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STATUTORY INSTRUMENTS

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**2003 No. 492**

**SOCIAL SECURITY**

**The Child Benefit and Guardian's Allowance  
(Administration) Regulations 2003**

<i>Made</i>	- - - -	<i>5th March 2003</i>
<i>Laid before Parliament</i>		<i>5th March 2003</i>
<i>Coming into force</i>	- -	<i>7th April 2003</i>

The Commissioners of Inland Revenue, in exercise of the powers conferred upon them by the provisions set out in Schedule 1, hereby make the following Regulations:

**PART 1**

**GENERAL**

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Child Benefit and Guardian's Allowance (Administration) Regulations 2003 and shall come into force on 7th April 2003 immediately after the commencement of section 50 of the Tax Credits Act 2002<sup>(1)</sup> for the purposes of entitlement to payment of child benefit and guardian's allowance.

(2) These Regulations have effect only in relation to—

- (a) child benefit and guardian's allowance under the Contributions and Benefits Act; and
- (b) child benefit and guardian's allowance under the Contributions and Benefits (NI) Act.

**Commencement Information**

**II** [Reg. 1](#) in force at 7.4.2003, see [reg. 1](#)

**Interpretation**

2. In these Regulations—

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(1) [2002 c. 21.](#)

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*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

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“the adjudicating authority” means—

- (a) the Board;
- (b) an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998<sup>(2)</sup> or Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998<sup>(3)</sup>; or
- (c) a Commissioner within the meaning of section 39(1) of that Act<sup>(4)</sup> or to whom an appeal lies under Article 15 of that Order<sup>(5)</sup>;

“the Administration Act” means the Social Security Administration Act 1992<sup>(6)</sup>;

“the Administration (NI) Act” means the Social Security Administration (Northern Ireland) Act 1992<sup>(7)</sup>;

“appropriate office” means—

- (a) in relation to child benefit or guardian’s allowance under the Contributions and Benefits Act—
  - (i) as regards the Board, the Child Benefit Office, Waterview Park, Washington, Tyne and Wear or any Inland Revenue Enquiry Centre;
  - (ii) as regards a relevant authority, any office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office;
- (b) in relation to child benefit or guardian’s allowance under the Contributions and Benefits (NI) Act—
  - (i) as regards the Board, the Child Benefit Office (Northern Ireland), Windsor House, Bedford Street, Belfast or any Inland Revenue Enquiry Centre;
  - (ii) as regards a relevant authority, any office of the Social Security Agency of the Department for Social Development in Northern Ireland;

“the approved form” has the meaning given by regulation 5(1)(a);

“the Board” means the Commissioners of Inland Revenue;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992<sup>(8)</sup>;

“the Contributions and Benefits (NI) Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(9)</sup>;

“interim payment” has the meaning given by regulation 22(1);

“married couple” means a man and a woman who are married to each other and are neither—

- (a) separated under a court order, nor
- (b) separated in circumstances in which the separation is likely to be permanent;

“partner” means a member of a married or an unmarried couple;

“relevant authority” means—

- (a) in relation to child benefit or guardian’s allowance under the Contributions and Benefits Act, the Secretary of State or a person providing services to the Secretary of State;

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(2) 1998 c. 14.

(3) S.I. 1998/1506 (N.I. 10).

(4) Section 39(1) was relevantly amended by paragraph 35 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(5) Article 15 was amended by Schedule 9 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

(6) 1992 c. 5.

(7) 1992 c. 8.

(8) 1992 c. 4.

(9) 1992 c. 7.

- (b) in relation to child benefit or guardian's allowance under the Contributions and Benefits (NI) Act, the Department for Social Development in Northern Ireland or a person providing services to that Department;

“unmarried couple” means a man and a woman who are not a married couple but are living together as husband and wife;

“writing” includes writing produced by electronic communications used in accordance with Schedule 2.

**Commencement Information**

**I2** [Reg. 2](#) in force at 7.4.2003, see [reg. 1](#)

**Use of electronic communications**

3. Schedule 2 (the use of electronic communications) has effect.

**Commencement Information**

**I3** [Reg. 3](#) in force at 7.4.2003, see [reg. 1](#)

**Notification for purposes of sections 111A and 112 of the Administration Act and sections 105A and 106 of the Administration (NI) Act**

4.—(1) This regulation prescribes the person to whom, and manner in which, a change of circumstances must be notified for the purposes of sections 111A(1A) to (1G) and 112(1A) to (1F) of the Administration Act<sup>(10)</sup> and sections 105A(1A) to (1G) and 106(1A) to (1F) of the Administration (NI) Act (offences relating to failure to notify a change of circumstances)<sup>(11)</sup>.

(2) Notice of the change of circumstances must be given to the Board, or, where relevant, a relevant authority, in writing (except where they determine or it determines, in any particular case, that they or it will accept a notice other than in writing) by delivering or sending it to an appropriate office.

**Commencement Information**

**I4** [Reg. 4](#) in force at 7.4.2003, see [reg. 1](#)

(10) Section 111A was inserted by section 13 of the Social Security Administration Fraud Act 1997 (c. 47) and subsections (1A) to (1G) of that section, and subsections (1A) to (1F) of section 112, were substituted by section 16 of the Social Security Fraud Act 2001 (c. 11).

(11) Section 105A was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and subsections (1A) to (1G) of that section, and subsections (1A) to (1F) of section 106, were substituted by section 15 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17).

*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

## PART 2

### CLAIMS AND AWARDS

#### Making a claim

5.—(1) A claim for child benefit or guardian's allowance must be made to the Board or a relevant authority in writing—

- (a) on a form for the time being approved by the Board (“the approved form”) which has been completed in accordance with the instructions on it; or
- (b) in such other manner as the Board may accept as sufficient in the circumstances of the particular case.

(2) The person making the claim must deliver or send it to an appropriate office.

(3) Subject to regulation 10, the claim is made on the date on which it is received by the appropriate office.

#### Commencement Information

**I5** Reg. 5 in force at 7.4.2003, see [reg. 1](#)

#### Time within which claims to be made

6.—<sup>[F1]</sup>(1) The time within which a claim for child benefit or guardian's allowance is to be made is 3 months beginning with any day on which, apart from satisfying the conditions for making the claim, the person making the claim is entitled to the benefit or allowance.

<sup>[F2]</sup>(2) Paragraph (1) shall not apply where—

- (a) a person has been awarded child benefit or guardian's allowance while he was present and residing in Great Britain, or Northern Ireland;
- (b) at a time when payment of the award has not been suspended or terminated (under regulations 18 to 20 of the Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulations 2003 or otherwise), he takes up residence in Northern Ireland, or Great Britain as the case may be (“the new country of residence”); and
- (c) a new claim for that benefit or allowance is made in the new country of residence, for a period commencing on the later of—
  - (i) the date of the change of residence referred to in sub-paragraph (b), or
  - (ii) the date on which, apart from satisfying the conditions for making the claim, the person became entitled to the benefit or allowance under the legislation of the new country of residence.]

#### Textual Amendments

**F1** Reg. 6 renumbered as reg. 6(1) (3.9.2003) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment No. 3\) Regulations 2003 \(S.I. 2003/2107\)](#), regs. 1, **3(1)**

**F2** Reg. 6(2) added (3.9.2003) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment No. 3\) Regulations 2003 \(S.I. 2003/2107\)](#), regs. 1, **3(2)**

#### Commencement Information

**I6** Reg. 6 in force at 7.4.2003, see [reg. 1](#)

## Evidence and information

7.—(1) A person making a claim for child benefit or guardian's allowance must furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be required by the Board.

(2) A person required under paragraph (1) to furnish certificates, documents, information and evidence must do so—

- (a) within one month of being required by the Board to do so; or
- (b) within such longer period as the Board may consider reasonable.

### Commencement Information

**I7** [Reg. 7](#) in force at 7.4.2003, see [reg. 1](#)

## Amending claims

8.—(1) A person who has made a claim for child benefit or guardian's allowance may amend it by giving to the Board or a relevant authority notice in writing in accordance with paragraph (2).

(2) A notice under paragraph (1) must be delivered or sent to an appropriate office at any time before a determination has been made on the claim.

(3) The Board may treat a claim amended in accordance with this regulation as if it had been so amended when first made.

### Commencement Information

**I8** [Reg. 8](#) in force at 7.4.2003, see [reg. 1](#)

## Withdrawing claims

9.—(1) A person who has made a claim for child benefit or guardian's allowance may withdraw it by giving notice in writing to the Board or a relevant authority.

(2) A notice of withdrawal given in accordance with paragraph (1) has effect when it is received by an appropriate office.

### Commencement Information

**I9** [Reg. 9](#) in force at 7.4.2003, see [reg. 1](#)

## Defective applications

10.—(1) If an appropriate office receives a defective application, the Board or the relevant authority may refer it back to the person making it or supply him with the approved form for completion.

(2) Where—

- (a) in accordance with paragraph (1), a defective application has been referred back, or an approved form supplied, to a person; and
- (b) a claim is received by an appropriate office—

*Status: Point in time view as at 17/09/2003.*

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- (i) within the period of one month beginning with the date on which the defective application was referred back or the approved form was supplied; or
  - (ii) within such longer period as the Board may consider reasonable,
- the claim shall be treated as having been made on the date on which the appropriate office received the defective application.
- (3) “Defective application” means an intended claim which—
- (a) is made on an approved form which has not been completed in accordance with the instructions on it; or
  - (b) is in writing but is not made on the approved form.

#### Commencement Information

**I10** Reg. 10 in force at 7.4.2003, see [reg. 1](#)

### Claims for child benefit treated as claims for guardian’s allowance and vice versa

**11.—(1)** Where it appears to the Board that a person who has made a claim for child benefit in respect of a child may be entitled to guardian’s allowance in respect of the same child, the Board may treat, either in the alternative or in addition, the claim as being a claim for guardian’s allowance by that person.

(2) Where it appears to the Board that a person who has made a claim for guardian’s allowance in respect of a child may be entitled to child benefit in respect of the same child, the Board may treat, either in the alternative or in addition, the claim as being a claim for child benefit by that person.

#### Commencement Information

**I11** Reg. 11 in force at 7.4.2003, see [reg. 1](#)

### Advance claims and awards

**12.—(1)** This regulation applies where a person who has made a claim for child benefit or guardian’s allowance does not satisfy the requirements for entitlement on the date on which the claim is made.

(2) If the Board are of the opinion that, unless there is a change of circumstances, the person will satisfy those requirements for a period beginning with a date (“the relevant date”) not more than 3 months after the date on which the claim is made, they—

- (a) may treat the claim as if made for a period beginning with the relevant date; and
- (b) may award the benefit or allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when the benefit or allowance becomes payable under the award.

(3) If the requirements for entitlement are found not to have been satisfied on the relevant date, a decision under paragraph (2)(b) to award benefit may be revised under—

- (a) in relation to child benefit and guardian’s allowance under the Contributions and Benefits Act, section 9 of the Social Security Act 1998<sup>(12)</sup>;

<sup>(12)</sup> Section 9 is contained in Chapter 2 of Part 1 of the Social Security Act 1998 (social security decisions and appeals: Great Britain) and the functions of the Secretary of State under that Chapter, so far as relating to child benefit and guardian’s allowance, are transferred to the Commissioners of Inland Revenue by section 50(1) and (2)(e) of the Tax Credits Act 2002.

- (b) in relation to child benefit and guardian's allowance under the Contributions and Benefits (NI) Act, Article 10 the Social Security (Northern Ireland) Order 1998(13).

**Commencement Information**

I12 Reg. 12 in force at 7.4.2003, see reg. 1

**Date of entitlement under an award for the purposes of payability**

13.—(1) This regulation applies where child benefit or guardian's allowance is awarded for a period of a week or weeks and the earliest date on which entitlement would commence is not a Monday.

(2) For the purposes of determining the day from which the benefit or allowance is to become payable, entitlement shall be treated as beginning on the Monday next following the earliest date referred to in paragraph (1).

**Commencement Information**

I13 Reg. 13 in force at 7.4.2003, see reg. 1

**Effective date of change of rate**

14. Where a change in the rate of child benefit or guardian's allowance would take effect, but for this regulation, on a day which would not be the appropriate pay day for the benefit or allowance, the change shall take effect from the appropriate pay day next following.

**Commencement Information**

I14 Reg. 14 in force at 7.4.2003, see reg. 1

**Duration of claims and awards**

15.—(1) Subject to paragraphs (2) and (3), a claim for child benefit or guardian's allowance shall be treated as made for an indefinite period and any award shall be made for an indefinite period.

(2) If it would be inappropriate to treat a claim as made and to make an award for an indefinite period (for example, where a relevant change of circumstances is reasonably to be expected in the near future), the claim shall be treated as made for a definite period which is appropriate in the circumstances and any award shall be made for that period.

(3) In any case where benefit or allowance is awarded in respect of days subsequent to the date on which the claim was made, the award shall be subject to the condition that the person by whom the claim was made satisfies the requirements for entitlement.

**Commencement Information**

I15 Reg. 15 in force at 7.4.2003, see reg. 1

(13) Article 10 is contained in Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals: Northern Ireland) and the functions of the Department for Social Development in Northern Ireland under that Chapter, so far as relating to child benefit and guardian's allowance, are transferred to the Commissioners of Inland Revenue by section 50(1) and (2)(f) of the Tax Credits Act 2002.

## PART 3

### PAYMENTS

#### **Manner of payment**

**16.**—(1) Subject to regulation 17, child benefit or guardian's allowance shall be paid by means of an instrument of payment or by such other means as appears to the Board to be appropriate in the circumstances of the particular case.

(2) If a person entitled to child benefit is also entitled to guardian's allowance, the allowance shall be paid in the same manner as that in which the child benefit is paid under this regulation.

(3) Instruments of payment which have been issued by the Board remain their property.

(4) A person who has an instrument of payment must on ceasing to be entitled to the benefit or allowance to which the instrument relates, or when required to do so by the Board, deliver it to the Board or such person as the Board may direct.

#### **Commencement Information**

**I16** Reg. 16 in force at 7.4.2003, see [reg. 1](#)

#### **Direct credit transfers**

**17.**—(1) The Board may make an arrangement with a person claiming, or entitled to, child benefit or guardian's allowance for the payment of the benefit or allowance by way of direct credit transfer in accordance with paragraphs (2) to (4).

(2) The direct credit transfer shall be into a bank account or other account—

(a) in the name of—

- (i) the person entitled to the benefit or allowance,
- (ii) that person's partner, or
- (iii) a person acting on behalf of that person; or

(b) in the joint names of the person entitled to benefit and—

- (i) that person's partner, or
- (ii) a person acting on that person's behalf.

(3) Subject to paragraph (4), the benefit or allowance shall be paid within seven days of the last day of each successive period of entitlement.

(4) The Board may make a particular payment by direct credit transfer otherwise than is provided by paragraph (3) if it appears to them appropriate to do so for the purpose of—

- (a) paying any arrears of benefit or allowance, or
- (b) making a payment in respect of a terminal period of an award for any similar purpose.

(5) Where an arrangement is made under paragraph (1)—

- (a) in relation to child benefit, any guardian's allowance to which the person entitled to the child benefit is entitled shall be paid in the same manner as the child benefit;
- (b) in relation to guardian's allowance, the child benefit to which the person entitled to the guardian's allowance is entitled shall be paid in the same manner as the guardian's allowance.

(6) An arrangement made under paragraph (1) may be terminated—



- (a) by the person entitled to benefit, or by a person acting on behalf of that person, giving a notice in writing to the Board; or
  - (b) by the Board if the arrangement seems to them to be no longer appropriate to the circumstances of the particular case.
- (7) A person giving a notice under paragraph (6)(a) must deliver or send it to an appropriate office as regards the Board.

#### Commencement Information

I17 Reg. 17 in force at 7.4.2003, see [reg. 1](#)

#### Time of payment

18.—(1) Subject to paragraphs (2) to (4), child benefit and guardian's allowance shall be paid in accordance with an award as soon as reasonably practicable after the award has been made.

(2) Child benefit shall be paid—

- (a) if a person entitled to it makes an election under regulation 19 or 20, weekly beginning with the first convenient date after the election has been made;
- (b) in any other case, in the last week of each successive period of four weeks of the period of entitlement.

(3) Where benefit is paid at four-weekly intervals in accordance with paragraph (2)(b), the Board must arrange for it to be paid weekly if they are satisfied that payment at intervals of four weeks is causing hardship.

(4) If a person who has made a claim for child benefit is also entitled to guardian's allowance, the allowance shall be paid at the same intervals as the child benefit.

(5) The Board must take steps to notify persons to whom child benefit or guardian's allowance is payable of the arrangements they have made for payment in so far as those arrangements affect those persons.

#### Commencement Information

I18 Reg. 18 in force at 7.4.2003, see [reg. 1](#)

#### Persons who may elect to have child benefit paid weekly

19.—(1) A person may make an election under this regulation to have child benefit paid weekly if—

- (a) he is a lone parent; or
- (b) he or his partner is receiving—
  - (i) income support; or
  - (ii) an income-based allowance payable under Part 1 of the Jobseekers Act 1995(14) or Part 2 of the Jobseekers (Northern Ireland) Order 1995(15).

(2) "Lone parent" means a person who has no partner and is entitled to child benefit in respect of a child for whom he is responsible.

(14) 1995 c. 18.

(15) S.I. 1995/2705 (N.I. 15).

*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

- (3) A person making an election under this regulation—
- (a) must furnish, in such manner and at such times as the Board may determine, such certificates, documents, other information or facts as the Board may require which may affect his right to receive payment of the benefit weekly; and
  - (b) as soon as reasonably practicable after any change of circumstances which he might reasonably be expected to know might affect that right, must notify the Board in writing of that change in accordance with paragraph (4).
- (4) A notification under paragraph (3)(b) must be delivered or sent to an appropriate office as regards the Board.

#### Commencement Information

**I19** [Reg. 19](#) in force at 7.4.2003, see [reg. 1](#)

### **Elections for weekly payment by persons to whom child benefit was payable for a period beginning before and ending after 15th March 1982**

**20.**—(1) This regulation applies to a person to whom child benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982.

(2) A person to whom this regulation applies may make an election to have the benefit paid weekly after 15th March 1982 if—

- (a) he makes it before the end of the period of 26 weeks beginning with the day on which benefit was payable for the first four weeks in respect of which arrangements for four-weekly payment were made;
  - (b) in the case of benefit under the Contributions and Benefits Act, he was absent from Great Britain on 15th March 1982 for any of the reasons specified in paragraph (3) and he makes the election before the end of the period of 26 weeks beginning with the first week in respect of which benefit became payable to him in Great Britain on his return; or
  - (c) in the case of benefit under the Contributions and Benefits (NI) Act, he was absent from Northern Ireland on 15th March 1982 for any of the reasons specified in paragraph (3) and he makes the election before the end of the period of 26 weeks beginning with the first week in respect of which benefit became payable to him in Northern Ireland on his return.
- (3) The reasons specified in this paragraph are that the person—
- (a) was a serving member of the forces;
  - (b) was the spouse of such a serving member; or
  - (c) was living with such a serving member as husband or wife.

(4) “Serving member of the forces” means a person, other than one mentioned in Part 2 of Schedule 6 to the Social Security (Contributions) Regulations 2001(16), who, being over the age of 16 years, is a member of any establishment or organisation specified in Part 1 of that Schedule (being a member who gives full pay service) but does not include any such person while absent on desertion.

#### Commencement Information

**I20** [Reg. 20](#) in force at 7.4.2003, see [reg. 1](#)

## Manner of making elections under regulations 19 and 20

- 21.**—(1) This regulation applies to elections under regulations 19 and 20.
- (2) An election—
- (a) must be made by notice in writing to the Board; and
  - (b) must be delivered or sent to an appropriate office as regards the Board.
- (3) An election is made on the date on which it is received by the appropriate office.
- (4) Where a person has made an election, child benefit is payable weekly so long as—
- (a) he remains continually entitled to it; and
  - (b) in the case of an election under regulation 19, the conditions specified in paragraph (1)(a) or (b) of that regulation continue to be satisfied.
- (5) A person who has made an election may cancel it at any time by giving to the Board a notice in writing which must be sent or delivered to an appropriate office as regards the Board.
- (6) The Board must give effect to a notice given in accordance with paragraph (5) as soon as reasonably practicable after receiving it.

### Commencement Information

**I21** [Reg. 21](#) in force at 7.4.2003, see [reg. 1](#)

## Interim payments

- 22.**—(1) The Board may make a payment on account of any child benefit or guardian's allowance to which it appears to them that a person is or may be entitled ("an interim payment") if—
- (a) a claim for the benefit or allowance has not been made in accordance with these Regulations and it is impracticable for such a claim to be made immediately;
  - (b) a claim for the benefit or allowance has been so made but it is impracticable for it, or an application or appeal relating to it, to be determined immediately; or
  - (c) an award of the benefit or allowance has been made but it is impracticable for the person entitled to it to be paid immediately other than by means of an interim payment.
- (2) Paragraph (1) does not apply pending the determination of an appeal unless the Board are of the opinion that there is entitlement to benefit.
- (3) On or before the making of an interim payment, the Board must give the person to whom payment is to be made notice in writing of his liability under regulations 41 and 42 to have it brought into account and to repay any overpayment.

### Commencement Information

**I22** [Reg. 22](#) in force at 7.4.2003, see [reg. 1](#)

## Information to be given and changes to be notified

- 23.**—(1) This regulation applies to any person entitled to child benefit or guardian's allowance and any person by whom, or on whose behalf, payments of such benefit or allowance are receivable.
- (2) A person to whom this regulation applies must furnish in such manner and at such times as the Board may determine such information or evidence as the Board may require for determining whether a decision on an award—

*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

- (a) in relation to benefit or allowance under the Contributions and Benefits Act, should be revised under section 9 or superseded under section 10 of the Social Security Act 1998(17);
- (b) in relation to benefit or allowance under the Contributions and Benefits (NI) Act, should be revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998(18).

(3) A person to whom this regulation applies must furnish in such manner and at such times as the Board may determine such information and evidence as the Board may require in connection with the payment of the benefit or allowance.

(4) A person to whom this regulation applies must notify the Board or a relevant authority of any change of circumstances which he might reasonably be expected to know might affect—

- (a) the continuance of entitlement to the benefit or allowance; or
- (b) the payment of it,

as soon as reasonably practicable after the change occurs.

(5) A notification under paragraph (4)—

- (a) must be given by notice in writing or orally; and
- (b) must be sent, delivered or given to the appropriate office.

#### Commencement Information

I23 [Reg. 23](#) in force at 7.4.2003, see [reg. 1](#)

#### Fractional amounts of benefit or allowance

24. Where the amount of any child benefit or guardian's allowance payable includes a fraction of a penny, that fraction—

- (a) if it is less than a half, shall be disregarded;
- (b) if it is a half or more, shall be treated as a whole penny.

#### Commencement Information

I24 [Reg. 24](#) in force at 7.4.2003, see [reg. 1](#)

#### Payments to persons under the age of 18 years

25. Where a sum of child benefit or guardian's allowance is paid to a person under the age of 18 years (whether on his own behalf or on behalf of another), either of the following is a sufficient discharge to the Board for the sum paid—

- (a) a direct credit transfer under regulation 17 into the person's account;
- (b) the receipt by the person of a payment made by some other means.

#### Commencement Information

I25 [Reg. 25](#) in force at 7.4.2003, see [reg. 1](#)

(17) Section 10 was amended by paragraph 23 of Schedule 7, and Part 1 of Schedule 10, to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(18) Article 11 was amended by paragraph 17(a) of Schedule 6, and Schedule 9, to S.I. 1999/671.

### **Extinguishment of right to payment if payment is not obtained within the prescribed period**

26.—(1) The right to payment of any sum of child benefit or guardian's allowance shall be extinguished if payment of that sum is not obtained within the period of 12 months from the date on which the right is treated as having arisen.

(2) Subject to paragraph (5), the right to payment of a sum is treated as having arisen—

- (a) if the Board have given or sent an instrument of payment in respect of the sum to the person to whom it is payable or have sent such an instrument to a place approved by them for collection by that person—
  - (i) on the date of the instrument, or
  - (ii) if a replacement instrument of payment has been so given or sent, on the date of the last such instrument;
- (b) in relation to any sum to which sub-paragraph (a) does not apply, if the Board have given or sent a notice (orally or in writing) that the sum is available for collection—
  - (i) on the date of the notice, or
  - (ii) if more than one such notice has been given or sent, on the date of the first notice;
- (c) in relation to any sum to which neither sub-paragraph (a) nor (b) applies, on such date as the Board may determine.

(3) The giving or sending by the Board of an instrument of payment under sub-paragraph (a) of paragraph (2), or a notice under sub-paragraph (b) of that paragraph, shall be effective even if the sum contained in the instrument, or the notice, is more or less than the sum which the person concerned has the right to receive.

(4) The date of an instrument of payment is—

- (a) the date of issue of that instrument; or
- (b) if later, the earliest date specified in the instrument on which payment may be obtained.

(5) Where a question arises as to whether a right to payment of a sum has been extinguished under this regulation, the period of 12 months referred to in paragraph (1) shall be extended to the date on which the Board decide the question, and the right shall be treated for the purposes of this regulation as having arisen on that date, if the Board are satisfied that—

- (a) a notice in writing requesting payment of the sum was first received by them after the expiration of the period of 12 months from the date on which, ignoring this paragraph, the right would be treated as having arisen;
- (b) from a day within that period until the date on which the notice in writing was given there was good cause for not giving the notice; and
- (c) no payment of the sum has been made by way of direct credit transfer in accordance with regulation 17 and—
  - (i) no instrument of payment has been given or sent to the person to whom the sum is payable; or
  - (ii) any such instrument has been produced to them and no replacement instrument of payment has been given or sent to that person.

(6) This regulation has effect in relation to a person authorised or appointed to act on behalf of a person entitled to child benefit or guardian's allowance in the same manner as it has effect in relation to such a person.

*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

#### Commencement Information

**I26** Reg. 26 in force at 7.4.2003, see [reg. 1](#)

## PART 4

### THIRD PARTIES

#### Persons who may act on behalf of those unable to act

**27.**—(1) Anything required by these regulations to be done by or to any person who is for the time being unable to act may be done by or to—

- (a) in England and Wales, a receiver appointed by the Court of Protection with power to claim, or, as the case may be, receive, the benefit or allowance on behalf of the person;
- (b) in Scotland, a tutor, curator or other guardian acting or appointed in terms of law who is administering the estate of the person;
- (c) in Northern Ireland, a controller appointed by the High Court, with power to claim, or, as the case may be, receive, the benefit or allowance on behalf of the person; or
- (d) a person appointed under regulation 28(2) to act on behalf of the person.

(2) Where a sum of child benefit or guardian's allowance is paid to a receiver or other person mentioned in paragraph (1)(a), (b), (c) or (d), either of the following is a sufficient discharge to the Board for the sum paid—

- (a) a direct credit transfer under regulation 17 into the person's account;
- (b) the receipt by the person of a payment made by some other means.

#### Commencement Information

**I27** Reg. 27 in force at 7.4.2003, see [reg. 1](#)

#### Appointment of persons to act on behalf of those unable to act

**28.**—(1) This regulation applies where—

- (a) a person is for the time being unable to act;
- (b) the person is, or is alleged to be, entitled to child benefit or guardian's allowance (whether or not a claim for the benefit or allowance has been made by him or on his behalf); and
- (c) no receiver or other person mentioned in regulation 27(1)(a), (b) or (c) has been appointed in relation to the person.

(2) The Board may appoint a person who—

- (a) has applied in writing to them to act on behalf of the person who is unable to act, and
- (b) if a natural person, is over the age of 18 years,

to exercise, on behalf of the person who is unable to act, any right relating to child benefit or guardian's allowance to which that person may be entitled and to receive and deal on his behalf with any sums payable to him in respect of the benefit or allowance.

(3) Where an appointment has been made under paragraph (2)—

- (a) the Board may at any time revoke it; and

- (b) the person appointed may resign from the appointment after having given one month's notice in writing to the Board of his intention to do so.
- (4) An appointment made under paragraph (2) shall terminate when the Board are notified that a receiver or other person mentioned in regulation 27(1)(a), (b) or (c) has been appointed.

**Commencement Information**

**I28** Reg. 28 in force at 7.4.2003, see **reg. 1**

**Persons who may proceed with a claim made by a person who has died**

**29.**—(1) The Board may appoint such person as they think fit to proceed with a claim for child benefit or guardian's allowance which has been made by a person who has died.

(2) Subject to regulation 32(2), the Board may pay or distribute any sum payable under an award on a claim proceeded with under paragraph (1) to or among—

- (a) persons over the age of 16 years claiming as personal representatives, legatees, next of kin or creditors of the person who has died; and
- (b) if the person who has died was illegitimate, any other persons over that age.

(3) "Next of kin" means—

- (a) in England and Wales, and in Northern Ireland, the persons who would take beneficially on an intestacy;
- (b) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

(4) Where a sum is paid under paragraph (2) to a person, either of the following is a sufficient discharge to the Board for the sum paid—

- (a) a direct credit transfer under regulation 17 into the person's account;
- (b) the receipt by the person of a payment made by some other means.

(5) If the Board consider that a sum or part of a sum which may be paid or distributed under paragraph (2) is needed for the benefit of a person under the age of 16 years, they may obtain a good discharge for that sum by paying it to a person over that age whom they are satisfied will apply the sum for the benefit of the person under that age.

(6) Regulation 26 (extinguishment of right) applies to a payment or distribution made under paragraph (2).

**Commencement Information**

**I29** Reg. 29 in force at 7.4.2003, see **reg. 1**

**Persons who may receive payments which a person who has died had not obtained**

**30.**—(1) This regulation applies where a person who has died had not obtained at the date of his death a sum of child benefit or guardian's allowance which was payable to him.

(2) Subject to regulation 32(2), the Board may, unless the right to payment had already been extinguished at the date of death, pay or distribute the sum to or amongst the persons mentioned in regulation 29(2)(a) and (b).

(3) Regulation 26 (extinguishment of right) applies to a payment or distribution made under paragraph (2), except that, for the purposes of paragraph (1) of that regulation, the period of 12 months shall be calculated from the date on which the right to payment is treated as having arisen to

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the person to whom the payment or distribution is made (and not from the date on which that right is treated as having arisen in relation to the person who has died).

#### Commencement Information

**I30** Reg. 30 in force at 7.4.2003, see [reg. 1](#)

#### Person who may make a claim on behalf of a person who has died

**31.**—(1) If the conditions specified in paragraph (2) are satisfied, a claim may be made in the name of a person who has died for any child benefit or guardian's allowance to which he would have been entitled if he had claimed it in accordance with these Regulations.

(2) Subject to paragraph (3), the following conditions are specified in this paragraph—

- (a) within 6 months of the date of death an application must have been made in writing to the Board for a person, whom the Board think fit to be appointed to make the claim, to be so appointed;
- (b) a person must have been appointed by the Board to make the claim; and
- (c) the person so appointed must have made the claim not more than 6 months after the appointment.

(3) Subject to paragraphs (4) and (5), if the Board certify that to do so would be consistent with the proper administration of the Contributions and Benefits Act, the period of 6 months mentioned in paragraph (2)(a) or (c) shall be extended by such period (not exceeding 6 months) as may be specified in the certificate.

(4) If a certificate given under paragraph (3) specifies a period by which the period of 6 months mentioned in paragraph (2)(a) shall be extended, the period of 6 months mentioned in paragraph (2) (c) shall be shortened by a period corresponding to the period so specified.

(5) No certificate shall be given under paragraph (3) which would enable a claim to be made more than 12 months after the date of death.

For the purposes of this paragraph, any period between the date on which the application for a person to be appointed to make the claim is made and the date on which that appointment is made shall be disregarded.

(6) A claim made in accordance with this regulation shall be treated for the purposes of these Regulations as if it had been made on the date of his death by the person who has died.

#### Commencement Information

**I31** Reg. 31 in force at 7.4.2003, see [reg. 1](#)

#### Regulations 29, 30 and 31: supplementary

**32.**—(1) The Board may dispense with strict proof of the title of a person claiming in accordance with regulation 29, 30 or 31.

(2) Neither paragraph (2) of regulation 29 nor paragraph (2) of regulation 30 applies unless written application for payment of the sum under that paragraph is made to the Board within 12 months from the date of death or such longer period as the Board may allow.



**Commencement Information**

**I32** [Reg. 32](#) in force at 7.4.2003, see [reg. 1](#)

**Payment to one person on behalf of another**

**33.**—(1) Subject to paragraph (2), the Board may direct that child benefit or guardian's allowance shall be paid, wholly or in part, to another natural person on behalf of the person entitled to it.

(2) The Board may not make a direction under paragraph (1) unless they are satisfied that it is necessary for protecting the interests of—

- (a) the person entitled to the benefit or allowance; or
- (b) any child or dependant in respect of whom the benefit or allowance is payable.

**Commencement Information**

**I33** [Reg. 33](#) in force at 7.4.2003, see [reg. 1](#)

**Payment to partner as alternative payee**

**34.**—(1) Subject to paragraph (2), where a member of a married couple or an unmarried couple is entitled to child benefit or guardian's allowance, the Board may make arrangements whereby that benefit or allowance, as well as being payable to the person entitled to it, may, in the alternative, be paid to that person's partner on behalf of that person.

(2) Paragraph (1) does not apply to guardian's allowance where a wife has elected that the allowance is not to be paid to her husband in accordance with regulation 10 of the Guardian's Allowance (General) Regulations 2003 (prescribed manner of making an election under section 77(9) of the Contributions and Benefits Act and section 77(9) of the Contributions and Benefits (NI) Act)(19).

**Commencement Information**

**I34** [Reg. 34](#) in force at 7.4.2003, see [reg. 1](#)

## PART 5

### OVERPAYMENTS AND RECOVERY

**Recovery of overpayments by direct credit transfer**

**35.**—(1) If the adjudicating authority determines that—

- (a) a payment of child benefit or guardian's allowance in excess of entitlement has been credited to a bank account or other account under an arrangement for direct credit transfer made in accordance with regulation 17; and
- (b) the conditions specified in paragraph (2) are satisfied,

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the excess, or the specified part of it to which the certificate referred to in sub-paragraph (a) of that paragraph relates, shall be recoverable.

- (2) The following conditions are specified in this paragraph—
- (a) the Board must have certified that the payment in excess of entitlement, or a specified part of it, is materially due to the arrangement for payments to be made by direct credit transfer; and
  - (b) subject to paragraph (3), notice of the effect which this regulation would have, in the event of an overpayment, must have been given in writing to the person entitled to the benefit or allowance, or to a person acting in his behalf, before he agreed to the arrangement.
- (3) In the case of an arrangement relating to child benefit which was agreed to before 6th April 1987, the condition specified in paragraph (2)(b) need not be satisfied in any case where the application for the benefit to be paid by direct credit transfer contained a statement, or was accompanied by a written statement made by the applicant, which complied with the provisions specified in paragraph (4).
- (4) The provisions specified in this paragraph are—
- (a) in relation to child benefit under the Contributions and Benefits Act, regulation 7(2)(b) and (6) of the Child Benefit (Claims and Payments) Regulations 1984(20);
  - (b) in relation to child benefit under the Contributions and Benefits (NI) Act, regulation 7(2)(b) and (6) of the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1985(21).

#### Commencement Information

**I35** Reg. 35 in force at 7.4.2003, see [reg. 1](#)

#### Circumstances in which determination need not be reversed, varied, revised or superseded

**36.—**(1) This regulation applies where, whether fraudulently or otherwise, a person has misrepresented, or failed to disclose, material facts which do not provide a basis for the determination in pursuance of which an amount of child benefit or guardian's allowance was paid—

- (a) in relation to benefit or allowance under the Contributions and Benefits Act, to be revised under section 9 or superseded under section 10 of the Social Security Act 1998;
  - (b) in relation to benefit or allowance under the Contributions and Benefits (NI) Act, to be revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998.
- (2) Where this regulation applies—
- (a) in relation to an amount mentioned in paragraph (1) relating to child benefit or guardian's allowance under the Contributions and Benefits Act, neither subsection (5) nor (5A) of section 71 of the Administration Act (recoverability dependent on reversal, variation, revision or supersession of determination)(22) applies;
  - (b) in relation to an amount mentioned in paragraph (1) relating to child benefit or guardian's allowance under the Contributions and Benefits (NI) Act, neither subsection (5) nor

(20) S.I. 1984/1960. Regulation 7 was revoked, together with other parts of the instrument, by the Schedule to S.I. 1987/491 and Schedule 10 to S.I. 1987/1968.

(21) S.R. 1985 No. 124. Regulation 7 was revoked, together with other parts of the instrument, by the Schedule to S.R. 1987 No. 122 and Schedule 9 to S.R. 1987 No. 465.

(22) Subsection (5) of section 71 was amended, and subsection (5A) of that section inserted, by section 1(3) and (4) of the Social Security (Overpayments) Act 1996 (c. 51) and both those subsections were amended by paragraph 81(2) and (3) of the Social Security Act 1998.

(5A) of section 69 of the Administration (NI) Act (recoverability dependent on reversal, variation, revision or supersession of determination)(23) applies.

**Commencement Information**

I36 Reg. 36 in force at 7.4.2003, see reg. 1

**Calculating recoverable amounts**

37. Where there has been an overpayment of child benefit or guardian's allowance, in calculating the amounts recoverable under section 71(1) of the Administration Act, section 69(1) of the Administration (NI) Act or regulation 35, the adjudicating authority must deduct any amount which is offset under regulation 38.

**Commencement Information**

I37 Reg. 37 in force at 7.4.2003, see reg. 1

**Offsetting prior payments of child benefit and guardian's allowance against arrears payable by virtue of a subsequent determination**

- 38.—(1) Subject to regulation 40, in either of the cases specified in paragraphs (2) and (3)—
- (a) a sum of child benefit paid for a period covered by a subsequent determination shall be offset against any arrears of entitlement to the benefit payable for that period by virtue of the subsequent determination;
  - (b) a sum of guardian's allowance paid for a period covered by a subsequent determination shall be offset against any arrears of entitlement to the allowance payable for that period by virtue of the subsequent determination,

and, except to the extent that it exceeds them, the sum so paid shall be treated as properly paid on account of the arrears.

(2) The case specified in this paragraph is where a person has been paid a sum pursuant to a determination which subsequently—

- (a) is revised under section 9 or superseded under section 10 of the Social Security Act 1998;
- (b) is revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998; or
- (c) is overturned on appeal.

(3) The case specified in this paragraph is where a person has been paid a sum for a period by way of an increase in respect of a dependent person and it is subsequently determined that—

- (a) the dependent person is entitled to the benefit or allowance for that period; or
- (b) a third person is entitled to the increase for that period in priority to the person who has been paid.

(4) Where child benefit which has been paid under an award in favour of a person ("the first claimant") is subsequently awarded to another ("the second claimant") for any week, the benefit

(23) Subsection (5) of section 69 was amended, and subsection (5A) of that section inserted, by section 2(3) and (4) of the Social Security (Overpayments) Act 1996 and both those subsections were amended by paragraph 62(2) and (3) of Schedule 6 to S.I. 1998/1506 (N.I. 10).

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shall nevertheless be treated as properly paid if it was received by someone (other than the first claimant) who—

- (a) had the child living with him or was contributing towards the cost of providing for the child at a weekly rate which was not less than the weekly rate under the original award; and
- (b) could have been entitled to child benefit in respect of that child for that week had a claim been made in time.

(5) Any amount which is treated under paragraph (4) as properly paid shall be deducted from the amount payable to the second claimant under the subsequent award.

**Commencement Information**

**I38** [Reg. 38](#) in force at 7.4.2003, see [reg. 1](#)

**Offsetting prior payments of income support or jobseeker's allowance against arrears of child benefit or guardian's allowance payable by virtue of a subsequent determination**

**39.**—(1) This regulation applies where—

- (a) a person has been paid a sum by way of income support or jobseeker's allowance; and
- (b) it is subsequently determined that—
  - (i) child benefit or guardian's allowance should be awarded or is payable in lieu of the income support or jobseeker's allowance; and
  - (ii) the income support or jobseeker's allowance was not payable.

(2) Subject to regulation 40, any sum of income support or jobseeker's allowance in respect of the period covered by the subsequent determination—

- (a) shall be offset against any arrears of entitlement to the child benefit or guardian's allowance payable for that period by virtue of that determination; and
- (b) except to the extent that it exceeds them, the sum so paid shall be treated as properly paid on account of the arrears.

**Commencement Information**

**I39** [Reg. 39](#) in force at 7.4.2003, see [reg. 1](#)

**Exception from offset of recoverable overpayment**

**40.** No amount may be offset under regulation 38(1) or 39(2) which has been determined to be a recoverable overpayment for the purposes of section 71(1) of the Administration Act or section 69(1) of the Administration (NI) Act.

**Commencement Information**

**I40** [Reg. 40](#) in force at 7.4.2003, see [reg. 1](#)

**Bringing interim payments into account**

**41.**—(1) Subject to paragraph (2), if it is practicable to do so—

- (a) any interim payment made in anticipation of an award of child benefit or guardian's allowance shall be offset by the adjudicating authority in reduction of the benefit or allowance to be awarded;
  - (b) any interim payment (whether or not made in anticipation of an award) which is not offset under sub-paragraph (a) shall be deducted by the Board from—
    - (i) the sum payable under the award of benefit or allowance on account of which the interim payment was made; or
    - (ii) any sum payable under any subsequent award of the benefit or allowance to the same person.
- (2) Paragraph (1) does not apply unless the Board have given the notice required by regulation 22(3).

**Commencement Information**

**I41** Reg. 41 in force at 7.4.2003, see **reg. 1**

**Recovery of overpaid interim payments**

**42.**—(1) Subject to paragraph (2), if the adjudicating authority, in the circumstances specified in either of paragraphs (3) and (4), has determined that an interim payment has been overpaid, it shall determine the amount of the overpayment.

(2) Paragraph (1) does not apply unless the Board have given the notice required by regulation 22(3).

(3) The circumstances specified in this paragraph are where an interim payment has been made under regulation 22(1)(a) and (b) and—

- (a) the recipient has failed to make a claim in accordance with these Regulations as soon as practicable;
- (b) the recipient has made a defective application and the Board have not treated the claim as duly made under regulation 10;
- (c) it has been determined that—
  - (i) there is no entitlement on the claim;
  - (ii) the entitlement is less than the amount of the interim payment; or
  - (iii) the benefit or allowance on the claim is not payable; or
- (d) the claim has been withdrawn.

(4) The circumstances specified in this paragraph are where an interim payment has been made under regulation 22(1)(c) which exceeds the entitlement under the award of benefit on account of which the interim payment was made.

(5) The amount of any overpayment determined under paragraph (1) shall be recoverable by the Board in the same manner as it would be if it were recoverable under—

- (a) in relation to child benefit or guardian's allowance under the Contributions and Benefits Act, section 71(1) of the Administration Act;
- (b) in relation to child benefit or guardian's allowance under the Contributions and Benefits (NI) Act, section 69(1) of the Administration (NI) Act.

*Status: Point in time view as at 17/09/2003.*

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**Commencement Information**

**I42** [Reg. 42](#) in force at 7.4.2003, see [reg. 1](#)

## PART 6

### REVOCATIONS AND TRANSITIONAL PROVISIONS

#### Revocations

**43.** The subordinate legislation specified in column (1) of Parts 1 and 2 of Schedule 3, in so far as it relates to child benefit or guardian's allowance, is revoked to the extent mentioned in column (3) of that Schedule.

**Commencement Information**

**I43** [Reg. 43](#) in force at 7.4.2003, see [reg. 1](#)

#### Transitional provisions

**44.—(1)** Anything done or commenced under any provision of the instruments revoked by regulation 43, so far as relating to child benefit or guardian's allowance, is to be treated as having been done or as being continued under the corresponding provision of these Regulations.

(2) The revocation by regulation 43 of an instrument which itself revoked an earlier instrument subject to savings does not prevent the continued operation of those savings, in so far as they are capable of continuing to have effect.

(3) "Instrument" includes a Statutory Rule of Northern Ireland.

**Commencement Information**

**I44** [Reg. 44](#) in force at 7.4.2003, see [reg. 1](#)

5th March 2003

*Tim Flesher*  
*Dave Hartnett*  
Two of the Commissioners of Inland Revenue

## SCHEDULE 1

Preamble

### POWERS EXERCISED IN MAKING THESE REGULATIONS

1. The following provisions of the Administration Act—
  - (a) section 5(1)(a), (b), (c), (d), (g), (h), (hh), (i), (j), (k), (l), (m), (p), (q) and (r) and (2)(a) and (g)(**24**);
  - (b) section 7(1), (2) and (3)(a);
  - (c) section 71(4), (5), (5A), (6), (7) and (11)(a) and (f);
  - (d) section 111A(1A), (1B), (1D) and (1E);
  - (e) section 112(1A) to (1D);
  - (f) section 189(1), (4), (5) and (6)(**25**);
  - (g) section 191(**26**).

#### Commencement Information

**I45** Sch. 1 para. 1 in force at 7.4.2003, see [reg. 1](#)

2. The following provisions of the Administration (NI) Act—
  - (a) section 5(1)(a), (b), (c), (d), (g), (h), (hh), (i), (j), (k), (l), (m), (n), (q), (r), (s) and (t) and (2)(a) and (g)(**27**);
  - (b) section 69(4), (5), (5A), (6), (7) and (11)(a) and (f);
  - (c) section 105A(1A), (1B), (1D) and (1E);
  - (d) section 106(1A) to (1D);
  - (e) section 165(1), (4), (5), (6) and (11A)(**28**);
  - (f) section 167(1)(**29**).

#### Commencement Information

**I46** Sch. 1 para. 2 in force at 7.4.2003, see [reg. 1](#)

3. Sections 9(1) and 84 of the Social Security Act 1998(**30**).

#### Commencement Information

**I47** Sch. 1 para. 3 in force at 7.4.2003, see [reg. 1](#)

(24) Paragraph (hh) was inserted in section 5(1) by section 74 of the Social Security Act 1998.

(25) Subsections (1), (4), (5) and (6) of section 189 were amended by paragraph 109(a), (c), (d) and (e) of Schedule 7, and Schedule 8, to the Social Security Act 1998. Subsection (1) of that section was further amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 and Schedule 6 to the Tax Credits Act 2002.

(26) Section 191 is cited because of the definition of “prescribe”.

(27) Paragraph (hh) was inserted in subsection (1) of section 5 by Article 70 of S.I. 1998/1506 (N.I. 10) and paragraph (t) was added in that subsection by Article 3(1) of S.I. 1993/1579 (N.I. 8).

(28) Subsection (1) of section 165 was amended by paragraph 49(2) of Schedule 3 to S.I. 1999/671. Subsection (6) of that section was amended by Schedule 7 to S.I. 1998/1506 (N.I. 10). Subsection (11A) of that section was inserted by paragraph 49(4) of Schedule 3 to S.I. 1999/671.

(29) Section 167(1) is cited because of the definition of “prescribe”.

(30) Section 84 is cited because of the definition of “prescribe”.

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4. Articles 2(2) and 10(1) of the Social Security (Northern Ireland) Order 1998(31).

**Commencement Information**

**I48** Sch. 1 para. 4 in force at 7.4.2003, see [reg. 1](#)

5. Sections 132 and 133(1) and (2) of the Finance Act 1999(32).

**Commencement Information**

**I49** Sch. 1 para. 5 in force at 7.4.2003, see [reg. 1](#)

6. Sections 50(1) and (2)(b) and (d) and 54(2) of the Tax Credits Act 2002.

**Commencement Information**

**I50** Sch. 1 para. 6 in force at 7.4.2003, see [reg. 1](#)

SCHEDULE 2

Regulation 3

ELECTRONIC COMMUNICATIONS

**Modifications etc. (not altering text)**

**C1** Sch. 2 applied (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Benefit and Guardian's Allowance \(Decisions and Appeals\) Regulations 2003 \(S.I. 2003/916\)](#), regs. 1(1), **4(1)**

PART 1

GENERAL

**Introduction**

1. This Schedule supersedes the Social Security (Electronic Communications) (Child Benefit) Order 2002(33) which was made under section 8 of the Electronic Communications Act 2000(34).

**Commencement Information**

**I51** Sch. 2 para. 1 in force at 7.4.2003, see [reg. 1](#)

(31) Article 2(2) is cited because of the definition of “prescribe”.

(32) 1999 c. 16.

(33) S.I. 2002/1789.

(34) 2000 c. 7. See generally section 54(10) of the Tax Credits Act 2002.



## Interpretation

2.—(1) In this Schedule—

[<sup>F3</sup>“electronic communications” includes any communications conveyed by means of an electronic communications network.]

“official computer system” means a computer system maintained by or on behalf of the Board—

- (a) to send or receive information; or
- (b) to process or store information.

(2) References in this Schedule to the delivery of information and to information shall be construed in accordance with section 132(8) of the Finance Act 1999.

### Textual Amendments

**F3** Words in [Sch. 2 para. 2](#) substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), [Sch. 1 para. 23\(1\)\(e\)\(2\)](#)

### Commencement Information

**I52** [Sch. 2 para. 2](#) in force at 7.4.2003, see [reg. 1](#)

## Scope of this Schedule

3. This Schedule applies to the delivery of information to or by the Board, the delivery of which is authorised or required by these Regulations.

### Commencement Information

**I53** [Sch. 2 para. 3](#) in force at 7.4.2003, see [reg. 1](#)

## PART 2 GENERAL

### Use of electronic communications by the Board

4. The Board may only use electronic communications in connection with the matters referred to in paragraph 3 if—

- (a) the recipient has indicated that he consents to the Board using electronic communications in connection with those matters; and
- (b) the Board have not been informed that that consent has been withdrawn.

### Commencement Information

**I54** [Sch. 2 para. 4](#) in force at 7.4.2003, see [reg. 1](#)

*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)*

### **Restrictions on the use of electronic communications by persons other than the Board**

5.—(1) A person other than the Board may only use electronic communications in connection with the matters referred to in paragraph 3 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use electronic communications for the purpose in question by an authorisation given by means of a specific or general direction of the Board.

(3) The second condition is that the person uses—

- (a) an approved method for authenticating the identity of the sender of the communication;
- (b) an approved method of electronic communications; and
- (c) an approved method for authenticating any information delivered by means of electronic communications.

(4) The third condition is that any information sent by means of electronic communications is in an approved form (including the manner in which the information is presented).

(5) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a specific or general direction given by the Board.

(6) “Approved” means approved for the purposes of this Schedule, and for the time being, by means of a specific or general direction given by the Board.

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#### **Commencement Information**

**I55** Sch. 2 para. 5 in force at 7.4.2003, see [reg. 1](#)

### **Use of intermediaries**

6. The Board may use intermediaries in connection with—

- (a) the delivery of information by means of electronic communications in connection with the matters referred to in paragraph 3; and
- (b) the authentication or security of anything transmitted by any such means,

and may require other persons to use intermediaries in connection with those matters.

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#### **Commencement Information**

**I56** Sch. 2 para. 6 in force at 7.4.2003, see [reg. 1](#)

## **PART 3**

### **EVIDENTIAL PROVISIONS**

#### **Effect of delivering information by means of electronic communications**

7.—(1) Information which is delivered by means of electronic communications shall be treated as having been delivered in the manner or form required by any provision of these Regulations if, but only if, all the conditions imposed by—

- (a) this Schedule,

(b) any other applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule); and  
(c) any specific or general direction given by the Board,  
are satisfied.

(2) Information delivered by means of electronic communications shall be treated as having been delivered on the day on which the last of the conditions imposed as mentioned in sub-paragraph (1) is satisfied.

This is subject to the following qualifications.

(3) The Board may by a general or specific direction provide for information to be treated as delivered upon a different date (whether earlier or later) than that given by sub-paragraph (2).

(4) Information shall not be taken to have been delivered to an official computer system by means of electronic communications unless it is accepted by the system to which it is delivered.

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**Commencement Information**

**I57** Sch. 2 para. 7 in force at 7.4.2003, see [reg. 1](#)

**Proof of content**

**8.—**(1) A document certified by an officer of the Board to be a printed-out version of any information delivered by means of electronic communications under this Schedule on any occasion shall be evidence, unless the contrary is proved, that that information—

- (a) was delivered by means of electronic communications on that occasion; and
- (b) constitutes the entirety of what was delivered on that occasion.

(2) A document purporting to be a certificate given in accordance with sub-paragraph (1) shall be presumed to be such a certificate unless the contrary is proved.

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**Commencement Information**

**I58** Sch. 2 para. 8 in force at 7.4.2003, see [reg. 1](#)

**Proof of identity of sender or recipient**

**9.** The identity of—

- (a) the sender of any information delivered to an official computer system by means of electronic communications under this Schedule, or
- (b) the recipient of any information delivered by means of electronic communications from an official computer system,

shall be presumed, unless the contrary is proved, to be the person recorded as such on an official computer system.

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**Commencement Information**

**I59** Sch. 2 para. 9 in force at 7.4.2003, see [reg. 1](#)

**Status:** Point in time view as at 17/09/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

### Information delivered electronically on another's behalf

**10.** Any information delivered by an approved method of electronic communications on behalf of any person shall be deemed to have been delivered by him unless he proves that it was delivered without his knowledge or connivance.

#### Commencement Information

**I60** Sch. 2 para. 10 in force at 7.4.2003, see [reg. 1](#)

### Proof of delivery of information

**11.**—(1) The use of an authorised method of electronic communications shall be presumed, unless the contrary is proved, to have resulted in the delivery of information—

- (a) in the case of information falling to be delivered to the Board, if the delivery of the information has been recorded on an official computer system;
- (b) in the case of information falling to be delivered by the Board, if the despatch of the information has been recorded on an official computer system.

(2) The use of an authorised method of electronic communications shall be presumed, unless the contrary is proved, not to have resulted in the delivery of information—

- (a) in the case of information falling to be delivered to the Board, if the delivery of the information has not been recorded on an official computer system;
- (b) in the case of information falling to be delivered by the Board, if the despatch of the information has not been recorded on an official computer system.

(3) The time of receipt of any information sent by an authorised means of electronic communications shall be presumed, unless the contrary is proved, to be that recorded on an official computer system.

#### Commencement Information

**I61** Sch. 2 para. 11 in force at 7.4.2003, see [reg. 1](#)

### Use of unauthorised means of electronic communications

**12.**—(1) Sub-paragraph (2) applies to information which is required to be delivered to the Board in connection with the matters mentioned in paragraph 3.

(2) The use of a means of electronic communications, for the purpose of delivering any information to which this paragraph applies, shall be conclusively presumed not to have resulted in the delivery of that information, unless—

- (a) that means of electronic communications is for the time being approved for delivery of information of that kind; and
- (b) the sender is approved for the use of that means of electronic communications in relation to information of that kind.

#### Commencement Information

**I62** Sch. 2 para. 12 in force at 7.4.2003, see [reg. 1](#)

## SCHEDULE 3

Regulation 43

## Revocations

## PART 1

## REVOCATIONS APPLICABLE TO GREAT BRITAIN

**Commencement Information****I63** Sch. 3 Pt. 1 in force at 7.4.2003, see **reg. 1**

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Claims and Payments) Regulations 1987	<a href="#">S.I. 1987/1968</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment Regulations 1988	<a href="#">S.I. 1988/522</a>	The whole of the Regulations.
The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988	<a href="#">S.I. 1988/664</a>	The whole of the Regulations.
The Social Security (Payments on account, Overpayments and Recovery) Amendment Regulations 1988	<a href="#">S.I. 1988/688</a>	The whole of the Regulations.
The Social Security (Common Provisions) Miscellaneous Amendment Regulations 1988	<a href="#">S.I. 1988/1725</a>	In regulation 1(2), the definitions of “the Claims and Payments Regulations” and “the Payments on account, Overpayment and Recovery Regulations”.
		Regulations 3 and 4.
The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989	<a href="#">S.I. 1989/136</a>	The whole of the Regulations.
The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989	<a href="#">S.I. 1989/1642</a>	Regulation 2.

**Status:** Point in time view as at 17/09/2003.**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989	<a href="#">S.I. 1989/1686</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”.  Regulations 3 to 9.
The Social Security (Claims and Payments) Amendment Regulations 1990	<a href="#">S.I. 1990/725</a>	The whole of the Regulations.
The Social Security (Attendance Allowance and Claims and Payments) Amendment Regulations 1990	<a href="#">S.I. 1990/1871</a>	Regulation 3.
The Social Security (Miscellaneous Provisions) Amendment Regulations 1990	<a href="#">S.I. 1990/2208</a>	In regulation 1(2), the definition of “Claims and Payments Regulations”.  Regulations 7 to 16.
The Enterprise (Scotland) Consequential Amendments Order 1991	<a href="#">S.I. 1991/387</a>	Article 14.
The Social Security (Miscellaneous Provisions) Amendment Regulations 1991	<a href="#">S.I. 1991/2284</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”.  Regulations 5 to 20.
The Social Security (Claims and Payments) Amendment Regulations 1991	<a href="#">S.I. 1991/2741</a>	The whole of the Regulations.
The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991	<a href="#">S.I. 1991/2742</a>	In regulation 1(3), the definition of “the Payments on account, Overpayments and Recovery Regulations”.  Regulation 15.
The Social Security (Miscellaneous Provisions) Amendment Regulations 1992	<a href="#">S.I. 1992/247</a>	Regulation 1(2).  Regulations 9 to 17.
The Social Security (Claims and Payments) Amendment Regulations 1992	<a href="#">S.I. 1992/1026</a>	In regulation 2, the definition of “the Claims and Payments Regulations”.  Regulations 3 to 6.  The Schedule.

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Miscellaneous Provisions) Amendment (No. 2) Regulations 1992	<a href="#">S.I. 1992/2595</a>	In regulation 1(2), the definition of "Claims and Payments Regulations".  The whole of Part 2.
The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992	<a href="#">S.I. 1992/3147</a>	In Schedule 1, paragraph 8.
The Social Security (Claims and Payments) Amendment Regulations 1993	<a href="#">S.I. 1993/478</a>	The whole of the Regulations.
The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993	<a href="#">S.I. 1993/495</a>	In regulation 1(2), "the Claims and Payments Regulations".  Regulation 2.
The Social Security (Payments on account, Overpayments and Recovery) Amendment Regulations 1993	<a href="#">S.I. 1993/650</a>	The whole of the Regulations.
The Social Security (Miscellaneous Provisions) Amendment Regulations 1993	<a href="#">S.I. 1993/846</a>	Regulation 4.
The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1993	<a href="#">S.I. 1993/1113</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993	<a href="#">S.I. 1993/2113</a>	Regulation 3.
The Social Security (Claims and Payments) Amendment Regulations 1994	<a href="#">S.I. 1994/2319</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994	<a href="#">S.I. 1994/2943</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1994	<a href="#">S.I. 1994/2944</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment (No. 4) Regulations 1994	<a href="#">S.I. 1994/3196</a>	The whole of the Regulations.

**Status:** Point in time view as at 17/09/2003.**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995	<a href="#">S.I. 1995/829</a>	In regulation 1(2), the definition of “the Payments on account, Overpayments and Recovery Regulations”.  Regulation 21.
The Social Security (Income Support and Claims and Payments) Amendment Regulations 1995	<a href="#">S.I. 1995/1613</a>	Regulation 3.  Schedule 2.
The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995	<a href="#">S.I. 1995/2303</a>	In regulation 1(7), the definition of “the Claims and Payments Regulations”.  Regulation 10.
The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995	<a href="#">S.I. 1995/2927</a>	Regulation 1(2)(b).  Regulation 3.
The Social Security (Claims and Payments) Amendment Regulations 1995	<a href="#">S.I. 1995/3055</a>	The whole of the Regulations.
The Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996	<a href="#">S.I. 1996/30</a>	In regulation 1(2), the definition of “the Payments on account, Overpayments and Recovery Regulations”.  Regulation 10.
The Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996	<a href="#">S.I. 1996/425</a>	Regulation 3.
The Child Support (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) Amendment Regulations 1996	<a href="#">S.I. 1996/481</a>	In regulation 1(2), the definition of “Claims and Payments Regulations”.  Regulations 5 and 6.
The Social Security (Claims and Payments Etc.) Amendment Regulations 1996	<a href="#">S.I. 1996/672</a>	Regulation 2.  Regulation 4.
The Social Security and Child Support (Jobseeker's Allowance) (Consequential	<a href="#">S.I. 1996/1345</a>	Regulation 23.



<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Amendments) Regulations 1996		
The Social Security (Disability Living Allowance and Claims and Payments) Amendment Regulations 1996	<a href="#">S.I. 1996/1436</a>	Regulation 3.
The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations 1996	<a href="#">S.I. 1996/1460</a>	The whole of the Regulations.
The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996	<a href="#">S.I. 1996/1803</a>	In regulation 1(4), the definition of "the Claims and Payments Regulations".  Regulations 18 to 21.
The Social Security (Claims and Payments and Adjudication) Amendment Regulations 1996	<a href="#">S.I. 1996/2306</a>	In regulation 1(2), the definition of "the Claims and Payments Regulations".  Regulations 2 to 7.
The Social Security (Jobseeker's Allowance Consequential Amendments) (Deductions) Regulations 1996	<a href="#">S.I. 1996/2344</a>	Regulation 25.
The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1996	<a href="#">S.I. 1996/2431</a>	Regulation 7.
The Social Security (Jobseeker's Allowance and Payments on Account) (Miscellaneous Amendments) Regulations 1996	<a href="#">S.I. 1996/2519</a>	Regulation 3.
The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1996	<a href="#">S.I. 1996/2988</a>	The whole of the Regulations.
The Social Security (Child Maintenance Bonus) Regulations 1996	<a href="#">S.I. 1996/3195</a>	Regulation 16(2) and (3).
The Social Security (Social Fund and Claims and Payments) (Miscellaneous	<a href="#">S.I. 1997/792</a>	Regulation 8.

**Status:** Point in time view as at 17/09/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Amendments) Regulations 1997		
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1997	<a href="#">S.I. 1997/793</a>	Regulation 1(2)(b).  Regulations 2 to 7.
The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997	<a href="#">S.I. 1997/827</a>	Regulation 7.
The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997	<a href="#">S.I. 1997/2290</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”.  Regulations 5 and 6.
The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1997	<a href="#">S.I. 1997/2305</a>	Regulation 5.
The Social Security (Claims and Payments) (Amendment) Regulations 1997	<a href="#">S.I. 1997/3034</a>	The whole of the Regulations.
The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1998	<a href="#">S.I. 1998/1174</a>	Regulation 8(3).
The Social Security (Claims and Payments) Amendment Regulations 1998	<a href="#">S.I. 1998/1381</a>	The whole of the Regulations.
The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1998	<a href="#">S.I. 1998/3039</a>	The whole of the Regulations.
The Social Security Act 1998 (Commencement No. 7 and Consequential and Transitional Provisions) Order 1999	<a href="#">S.I. 1999/1510 (C.43)</a>	Article 4.
The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999	<a href="#">S.I. 1999/1958 (C.51)</a>	Article 4(9) and (10).  Schedules 9 and 10.
The Social Security (Claims and Payments) Amendment Regulations 1999	<a href="#">S.I. 1999/2358</a>	The whole of the Regulations.
The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and	<a href="#">S.I. 1999/2422 (C.61)</a>	Article 3(8) and (9).  Schedules 7 and 8.

<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Transitional Provisions) Order 1999		
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999	<a href="#">S.I. 1999/2556</a>	Regulation 7.
The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999	<a href="#">S.I. 1999/2566</a>	Regulation 4.
The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999	<a href="#">S.I. 1999/2860 (C.75)</a>	Article 3(3) and (4). Schedules 3 and 4.
The Social Security (Claims and Information) Regulations 1999	<a href="#">S.I. 1999/3108</a>	Regulation 5. In Schedule 3, paragraph 2.
The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999	<a href="#">S.I. 1999/3178 (C.81)</a>	Article 3(6) and (9). Schedule 6. Schedule 9.
The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000	<a href="#">S.I. 2000/636</a>	In regulation 1(3), the definition of “the Claims and Payments Regulations”. Regulation 5.
The Social Security (Claims and Payments) Amendment Regulations 2000	<a href="#">S.I. 2000/1366</a>	The whole of the Regulations.
The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000	<a href="#">S.I. 2000/1483</a>	Regulations 9 and 10.
The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000	<a href="#">S.I. 2000/1596</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”. Regulation 3.
The Social Security (Work-focussed Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000	<a href="#">S.I. 2000/1926</a>	In regulation 10, the words “The Social Security (Claims and Payments) Regulations 1987,”.

**Status:** Point in time view as at 17/09/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
		In Schedule 2, paragraph 1. Regulation 2.
The Social Security (Joint Claims: Consequential Amendments) Regulations 2000	<a href="#">S.I. 2000/1982</a>	
The Social Security (Payments on account, Overpayments and Recovery) Amendment Regulations 2000	<a href="#">S.I. 2000/2336</a>	The whole of the Regulations.
The Social Security (Incapacity Benefit) Miscellaneous Amendments Regulations 2000	<a href="#">S.I. 2000/3120</a>	Regulation 3. Regulation 5.
The Social Security (Claims and Payments) Amendment Regulations 2001	<a href="#">S.I. 2001/18</a>	The whole of the Regulations.
The Social Security (Miscellaneous Amendments) Regulations 2001	<a href="#">S.I. 2001/488</a>	Regulation 11.
The Social Security Amendment (Joint Claims) Regulations 2001	<a href="#">S.I. 2001/518</a>	Regulation 5.
The Social Security (Jobcentre Plus Interviews) Regulations 2001	<a href="#">S.I. 2001/3210</a>	In regulation 15, the words “The Social Security (Claims and Payments) Regulations 1987,”.
The Social Security (Notification of Change of Circumstances) Regulations 2001	<a href="#">S.I. 2001/3252</a>	In Schedule 2, paragraph 1. Regulation 5.
The Social Security (Claims and Payments) Amendment Regulations 2002	<a href="#">S.I. 2002/355</a>	The whole of the Regulations.
The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2002	<a href="#">S.I. 2002/398</a>	Regulation 2.
The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002	<a href="#">S.I. 2002/428</a>	Regulations 1(2), 2 and 3.

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Jobcentre Plus Interviews) Regulations 2002	<a href="#">S.I. 2002/1703</a>	In Schedule 2, paragraph 1.
The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2002	<a href="#">S.I. 2002/1950</a>	The whole of the Regulations.
The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 2) Regulations 2002	<a href="#">S.I. 2002/2441</a>	The whole of the Regulations.
The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 3) Regulations 2002	<a href="#">S.I. 2002/2660</a>	Regulation 2.

## PART 2

## REVOCATIONS APPLICABLE TO NORTHERN IRELAND

**Commencement Information**

**I64** [Sch. 3 Pt. 2](#) in force at 7.4.2003, see [reg. 1](#)

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 465</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 67</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 141</a>	The whole of the Regulations.
The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 142</a>	The whole of the Regulations.
The Social Security (Common Provisions) (Miscellaneous	<a href="#">S.R. 1988 No. 369</a>	Regulations 3 and 4.

**Status:** Point in time view as at 17/09/2003.**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Amendments) Regulations (Northern Ireland) 1988		
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 40</a>	The whole of the Regulations.
The Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 373</a>	Regulation 12.
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 398</a>	The whole of the Regulations.
The Income-Related Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 137</a>	Regulation 2.
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 398</a>	Regulation 7.
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 488</a>	Regulation 6.
The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 6</a>	Regulation 14.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 7</a>	The whole of the Regulations.
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 83</a>	Regulation 7.
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 271</a>	The whole of the Regulations.

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Miscellaneous Provisions) (Amendment No. 3) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 453</a>	Regulation 6.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 146</a>	The whole of the Regulations.
The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1993 No. 149</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”. In Schedule 1, paragraph 2. In Schedule 2, paragraph 3.
The Social Security (Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 175</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 217</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 375</a>	Regulation 3.
The Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 65</a>	Schedule 15.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 345</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 456</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment No. 4) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 484</a>	The whole of the Regulations.

**Status:** Point in time view as at 17/09/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003. (See end of Document for details)

<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 150</a>	Regulation 21.
The Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 301</a>	In regulation 1(3), the definition of “the Claims and Payments Regulations”.  Regulation 3.  Schedule 2.
The Income-Related Benefits and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995	<a href="#">S.R. 1995 No. 367</a>	Regulation 5.
The Social Security (Persons from Abroad) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 11</a>	Regulation 7.
The Child Support (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 65</a>	Regulation 4.
The Social Security (Claims and Payments Etc.) (Amendment) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 85</a>	Regulation 2.
The Social Security (Disability Living Allowance and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 225</a>	Regulation 2.
The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 288</a>	Regulation 6.
The Social Security and Child Support (Jobseeker's	<a href="#">S.R. 1996 No. 289</a>	Regulation 15.



<i>Column (1)</i> <i>Subordinate legislation revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996		
The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 354</a>	The whole of the Regulations.
The Social Security (Claims and Payments and Adjudication) (Amendment) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 432</a>	Regulation 2.
The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 449</a>	Regulation 3.
The Social Security (Jobseeker's Allowance and Payments on Account) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No.464</a>	Regulation 3.
The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 622</a>	Regulation 16(2) and (3).
The Social Security (Social Fund and Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 155</a>	Regulation 3.
The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 156</a>	Regulation 3.
The Social Security (Income Support, Jobseeker's Allowance and Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 165</a>	Regulation 4.
The Social Security (Claims and Payments and	<a href="#">S.R. 1997 No. 416</a>	Regulation 2.

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<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Adjudication) (Amendment) Regulations (Northern Ireland) 1997		
The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 435</a>	Regulation 3.
The Social Security Act 1998 (Commencement No. 6 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 246 (C.29)</a>	Article 5.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 365</a>	The whole of the Regulations.
The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 381</a>	Regulation 5.
The Social Security and Child Support (Tax Credits Consequential Amendments) Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 385</a>	Regulation 4.
The Social Security Act 1998 (Commencement No. 10, and Savings and Consequential and Transitional Provisions) Order (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 428 (C.32)</a>	Article 5.
The Social Security Act 1998 (Commencement No. 11 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 472 (C.36)</a>	Article 9.  Article 11.
The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 71</a>	In regulation 1(3), the definition of “the Claims and Payments Regulations”.  Regulation 7.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 181</a>	The whole of the Regulations.

<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 215</a>	Regulation 3.
The Social Security (Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 266</a>	The whole of the Regulations.
The Social Security (Joint Claims: Consequential Amendments) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 365</a>	Regulation 2.
The Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 404</a>	Regulations 4 and 5.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 22</a>	The whole of the Regulations.
The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 78</a>	Regulation 11.
The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 108</a>	Regulations 10 and 11.
The Social Security Amendment (Joint Claims Amendments) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 120</a>	Regulation 5.
The Social Security (Claims and Information) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 175</a>	Regulation 3. In Schedule 2, paragraph 2.
The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 176</a>	In regulation 1(2), the definition of “the Claims and Payments Regulations”. Regulation 15(2). Schedule 3.

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<i>Column (1)</i> <i>Subordinate legislation</i> <i>revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 420</a>	Regulation 5.
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 59</a>	The whole of the Regulations.
The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 67</a>	Regulation 2.
The Social Security Amendment (Residential Care and Nursing Homes) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 132</a>	Regulation 3.
The Social Security Amendment (Residential Care and Nursing Homes) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 254</a>	The whole of the Regulations.
The Social Security (Claims and Payments) (Amendment) (No. 3) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 297</a>	The whole of the Regulations.
The Social Security (Claims and Payments and Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 327</a>	Regulation 2.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the administration of child benefit and guardian's allowance which is to be transferred from the Department for Work and Pensions (in Northern

Ireland, the Department for Social Development) to the Commissioners of Inland Revenue by Part 2 of the Tax Credits Act 2002 (c. 21) with effect from 1st April 2003.

The Regulations are modelled closely on the provisions, so far as relating to child benefit and guardian's allowance, that are contained in—

- (a) for Great Britain—
  - (i) the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968);
  - (ii) the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (S.I. 1988/644);
  - (iii) and regulation 5 of the Social Security (Notification of Changes of Circumstances) Regulations 2001 (S.I. 2001/3252); and
- (b) for Northern Ireland—
  - (i) the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465);
  - (ii) the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 (S.R. 1988 No. 142); and
  - (iii) regulation 5 of the Social Security (Notification of Changes of Circumstances) Regulations 2001 (S.I. 2001/32520).

The opportunity is being taken to combine the regulations in a single set relating to child benefit and guardian's allowance that extends to both Great Britain and Northern Ireland.

Part 1 (regulations 1 to 4) provides for citation, commencement and effect, interpretation and, together with Schedule 2, the use of electronic communications. It also provides to whom, and the manner in which, notifications of changes of circumstances must be notified for the purposes of certain offences relating to failures to give such notifications.

Part 2 (regulations 5 to 15) makes provision in relation to claims and awards. It provides, in particular, for the method of making a claim and the time limits for doing so, the extent to which claims are interchangeable, advance claims and awards and the duration of claims and awards.

Part 3 (regulations 16 to 26) makes provision in relation to payments. It provides, in particular, for the time when, and the method by which, payment is to be made and for the extinguishment of the right to payment.

Part 4 (regulations 27 to 34) provides for the circumstances in which third parties may make claims or receive payments on behalf of another person.

Part 5 (regulations 35 to 42) makes provision in relation to overpayments and recovery.

Part 6 (regulations 43 and 44), together with Schedule 3, contains revocations and transitional provisions.

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