary of State;
- (c) a national, or a member of the family of a national, of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 7th March 1993(8);
- (d) a person who is—
 - (i) lawfully working in Great Britain and is a national of a state with which the Community has concluded an Agreement under Article 238(9) of the Treaty establishing the European Community(10) providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families, or
 - (ii) a member of the family of, and living with, such a person;
- (e) a person in respect of whom there is an Order in Council under section 179 of the Social Security Administration Act 1992(11) giving effect to a reciprocal agreement which, for the purposes of child benefit, has the effect that periods of presence or residence in another country are to be treated as periods of presence or residence in Great Britain.”

Saving

3. Where child benefit is being paid to a person immediately before the coming into force of these Regulations, the Child Benefit (General) Regulations 1976 shall, until such time as his entitlement to that benefit is reviewed under section 25 of the Social Security Administration Act 1992, have effect as if regulation 2 of these Regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

9th September 1996

Alistair Burt
Minister of State, Department of Social Security

(6) Cmnd. 3906.

(7) 1971 c. 77.

(8) OJNo. L1, 3.1.1994, p.3.

(9) Article 238 was amended by article G(84) of the Treaty on European Union.

(10) The title of the Treaty of Rome was amended by Article G(1) of the Treaty on European Union.

(11) 1992 c. 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations made by this instrument are made by virtue of provisions introduced by the Asylum and Immigration Act 1996 (c. 49). The instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

These Regulations amend the Child Benefit (General) Regulations 1976 (S.I.1976/965) and prescribe conditions when section 146A of the Social Security Contributions and Benefits Act 1992 (which disentitles persons who require leave to enter or remain in the United Kingdom from receiving child benefit) will not apply (regulation 2).

Regulation 3 makes a saving provision.

These Regulations do not impose a charge on business.