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STATUTORY INSTRUMENTS

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**2003 No. 493**

**The Child Benefit (General) Regulations 2003**

**PART 3**

**Meaning of “child”**

**Prescribed circumstances in which education is to be treated as full-time education**

5.—(1) For the purposes of Part 9 of the Contributions and Benefits Act and Part 9 of the Contributions and Benefits (NI) Act, the circumstances in which education received by a person attending a course of education at a recognised educational establishment is treated as full-time education are circumstances where in pursuit of that course, the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, exceeds 12 hours a week in normal term-time, and shall include normal gaps between the ending of one course and the commencement of another, where the person is enrolled on and commences the latter course.

(2) In calculating the time spent in pursuit of the course, no account shall be taken of time occupied by meal breaks or spent on unsupervised study.

**Prescribed interruptions to full-time education**

6.—(1) Subject to paragraph (2), for the purposes of section 142(4) of the Contributions and Benefits Act and section 138(4) of the Contributions and Benefits (NI) Act (prescribed interruptions to full-time education) the prescribed interruptions are—

- (a) an interruption for a period of up to six months, whether beginning before or after the person concerned attains age 16, to the extent to which in the opinion of the Board the interruption is reasonable; and
- (b) an interruption attributable to the illness or disability of mind or body of the person concerned for such period as is reasonable in the opinion of the Board.

(2) Paragraph (1) does not apply to any period of interruption of a person’s full-time education which is or is likely to be followed immediately by a period during which—

- (a) provision is made for the training of that person, and for an allowance to be payable to that person, under a relevant training programme;
- (b) he is receiving education by virtue of his employment or of any office held by him; or
- (c) provision is made for his financial support under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(1) or Article 16 of the Industrial Training (Northern Ireland) Order 1984(2).

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(1) 1945 c. 6 (N.I.).

(2) S.R.1984/1159 (N.I. 9).

**Prescribed period for which a person who has ceased to receive full-time education is to continue to be treated as a child**

7.—(1) Subject to paragraph (2), for the purposes of section 142(5) of the Contributions and Benefits Act and section 138(5) of the Contributions and Benefits (NI) Act (prescribed period for which a person is to continue to be treated as a child), the prescribed period is specified in Cases 1 and 2.

*Case 1*

1.1 The prescribed period is—

- (a) from—
  - (i) if the person is under the age of 16 when he ceases to receive full-time education not being advanced education, the date on which he attains that age; or
  - (ii) if the person is 16 or over when he ceases to receive full-time education not being advanced education, the date on which he so ceases,
- (b) up to and including—
  - (i) the week including the terminal date, or
  - (ii) if he attains the age of 19 on or before that date, the week including the last Monday before he attains that age.

1.2 For the purposes of paragraph 1.1, the “terminal date” means—

- (a) the first Monday in January; or
- (b) the Monday following Easter Monday; or
- (c) the first Monday in September,

whichever first occurs after the date on which the person’s full-time education ceased, or where the person had not attained compulsory school age when he ceased to receive full-time education, whichever next follows the date on which he would have attained that age.

1.3 For the purposes of paragraph 1.2, “compulsory school age” means the upper limit of compulsory school age as determined in accordance with—

- (a) in England and Wales, section 9 of the Education Act 1962(3);
- (b) in Scotland, sections 31 and 33 of the Education (Scotland) Act 1980(4)
- (c) in Northern Ireland, Article 46 of the Education and Libraries (Northern Ireland) Order 1986(5).

*Case 2*

2.1 Where a person’s name is entered as a candidate for any external examination in connection with full-time education not being advanced education which he is receiving at that time, so long as his name continues to be so entered before ceasing to receive such education, the prescribed period is—

- (a) from—
  - (i) the period beginning with the date when that person ceased to receive full-time education, or
  - (ii) where a person has not attained the age of 16 when he ceased to receive full-time education, the date on which he attained that age,

(3) 1962 c. 12 as amended by the Education (School-leaving Dates) Act 1976 (c. 5).

(4) 1980 c. 44.

(5) S.I.1986/594 (N.I. 3).

- (b) up to and including—
  - (i) whichever of the dates in sub-paragraph (a), (b) and (c) of paragraph 1.2 first occurs after the conclusion of the examination (or the last of them if there are more than one), or
  - (ii) the expiry of the week which includes the last Monday before his 19th birthday,whichever is the earlier.

(2) Child benefit shall not be payable to any person entitled to child benefit in respect of a child by virtue of this regulation for any week in which that child is engaged in remunerative work.

**Prescribed conditions for a person under the age of 18 and not receiving full-time education to be treated as a child**

8.—(1) For the purposes of section 142(1)(b) of the Contributions and Benefits Act and section 138(1)(b) of the Contributions and Benefits (NI) Act (person under the age of 18 not receiving full-time education and satisfying prescribed conditions to be treated as a child), the prescribed conditions are that—

- (a) the person is registered for work or for training under a relevant training programme with—
    - (i) the Careers Service or Connexions Service;
    - (ii) the Ministry of Defence;
    - (iii) in Northern Ireland, the Department for Employment and Learning or an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986; or
    - (iv) for the purposes of applying Council Regulation (EEC) No. 1408/71, any corresponding body in another member State;
  - (b) the person is not engaged in remunerative work;
  - (c) the extension period which applies in the case of that person has not expired;
  - (d) immediately before the extension period begins, the person who is responsible for him is entitled to child benefit in respect of him without regard to this regulation; and
  - (e) the person who is responsible for him has made a written request to the Board for the payment of child benefit during the extension period.
- (2) For the purposes of paragraph (1)(c), (d) and (e), the extension period—
- (a) begins on the first day of the week in which child benefit would cease to be payable in respect of a person but for this regulation; and
  - (b) ends—
    - (i) on the last day of the week which falls immediately before the week which includes the first Monday in January in that year where a person attains the age of 16 or, if later, where the prescribed period in regulation 7 ends, on or after the first Monday in September, but before the first Monday in January of the following year;
    - (ii) on the last day of the week which falls 12 weeks after the week which includes the first Monday in January in that year where a person attains the age of 16 or, if later, where the prescribed period in regulation 7 ends, on or after the first Monday in January but before the Monday following Easter Monday in that year;
    - (iii) on the last day of the week which falls 12 weeks after the week which includes the Monday following Easter Monday in that year where a person attains the age of 16

or, if later, where the prescribed period in regulation 7 ends, at any other time of the year.