
STATUTORY INSTRUMENTS

2004 No. 1450

The Child Trust Funds Regulations 2004

PART 2

Other requirements to be satisfied in relation to accounts

Recoupment of Inland Revenue contributions to void accounts (and other accounts)

22.—(1) Where—

- (a) the named child has never been an eligible child (see regulation 8(1)(b)), or
- (b) there is a breach of regulation 8(1)(c) in relation to an account,

the account is void, and the persons mentioned in paragraph (3) shall account to the Inland Revenue for Inland Revenue contributions paid in respect of the account, together with income and gains which have arisen in consequence of the crediting of any of those payments to the account.

(2) Where—

- (a) the condition in section 9(5) of the Act [^{F1}or regulation 7(10B) or 7A(4)] was satisfied in relation to a child, but the determination under sections 18 to 21 of the Tax Credits Act 2002 ^{M1} has been overturned, or
- (b) the condition in section 9(8) of the Act was satisfied in relation to a child, but it has subsequently been determined that payment of the relevant benefit or tax credit mentioned in that subsection should not have been made, or that the applicable amount or tax credit should not have included an amount or credit in respect of the child, [^{F2}or
- (c) the requirements of regulation 7(10) were [^{F3}, or the condition in regulation 7(10C) [^{F4}, 7A(5) or 7B(1)] was,] satisfied in relation to a child, but it has subsequently been determined that payment of the relevant benefit mentioned in [^{F5}the relevant provision] should not have been made, or that the applicable amount should not have included an amount in respect of that child,]

the persons mentioned in paragraph (3) shall account to the Inland Revenue for any supplementary contribution [^{F6}, or further contribution, as the case may be,] paid in respect of the account, together with income and gains which have arisen in consequence of the crediting of any such payment to the account.

(3) The persons mentioned in paragraphs (1) and (2) are—

- (a) the account provider (to the extent that he has assets in his possession or control),
- (b) the registered contact,
- (c) the named child, and
- (d) any person in whom the Inland Revenue contributions, income or gains, or any property directly or indirectly representing any of them, is vested (whether beneficially or otherwise)

and they shall be jointly and severally liable.

(4) Where a person accountable under this regulation is notified by the Inland Revenue that an amount is due from him under it, that amount shall be treated for the purposes of Part 6 of the Management Act ^{M2} (collection and recovery) as if it were tax charged in an assessment on that person, and due and payable.

Textual Amendments

- F1** Words in reg. 22(2)(a) inserted (6.4.2009) by [The Child Trust Funds \(Amendment\) Regulations 2009 \(S.I. 2009/475\)](#), regs. 1(1), **6(a)**
- F2** Reg. 22(2)(c) and preceding word inserted (6.4.2005) by [The Child Trust Funds \(Amendment\) Regulations 2005 \(S.I. 2005/383\)](#), regs. 1, **4(a)**
- F3** Words in reg. 22(2)(c) inserted (6.4.2009) by [The Child Trust Funds \(Amendment\) Regulations 2009 \(S.I. 2009/475\)](#), regs. 1(1), **6(b)(i)**
- F4** Words in reg. 22(2)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Child Trust Funds \(Amendment No. 2\) Regulations 2010 \(S.I. 2010/836\)](#), regs. 1(1), **4**
- F5** Words in reg. 22(2)(c) substituted (6.4.2009) by [The Child Trust Funds \(Amendment\) Regulations 2009 \(S.I. 2009/475\)](#), regs. 1(1), **6(b)(ii)**
- F6** Words in reg. 22(2) inserted (6.4.2005) by [The Child Trust Funds \(Amendment\) Regulations 2005 \(S.I. 2005/383\)](#), regs. 1, **4(b)**
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Marginal Citations

- M1** 2002 c. 21.
- M2** 1970 c. 9.

Changes to legislation:

There are currently no known outstanding effects for the The Child Trust Funds Regulations 2004, Section 22.