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## STATUTORY INSTRUMENTS

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# 2006 No. 223

## The Child Benefit (General) Regulations 2006

### PART 4

#### Exclusions and priority

##### **Child or qualifying young persons in detention, care etc.**

**16.**—(1) Paragraph 1 of Schedule 9 to SSCBA and paragraph 1 of Schedule 9 to SSCB(NI)A do not apply to disentitle a person to child benefit in respect of a child or qualifying young person for any week—

- (a) unless that week is the 9th or a subsequent week in a series of consecutive weeks in which either of those paragraphs has applied to that child or qualifying young person; or
- (b) notwithstanding paragraph (a), if—
  - (i) that week is one in which falls the first day in a period of seven consecutive days in which the child or qualifying young person lives with that person for at least a part of the first day and throughout the following six days;
  - (ii) that week is one in which falls the first day in a period of seven consecutive days throughout which the child or qualifying young person lives with that person, being a period of seven consecutive days which immediately follows either a similar period of seven consecutive days or the period of seven consecutive days referred to in head (i) above;
  - (iii) that week is one in which falls the day, or the first day in a period of less than seven consecutive days, throughout which the child or qualifying young person lives with that person, being a day or days which immediately follow the period of seven consecutive days referred to in head (i) above or a period of seven consecutive days referred to in head (ii), or
  - (iv) as at that week that person establishes that he is a person with whom the child or qualifying young person ordinarily lives throughout at least one day in each week.

This paragraph is subject to the following qualifications.

(2) For the purposes of paragraph (1), a person shall not be regarded as having a child or qualifying young person living with him throughout any day or week unless he actually has that child or qualifying young person living with him throughout that day or week.

(3) Paragraph (1) does not apply for any day in any week to a person (“the carer”) with whom a child or qualifying young person—

- [<sup>F1</sup>(a) is placed by a local authority in Great Britain in the carer’s home in accordance with the provisions of—
  - (i) the Placement of Children (Wales) Regulations 2007,
  - (ii) the Review of Children’s Cases (Wales) Regulations 2007,
  - (iii) the Care Planning, Placement and Case Review (England) Regulations 2010,

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*Changes to legislation: There are currently no known outstanding effects for the The Child Benefit (General) Regulations 2006, Section 16. (See end of Document for details)*

- (iv) the Looked After Children (Scotland) Regulations 2009,
- (v) the Fostering Services (England) Regulations 2011,<sup>F2</sup>...
- (vi) the Fostering Services (Wales) Regulations 2003, [<sup>F3</sup>or]
- [<sup>F4</sup>(vii) Parts 4 and 6 of the Social Services and Well-being (Wales) Act 2014 and any regulations made under those parts,]

and that authority is making a payment, in respect of either the child or qualifying young person's accommodation or maintenance or both, under section 22C(10)<sup>F5</sup>... of the 1989 Act or under regulation 33 of the Looked After Children (Scotland) Regulations 2009][<sup>F6</sup>or under section 81(13) of the Social Services and Well-being (Wales) Act 2014];

- (b) is placed by an authority in Northern Ireland, in the carer's home in accordance with the provisions of the Foster Placement (Children) Regulations (Northern Ireland) 1996<sup>M1</sup> where the authority has a duty to provide accommodation and maintenance for the child under the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996<sup>M2</sup>.
- (4) Paragraph (1) does not apply in respect of any child or qualifying young person who—
- (a) is being looked after by a local authority in Great Britain or by an authority in Northern Ireland, and
  - (b) has been placed for adoption by that authority in the home of a person proposing to adopt him,

provided that the local authority or authority is making a payment in respect of either the child or qualifying young person's accommodation or maintenance or both, under [<sup>F7</sup>section 22C(10)<sup>F8</sup>... of the 1989 Act, under regulation 33 of the Looked After Children (Scotland) Regulations][<sup>F9</sup>2009,] under Article 27 of the 1995 Order [<sup>F10</sup>or under section 81(13) of the Social Services and Well-being (Wales) Act 2014].

(5) For the purposes of paragraph (4), placing for adoption means placing for adoption in accordance with—

- [<sup>F11</sup>(a) the Adoption Agencies Regulations 2005,
- (aa) the Adoption Agencies (Wales) Regulations 2005,]
- [<sup>F12</sup>(b) the Adoption Agencies (Scotland) Regulations 2009, or]
- (c) the Adoption Agencies Regulations (Northern Ireland) 1989<sup>M3</sup>.

#### Textual Amendments

- F1** Reg. 16(3)(a) substituted (6.4.2012) by [The Child Benefit \(General\) \(Amendment\) Regulations 2012 \(S.I. 2012/818\)](#), regs. 1, **8**
- F2** Word in reg. 16(3)(a)(v) omitted (6.4.2016) by virtue of [The Tax Credits and Child Benefit \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/360\)](#), regs. 1, **6(3)(a)(i)**
- F3** Word in reg. 16(3)(a)(vi) inserted (6.4.2016) by [The Tax Credits and Child Benefit \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/360\)](#), regs. 1, **6(3)(a)(ii)**
- F4** Reg. 16(3)(a)(vii) inserted (6.4.2016) by [The Tax Credits and Child Benefit \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/360\)](#), regs. 1, **6(3)(a)(iii)**
- F5** Words in reg. 16(3)(a) omitted (6.4.2016) by virtue of [The Tax Credits and Child Benefit \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/360\)](#), regs. 1, **6(3)(a)(iv)**
- F6** Words in reg. 16(3)(a) inserted (6.4.2016) by [The Tax Credits and Child Benefit \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/360\)](#), regs. 1, **6(3)(a)(v)**

- F7** Words in reg. 16(4) substituted (6.4.2012) by The Child Benefit (General) (Amendment) Regulations 2012 (S.I. 2012/818), regs. 1, **9**
- F8** Words in reg. 16(4) omitted (6.4.2016) by virtue of The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/360), regs. 1, **6(3)(b)(i)**
- F9** Words in reg. 16(4) substituted (6.4.2016) by The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/360), regs. 1, **6(3)(b)(ii)**
- F10** Words in reg. 16(4) inserted (6.4.2016) by The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/360), regs. 1, **6(3)(b)(iii)**
- F11** Reg. 16(5)(a)(aa) substituted for reg. 16(5)(a) (6.4.2012) by The Child Benefit (General) (Amendment) Regulations 2012 (S.I. 2012/818), regs. 1, **10**
- F12** Reg. 16(5)(b) substituted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 43**

**Marginal Citations**

- M1** S.R. 1996 No. 467.
- M2** S.R. 1996 No. 453.
- M3** S.R. 1989 No. 253.

**Status:**

Point in time view as at 09/06/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Benefit (General) Regulations 2006, Section 16.