
STATUTORY INSTRUMENTS

2003 No. 493

The Child Benefit (General) Regulations 2003

PART 7

General and supplementary provisions

Right to child benefit of voluntary organisations

36.—(1) Subject to paragraph (4) and (5), for the purposes of section 147(6) of the Contributions and Benefits Act and section 143(6) of the Contributions and Benefits (NI) Act (right to child benefit of voluntary organisations), a voluntary organisation is regarded as the only person with whom a child is living for any week in which that child is—

- (a) living in premises which are provided or managed by the voluntary organisation, being premises which are required to be registered with a Government Department or local authority or which are otherwise regulated under or by virtue of any enactment relating to England and Wales, Scotland, or Northern Ireland; or
- (b) placed by the voluntary organisation in the home of any person in accordance with the provisions of the Foster Placement (Children) Regulations 1991, the Fostering of Children (Scotland) Regulations 1996 or the Foster Placement (Children) Regulations (Northern Ireland) 1996.

(2) A voluntary organisation shall not be regarded as having ceased to have a child living with it by reason only of any temporary absence of that child—

- (a) if the child is undergoing medical or other treatment as an in-patient in a hospital, until such absence has lasted for more than 84 days; or
- (b) if the child is temporarily absent for any other reason, until such absence has lasted for more than 56 days.

(3) In calculating the period of 84 days for the purposes of paragraph (2)(a), two or more distinct periods of temporary absence separated by one or more intervals each not exceeding 28 days shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the latter or last of such periods.

(4) A voluntary organisation shall not be regarded as a person with whom a child is living in any week if in that week—

- (a) that child is in residential accommodation in the circumstances prescribed in regulation 3; or
- (b) paragraph 1 of Schedule 9 to the Contributions and Benefits Act or paragraph 1 of Schedule 9 to the Contributions and Benefits (NI) Act applies to that child.

(5) Where immediately before the week in which paragraph (1) applies to a child, that child was living with a person who was then entitled to child benefit in respect of him, paragraph (1) shall have effect in relation to that person as if the words “the only person” were omitted for so long as the child is treated as continuing to live with that person by virtue of section 143(2) of the Contributions and Benefits Act or section 139(2) of the Contributions and Benefits (NI) Act.

(6) Section 143(1)(b) of the Contributions and Benefits Act and section 139(1)(b) of the Contributions and Benefits (NI) Act (person to be treated as responsible for a child in any week if he is contributing to the cost of providing for the child at a weekly rate not less than the weekly rate of child benefit payable in respect of the child for that week) and regulation 16(1) (children in detention shall not apply to a voluntary organisation).