

**1999 No. 198**

**SOCIAL SECURITY**

**The Child Benefit (Residence and Persons Abroad)  
Amendment Regulations 1999**

<i>Made</i> - - - -	<i>29th January 1999</i>
<i>Laid before Parliament</i>	<i>8th February 1999</i>
<i>Coming into force</i>	<i>1st March 1999</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 146(1), 147(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(a)</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it<sup>(b)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Child Benefit (Residence and Persons Abroad) Amendment Regulations 1999 and shall come into force on 1st March 1999.

(2) In these Regulations “the principal Regulations” means the Child Benefit (Residence and Persons Abroad) Regulations 1976<sup>(c)</sup>.

**Amendment of the principal Regulations**

**2.** Subject to regulation 3 (saving), in regulation 2(2)(c) of the principal Regulations (child benefit to remain payable during a child’s absence abroad in specified cases)—

(a) in head (i) for the number “8” there shall be substituted the number “12”;

(b) for head (ii) there shall be substituted the following head—

“(ii) is a week, not falling within the period specified in sub-paragraph (c)(i) above, in which the child’s absence is by reason only of his receiving full-time education by attendance at a recognised educational establishment in another State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(d)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(e)</sup> or his being engaged in an educational exchange or visit made with the written approval of the recognised educational establishment which he normally attends;”.

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(a) 1992 c. 4; section 147(1) is cited because of the meaning ascribed to the word “prescribed”.

(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 1976/963; relevant amending instrument S.I. 1984/875.

(d) Cm 2073 and OJ No L1, 3.1.94, p.3.

(e) Cm 2183 and OJ No L1, 3.1.94, p.572.

**Saving**

3. Where child benefit was payable, in any week in the 12 weeks immediately preceding 1st March 1999 in the case of a child, by virtue of regulation 2(2)(c)(ii) of the principal Regulations as then in force, and that child either—

- (a) remains continuously absent from Great Britain; or
- (b) returns to Great Britain for any period not exceeding 12 weeks;

that regulation as originally in force shall continue to have effect in his case, as if regulation 2 above had not been made, up to and including either 6th September 1999 or the Monday of the 156th week following the date the child first started being educated abroad, whichever is the later.

Signed by authority of the Secretary of State for Social Security.

29th January 1999

*P. Hollis*  
Parliamentary Under-Secretary of State,  
Department of Social Security

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Child Benefit (Residence and Persons Abroad) Regulations 1976 (S.I. 1976/963) so that child benefit shall not cease to be payable in respect of a child who is temporarily absent abroad either for a period of 12 weeks or less, or for more than 12 weeks by reason only of receiving full-time education in another EEA State or education in consequence of an educational exchange or visit made with the written consent of the recognised educational establishment which he normally attends.

These Regulations shall not have effect in the case of a child in respect of whom child benefit is payable, where the child was absent from Great Britain for any week in the 12 weeks preceding 1st March 1999 by reason only of receiving full-time education at a recognised educational establishment and that child either—

- (a) remains continuously absent from Great Britain; or
- (b) returns to Great Britain for any period not exceeding 12 weeks;

up to and including either the 6th September 1999 or the Monday of the 156th week following the start of the child's education abroad, whichever is the later.

These Regulations do not impose a cost on business.

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