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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 person undergoing imprisonment or detention in legal custody**

**17.**—(1) For the purposes of paragraph 1(a) of Schedule 9 to SSCBA and paragraph 1(1)(a) of Schedule 9 to SSCB(NI)A, a child or qualifying young person is not regarded as undergoing imprisonment or detention in legal custody in any week unless—

- (a) in connection with a charge brought or intended to be brought against him in criminal proceedings at the conclusion of those proceedings, or
- (b) in the case of default of payment of a sum adjudged to be paid on conviction, in respect of such default,

a court imposes a penalty upon him.

(2) Subject to paragraph (3), paragraph 1(a) of Schedule 9 to SSCBA and paragraph 1(1)(a) of Schedule 9 to SSCB(NI)A do not apply to a child or qualifying young person in respect of any week in which that child or qualifying young person is liable to be detained in a hospital or similar institution in Great Britain or Northern Ireland as a person suffering from a mental disorder.

(3) Subject to paragraph (5), paragraph (2) does not apply where subsequent to the imposition of a penalty, the child or qualifying young person was removed to the hospital or similar institution while still liable to be detained as a result of that penalty and, in the case of a person who is liable to be detained in the hospital or similar institution by virtue of any provisions of the Mental Health Acts, a direction restricting his discharge has been given under any of those Acts and is still in force.

(4) In paragraph (3) a person who is liable to be detained by virtue of any provision of the Mental Health Acts shall be treated as if a direction restricting his discharge had been given under those Acts if he is to be so treated for the purposes of any of them.

(5) Where a certificate given by or on behalf of the Secretary of State shows the earliest date on which the child or qualifying young person would have been expected to be discharged from detention pursuant to the penalty if he had not been transferred to a hospital or similar institution, paragraph (3) shall not apply from the day following that date.