
STATUTORY INSTRUMENTS

2006 No. 223

The Child Benefit (General) Regulations 2006

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit (General) Regulations 2006 and shall come into force on 10th April 2006 immediately after the Child Benefit Act 2005.

(2) In these Regulations—

“the 1989 Act” means the Children Act 1989⁽¹⁾;

“the 1995 Act” means the Children (Scotland) Act 1995⁽²⁾;

“the 1995 Order” means the Children (Northern Ireland) Order 1995⁽³⁾;

“SSCBA” means the Social Security Contributions and Benefits Act 1992;

“SSCB(NI)A” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

(3) In these Regulations—

“advanced education” means full-time education for the purposes of—

(a) a course in preparation for a degree, a diploma of higher education, a higher national diploma, or a teaching qualification; or

(b) any other course which is of a standard above ordinary national diploma, a national diploma or national certificate of Edexcel, a general certificate of education (advanced level), or Scottish national qualifications at higher or advanced higher level;

“an appropriate office” means—

(a) in relation to child benefit under SSCBA, the Child Benefit Office, Waterview Park, Washington, Tyne and Wear;

(b) in relation to child benefit under SSCB(NI)A, the Child Benefit Office (Northern Ireland), Windsor House, Bedford Street, Belfast;

(c) in relation to child benefit under either of those Acts—

(i) Comben House, Farriers Way, Netherton, Merseyside; or

(ii) any Enquiry Centre maintained by Her Majesty’s Revenue and Customs;

“approved training” means arrangements made by the Government—

(a) in relation to England, known as “Entry to Employment” or “Programme Led Pathways”;

(1) 1989 c. 41.

(2) 1995 c. 36.

(3) S.I.1995/755 (N.I. 2).

- (b) in relation to Wales, known as “Skillbuild”, “Skillbuild+” or “Foundation Modern Apprenticeships”;
- (c) in relation to Scotland, known as “Get Ready for Work”, “Skillseekers” or “Modern Apprenticeships”; or
- (d) in relation to Northern Ireland, known as “Access” or “Jobskills Traineeships”;

“arrangements made by the Government” means arrangements—

- (a) in relation to England and Wales, made by the Secretary of State under section 2 of the Employment and Training Act 1973(4);
- (b) in relation to Scotland, made—
 - (i) by the Scottish Ministers under section 2 of the Employment and Training Act 1973(5);
 - (ii) by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(6); or
- (c) in relation to Northern Ireland, made by the Department for Employment and Learning under section 1 of the Employment and Training Act (Northern Ireland) 1950(7);

“the Careers Service” means—

- (a) in England and Wales, a person with whom the Secretary of State or the National Assembly of Wales has made arrangements under section 10(1) of the Employment and Training Act 1973, and a local education authority to whom the Secretary of State or the National Assembly of Wales has given a direction under section 10(2) of that Act;
- (b) in Scotland, a person with whom the Scottish Ministers have made arrangements under section 10(1) of the Employment and Training Act 1973 and any education authority to which a direction has been given by the Scottish Ministers under section 10(2) of that Act; and
- (c) in Northern Ireland, the Careers Service of the Department for Employment and Learning;

“child benefit” has the meaning given in section 141 of SSCBA and section 137 of SSCB(NI)A (child benefit);

“civil partnership” means two people of the same sex who are civil partners of each other and are neither—

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

“cohabiting same sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs (see section 1 of the Commissioners for Revenue and Customs Act 2005);

“the Connexions Service” means a person of any description with whom the Secretary of State has made an arrangement under section 114(2)(a) of the Learning and Skills Act 2000(8) and

(4) 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

(5) The functions of the Secretary of State as respects education and training in Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Section 117(1) of that Act provides that so far as may be necessary in consequence of the exercise of a function by a member of the Scottish Executive within devolved competence a pre-commencement enactment is to be read as if references to a Minister of the Crown were references to the Scottish Ministers.

(6) 1990 c. 35. Section 2 was amended by sections 47 and 51 of, and Schedule 10 to the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(7) 1950 c. 29 (N.I.). Section 1 has been amended by S.I. 1974/2144 (N.I. 7), 1988/1087 (N.I. 10) and 1990/1200 (N.I. 8).

(8) 2000 c. 21.

section 10(1) of the Employment and Training Act 1973, and any person to whom he has given a direction under section 114(2)(b) of the former, or section 10(2) of the latter, Act;

“couple” means two people—

- (a) of opposite sexes who are—
 - (i) spouses residing together; or
 - (ii) living together as if they were married to each other; or
- (b) of the same sex who are—
 - (i) civil partners in a civil partnership; or
 - (ii) a cohabiting same-sex couple;

“court” means any court in the United Kingdom, the Channel Islands or the Isle of Man;

“Crown servant posted overseas” has the meaning given in regulation 30(2);

“EEA State” means —

- (a) a member State, other than the United Kingdom, or
- (b) Norway, Iceland or Liechtenstein;

“full-time education”—

- (a) is education undertaken in pursuit of a course, where the average time spent during term time in receiving tuition, engaging in practical work, or supervised study, or taking examinations exceeds 12 hours per week; and
- (b) 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.

“hospital or similar institution” means a place in which persons suffering from mental disorders are or may be received for care or treatment but does not include a prison, a young offenders institution, Secure Training Centre, Local Authority Secure Unit, Juvenile Justice Centre, Young Offenders Centre or, if outside the United Kingdom, any comparable place;

“mental disorder” shall be construed as including references to any mental disorder within the meaning of the Mental Health Acts;

“the Mental Health Acts” means the Mental Health Act 1983⁽⁹⁾, the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁰⁾ or the Mental Health (Northern Ireland) Order 1986⁽¹¹⁾;

“partner” means, in relation to a person who is a member of a couple, the other member of that couple;

“penalty” means, in the case of any court in Great Britain or Northern Ireland—

- (a) in England and Wales, a sentence of a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000⁽¹²⁾ or detention in a young offenders institution, and a sentence of detention under sections 90, 91, 92 and 93 of the Powers of Criminal Courts (Sentencing) Act 2000;
- (b) in Scotland, a sentence of detention under sections 44, 205, 207, 208 or 216(7) of the Criminal Procedure (Scotland) Act 1995⁽¹³⁾;
- (c) in Northern Ireland, a sentence of imprisonment, or detention under Article 39, 41, 45 or 54 of, or paragraph 6 of Schedule 2 to, the Criminal Justice (Children) (Northern Ireland)

⁽⁹⁾ 1983 c. 20.

⁽¹⁰⁾ 2003 asp13.

⁽¹¹⁾ S.I. 1986/595 (N.I. 4).

⁽¹²⁾ 2000 c. 6.

⁽¹³⁾ 1995 c. 46.

Order 1998⁽¹⁴⁾, or an order for detention in a juvenile justice centre or young offenders centre,

and in the case of any court outside the United Kingdom, any comparable sentence or order;

“relevant education” means education which is—

- (a) full-time; and
- (b) not advanced education;

“remunerative work” means work of not less than 24 hours a week—

- (a) in respect of which payment is made; or
- (b) which is done in expectation of payment;

“the Taxes Act” means the Income and Corporation Taxes Act 1988⁽¹⁵⁾;

“writing” includes writing produced by electronic communications used in accordance with regulation 39.

(4) For the purposes of these Regulations, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

⁽¹⁴⁾ S.I. 1998/1504 (N.I. 9).

⁽¹⁵⁾ 1988 c. 1.