
STATUTORY INSTRUMENTS

2006 No. 223

The Child Benefit (General) Regulations 2006

PART 2

Qualifying young persons: prescribed conditions

Introduction

2.—(1) Regulations 3 to 7 prescribe—

- (a) the age which a person must not have attained, and
- (b) the conditions which are to be satisfied,

for a person to be a qualifying young person.

(2) Where more than one of those regulations apply to a person, he is a qualifying young person until the last of them ceases to be satisfied.

(3) Regulations 3 to 7 are subject to the following qualifications.

(4) Regulation 8 prescribes an additional condition which must be satisfied for a person to be a qualifying young person in respect of a week.

(5) No-one who had attained the age of 19 before 10th April 2006 is a qualifying young person.

Education and training condition

3.—(1) This regulation applies in the case of a person who has not attained the age of 20.

(2) The condition is that the person—

- (a) is undertaking a course of full-time education, which is not advanced education and which is not provided by virtue of his employment or any office held by him—
 - (i) which is provided at a school or college; or
 - (ii) which is provided elsewhere but is approved by the Commissioners;
- (b) having undertaken such a course as is mentioned in paragraph (a) is enrolled to undertake a further such course; or
- (c) is undertaking approved training that is not provided by means of a contract of employment.

(3) A person is not a qualifying young person by virtue of paragraph (2)(a)(ii) unless he was receiving the education referred to in that paragraph as a child.

(4) A person who is aged 19 is only a qualifying young person by virtue of paragraph (2)(a) or (2)(c) if he began the education or training (as the case may be) referred to in that sub-paragraph before attaining that age.

Continuation of entitlement until 31st August: 16 year olds

4.—(1) This regulation applies in the case of a person who has not attained the age of 17 and who has left relevant education or training.

(2) The condition is that the 31st August next following the person's 16th birthday has not passed.

Extension period: 16 and 17 year olds

5.—(1) This regulation applies in the case of a person who has not attained the age of 18.

(2) The condition is that—

- (a) the person has ceased to be in education or training;
- (b) the person is registered for work, education or for training with a qualifying body;
- (c) the person is not engaged in remunerative work;
- (d) the extension period which applies in the case of that person has not expired;
- (e) 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
- (f) the person who is responsible for him has made a written request to the Commissioners, within three months of his ceasing education or training, for the payment of child benefit during the extension period.

(3) For the purposes of paragraph (2) the extension period—

- (a) begins on the first day of the week after that in which the person ceased to be in education or training; and
- (b) ends 20 weeks after it started.

(4) In this regulation “qualifying body” means—

- (a) the Careers Service or Connexions Service;
- (b) the Ministry of Defence;
- (c) 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(1); or
- (d) for the purposes of applying Council Regulation (EEC) No. 1408/71, any corresponding body in another member State.

Interruptions

6.—(1) This regulation applies in the case of a person who has not attained the age of 20.

(2) If, immediately before the commencement of an interruption specified in paragraph (3)(a) or (b), a person was a qualifying young person by virtue of any other provision of these Regulations, he is such a person throughout a period of interruption during which he satisfies the condition specified in that sub-paragraph.

(3) The periods of interruption are—

- (a) one of up to six months (whether beginning before or after the person concerned became 16) but only to the extent to which, in the opinion of the Commissioners, that the interruption is reasonable; and
- (b) one 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 Commissioners.

(1) S.I.1986/594(N.I. 3). Article 3 has been amended by Schedule 9 to S.I. 1989/ 2406 (N.I. 20).

This is subject to the following qualification.

(4) Paragraph (3) does not apply to an interruption which is, or is likely to be, followed immediately by a period during which—

- (a) provision is made for training of that person which is not approved training;
- (b) he is receiving advanced education;
- (c) he is receiving education by virtue of his employment or of any office held by him.

Qualifying young person: terminal dates

7.—(1) This regulation applies in the case of a person who has not attained the age of 20.

(2) The condition is that the period found in accordance with Cases 1 and 2 has not expired in his case.

Case 1

(1.1) The period is from the date on which he ceases to receive relevant education or approved training, up to and including—

- (a) the week including the terminal date, or
- (b) if he attains the age of 20 on or before that date, the week including the last Monday before he attains that age.

(1.2) For the purposes of this Case the “terminal date” means—

- (a) the last day in February,
- (b) the last day in May,
- (c) the last day in August,
- (d) the last day in November,

whichever first occurs after the date on which the person’s relevant education or approved training ceased (but subject to paragraph 1.3 of this Case).

(1.3) In the case of a person in Scotland who—

- (a) undertakes the Higher Certificate or Advanced Higher Certificate immediately before ceasing relevant education, and
- (b) ceases relevant education on a date earlier than he would have done had he undertaken the comparable examination in England and Wales,

the terminal date shall be reckoned by reference to the date on which the cessation would have occurred had he undertaken the comparable examination.

Case 2

(2.1) Where a person’s name is entered as a candidate for any external examination in connection with relevant 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 the later of—
 - (i) date when that person ceased to receive relevant education, or
 - (ii) the date on which he attained the age of 16,
- (b) up to and including—

- (i) whichever of the dates in paragraph 1.2 (as modified by paragraph 1.3 where appropriate) first occurs after the conclusion of the examination (or the last of the examinations if the person is entered for more than one), or
- (ii) the expiry of the week which includes the last Monday before his 20th birthday,

whichever is the earlier.

This paragraph is subject to the following qualification.

(3) Child benefit is not payable in respect of a qualifying young person by virtue of this regulation for any week in which he is engaged in remunerative work.

Child benefit not payable in respect of qualifying young person: other financial support

- 8.**—(1) This regulation applies in the case of a person who has not attained the age of 20 years.
- (2) The condition is that the person is not in receipt, in a week, of—
- (a) income support,
 - (b) income-based jobseeker’s allowance within the meaning of section 1(4) of the Jobseekers Act 1995 or Article 3(4) of the Jobseekers (Northern Ireland) Order 1995,
 - (c) incapacity benefit by virtue of being a person to whom section 30A(1)(b) of SSCBA(2) or section 30A(1)(b) of SSCB(NI)A(3) applies, or
 - (d) tax credit under the Tax Credits Act 2002.

(2) Section 30A was inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and amended by section 64 of the Welfare Reform and Pensions Act 1999 (c. 30).

(3) Section 30A was inserted by Article 1(1) of the Social Security (Incapacity for Work) (N.I.) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by Article 61(1) of the Welfare Reform and Pensions (N.I.) Order 1999 (S.I. 1999/3147 (N.I. 11)).