

**2012 No. 818**

**SOCIAL SECURITY**

**The Child Benefit (General) (Amendment) Regulations 2012**

*Made* - - - - *14th March 2012*

*Laid before Parliament* *15th March 2012*

*Coming into force* - - *6th April 2012*

The Treasury, in exercise of the powers conferred by sections 142(2) and 147(6) of, and paragraph 1 of Schedule 9 to, the Social Security Contributions and Benefits Act 1992(a), sections 138(2) and 143(6) of, and paragraph 1 of Schedule 9 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and now exercisable by them(c), make the following regulations:

**Citation and commencement**

1. These Regulations may be cited as the Child Benefit (General) (Amendment) Regulations 2012 and come into force on 6th April 2012.

**The Child Benefit (General) Regulations 2006**

2. The Child Benefit (General) Regulations 2006(d) are amended as follows.

3. In regulation 1(3) (interpretation), in the definition of “advanced education”, in sub-paragraph (a), after “a diploma of higher education,” insert “a higher national certificate.”.

4. In regulation 1(3), in the definition of “approved training”—

(a) for sub-paragraph (a) substitute—

“(a) in relation to England, known as “Foundation Learning” or “Access to Apprenticeships”;;

(b) in sub-paragraph (b), for ““Foundation Modern Apprenticeships”” substitute ““Traineeships” or “Foundation Apprenticeships””;

(c) for sub-paragraph (c), substitute—

“(c) in relation to Scotland, known as “Get Ready for Work” or “Skillseekers”; or”;

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- (a) 1992 c. 4. Section 142 was substituted by section 1(2) of the Child Benefit Act 2005 (c. 6) and paragraph 1 of Schedule 9 was amended by paragraph 17(2) of Part 1 of Schedule 1 to the Child Benefit Act 2005.
- (b) 1992 c.7. Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 and paragraph 1 of Schedule 9 was amended by paragraph 43(2) of Part 2 of Schedule 1 to the Child Benefit Act 2005 and by paragraph 40 of Schedule 5 to S.I. 1998/1504 (N.I. 9).
- (c) The powers of the Secretary of State under section 147(6) of, and paragraph 1 of Schedule 9 to, the Social Security Contributions and Benefits Act 1992 were transferred to the Treasury by section 49(1)(b) of the Tax Credits Act 2002 (c. 21). The powers of the Department for Social Development in Northern Ireland under section 143(6) of, and paragraph 1 of Schedule 9 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 were transferred to the Treasury by section 49(2)(b) of the Tax Credits Act 2002.
- (d) S.I. 2006/223; relevant amending instruments are S.I. 2007/2150, S.I. 2009/3268 and S.I. 2010/1172.

(d) in sub-paragraph (d), for the words after “or” (where it first appears) to the end, substitute “, “Training for Success” including “Programme Led Apprenticeships”.”.

5. In regulation 1(3), in the definition of “arrangements made by the Government”, in sub-paragraph (c), for “section 1” substitute “sections 1 and 3”(a).

6. In regulation 1(3), in the definition of “the Careers Service”—

- (a) at the end of sub-paragraph (b) omit “and”; and
- (b) omit sub-paragraph (c).

7. In regulation 5(4) (extension period: 16 and 17 year olds), in paragraph (d), after “Council Regulation (EEC) No 1408/71” insert “or Regulation (EC) No 883/2004(b) of the European Parliament and of the Council”.

8. In regulation 16(3) (child or qualifying young persons in detention, care etc), for paragraph (a) substitute—

“(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(c),
- (ii) the Review of Children’s Cases (Wales) Regulations 2007(d),
- (iii) the Care Planning, Placement and Case Review (England) Regulations 2010(e),
- (iv) the Looked After Children (Scotland) Regulations 2009(f),
- (v) the Fostering Services (England) Regulations 2011(g), or
- (vi) the Fostering Services (Wales) Regulations 2003(h),

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) or 23 of the 1989 Act(i) or under regulation 33 of the Looked After Children (Scotland) Regulations 2009;”.

9. In regulation 16(4), for “section 23 of the 1989 Act, under section 26 of the 1995 Act” substitute “section 22C(10) or 23 of the 1989 Act, under regulation 33 of the Looked After Children (Scotland) Regulations 2009”.

10. In regulation 16(5), for paragraph (a) substitute—

- “(a) the Adoption Agencies Regulations 2005(j),
- (aa) the Adoption Agencies (Wales) Regulations 2005(k),”.

11. In regulation 36(1) (right to child benefit of voluntary organisations), in paragraph (b) , for “Foster Placement (Children) Regulations 1991, the Fostering of Children (Scotland) Regulations

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(a) Section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29) (N.I.) has been amended by paragraph 1 of Schedule 1 to the Employment Act (Northern Ireland) 2010 (c. 12) (N.I.), S.I. 1974/2144 (N.I. 7), S.I. 1988/1087 (N.I. 10) and S.I. 1990/1200 (N.I. 8) and section 3 of that Act has been amended by S.I. 1980/870 (N.I. 8) and S.I. 1984/1159 (N.I. 9).

(b) OJ No L 166, 30.4.04, p1-123.

(c) S.I. 2007/310 (W. 27), amended by S.I. 2010/1142 (W. 101).

(d) S.I. 2007/307 (W. 26), amended by S.I. 2010/1700 (W. 161).

(e) S.I. 2010/959, amended by S.I. 2011/581.

(f) S.S.I. 2009/210, amended by S.S.I. 2009/290 and S.S.I. 2011/211.

(g) S.I. 2011/581.

(h) S.I. 2003/237 (W. 35), amended by S.I. 2003/896 (W. 116), S.I. 2004/1016 (W. 113), S.I. 2005/3302 (W. 256), S.I. 2006/878 (W. 83), S.I. 2006/3251 (W. 295), S.I. 2009/2541 (W. 205) and S.I. 2010/ 746 (W. 75).

(i) The 1989 Act is defined in regulation 1(2) of S.I. 2006/223 as the Children Act 1989.

(j) S.I. 2005/389, amended by S.I. 2005/3482, S.I. 2007/603, S.I. 2009/1892, S.I. 2009/1895, S.I. 2010/1172 and S.I. 2011/589.

(k) S.I. 2005/1313 (W. 95), amended by S.I. 2006/362 (W. 48), S.I. 2009/1892, S.I. 2009/2541 (W. 205) and S.I. 2010/1142 (W. 101).

1996” substitute “Fostering Services (England) Regulations 2011, the Fostering Services (Wales) Regulations 2003, the Looked After Children (Scotland) Regulations 2009”.

*Michael Fabricant  
Brooks Newmark*

14th March 2012

Two of the Lords Commissioners of Her Majesty’s Treasury

### **EXPLANATORY NOTE**

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

These Regulations amend the Child Benefit (General) Regulations 2006 (“the General Regulations”) with effect from 6th April 2012.

Regulation 3 amends the definition of “advanced education” in regulation 1(3) of the General Regulations so as to include a full-time course in preparation for a higher national certificate and regulation 4 amends the definition of “approved training” in regulation 1(3) of the General Regulations in order to take into account changes to the training provisions in England, Wales, Scotland and Northern Ireland.

Regulation 5 makes clear that “arrangements made by the Government” in relation to establishing training provisions include arrangements made under section 3 of the Employment and Training Act (Northern Ireland) 1950 as well as those made under section 1 of that Act.

Regulation 6 amends the definition of “the Careers Service” in regulation 1(3) of the General Regulations in order to delete the reference to the Careers Service of the Department for Employment and Learning in Northern Ireland as this is an integral part of the Department for Employment and Learning, which is in turn already defined as a “qualifying body” for the purposes of the General Regulations in regulation 5(4)(c) thereof.

Regulation 7 amends the definition of “qualifying body” in regulation 5(4) of the General Regulations so that it also refers to Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ No L 166, 30.4.04, p1-123).

Regulations 8 to 11 substitute and amend regulations 16(3)(a), (4) and (5) and regulation 36(1)(b) of the General Regulations in order to take account of changes to the legislation referred to those regulations.

An impact assessment has not been produced for this instrument as it has a negligible impact on business, charities or voluntary bodies.

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STATUTORY INSTRUMENTS

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