
STATUTORY INSTRUMENTS

2010 No. 2459

**The Child Benefit and Guardian's Allowance
(Administration) (Amendment) Regulations 2010**

Amendment of the Child Benefit and Guardian's Allowance (Administration) Regulations 2003

2. In the Child Benefit and Guardian's Allowance (Administration) Regulations 2003⁽¹⁾—
- (a) for regulations 16 (manner of payment) and 17 (direct credit transfers) and the headings immediately preceding them substitute—

“Payment by direct credit transfer

16.—(1) Child benefit or guardian's allowance shall be paid in accordance with paragraphs (2) to (6) unless paid in accordance with regulation 17.

(2) Payment of child benefit or guardian's allowance to a person shall be made by direct credit transfer into a bank or other account that has been notified to the Board⁽²⁾ for the purpose of payment of—

- (a) a benefit described in section 5(2) of the Social Security Administration Act 1992;
- (b) a benefit described in section 5(2) of the Social Security Administration (Northern Ireland) Act 1992; or
- (c) a tax credit described in section 1 of the Tax Credits Act 2002,

to which that person is entitled.

(3) If a person entitled to child benefit is also entitled to guardian's allowance, the allowance shall be paid into the same bank or other account as that into which the child benefit is paid under this regulation.

(4) The bank account or other account into which the Board may make payment of the allowance or benefit must be—

- (a) in the name of—
- (i) the person entitled to the benefit or allowance (“the person”),
- (ii) the person's partner, or
- (iii) a person acting on behalf of the person; or
- (b) in the joint names of the person and—
- (i) the person's partner, or
- (ii) a person acting on the person's behalf.

⁽¹⁾ [S.I. 2003/492](#); the relevant amending instrument is [S.I. 2006/203](#).

⁽²⁾ The definition “the Board” in regulation 2 of the Child Benefit and Guardian's Allowance (Administration) Regulations 2003 was amended by [S.I. 2006/203](#) to mean the Commissioners for Her Majesty's Revenue and Customs.

(5) Subject to paragraph (6), the benefit or allowance shall be paid within seven days of the last day of each successive period of entitlement.

(6) The Board may make a particular payment by direct credit transfer otherwise than is provided by paragraph (5) if it appears to them appropriate to do so for the purpose of—

- (a) paying any arrears of benefit or allowance, or
- (b) making a payment in respect of a terminal period of an award for any similar purpose.

Payment by other means

17.—(1) Child benefit or guardian’s allowance may be paid by a means other than by direct credit transfer where it appears to the Board to be appropriate to do so in the circumstances of a particular case.

(2) If a person entitled to child benefit is also entitled to guardian’s allowance, the allowance shall be paid in the same manner as that in which the child benefit is paid under this regulation.

(3) An instrument of payment issued by the Board pursuant to this regulation shall—

- (a) remain the property of the Board, and
- (b) be returned immediately to the Board (or such person as the Board may direct) if the person who has the instrument—
 - (i) is required to do so by the Board; or
 - (ii) ceases to be entitled to any part of the benefit or allowance to which the instrument relates.”;

(b) in regulations 25(a), 27(2)(a), 29(4)(a) and 35(1)(a), for “regulation 17” substitute “regulation 16”; and

(c) in regulation 35(2)(b), for “before he agreed to the arrangement” substitute “before the Board made the arrangement for the payment of child benefit or guardian’s allowance into that account”.