
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 470

SOCIAL SECURITY

**The Child Benefit (General) (Amendment
No. 3) Regulations (Northern Ireland) 1996**

Made - - - - *4th October 1996*

Coming into operation *4th November 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 139(3)(c) of, and paragraph 1(1)(f)(i) of Schedule 9 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996 immediately following the coming into operation of the provisions of the Children (Northern Ireland) Order 1995(b) as are brought into operation by Article 2(2) of the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Child Benefit (General) Regulations

2.—(1) The Child Benefit (General) Regulations (Northern Ireland) 1979(e) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

- (a) after the definition of “the Order” there shall be inserted the following definition—
““the Children Order” means the Children (Northern Ireland) Order 1995;”

(a) 1992 c. 7; section 139 was amended by paragraph 185 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))
(b) S.I. 1995/755 (N.I. 2)
(c) S.R. 1996 No. 297 (C. 17)
(d) 1954 c. 33 (N.I.)
(e) S.R. 1979 No. 5; relevant amending regulations are S.R. 1979 No. 361 and S.R. 1980 Nos. 261 and 427

- (b) after the definition of “benefit” there shall be inserted the following definition—
- ““the Foster Placement Regulations” means the Foster Placement (Children) Regulations (Northern Ireland) 1996;”
- (3) In regulation 3 (child in residential accommodation in prescribed circumstances) for the words from “Order 1972” to the end there shall be substituted—
- “Order 1972 or under the Children Order) are any circumstances in which a child—
- (a) who has attained the age of eighteen is in residential accommodation pursuant to arrangements made under the said Article 7; or
- (b) is in residential accommodation pursuant to arrangements made under Article 18(1) of the Children Order (provision of services for children in need) and is a child to whom—
- (i) Article 17(b) of the Children Order (impairment of health or development) applies because his health is likely to be significantly impaired, or further impaired, without the provision of services for him, or
- (ii) Article 17(c) of the Children Order (disability) applies.”
- (4) In regulation 4(3) (days of absence to be disregarded in determining whether a child is living with a person) after “Order 1972” there shall be inserted “or under the Children Order”.
- (5) In regulation 18 (children in detention, care, etc.)—
- (a) in paragraph (5) after sub-paragraph (e)(g) there shall be added the following sub-paragraphs—
- “(f) provided with accommodation by an authority under Article 21 of the Children Order (provision of accommodation for children);
- (g) treated by virtue of paragraph 15 of Schedule 8 to the Children Order (children in voluntary care) as a child who is provided with accommodation under Part IV of that Order; or
- (h) in the care of an authority pursuant to a care order within the meaning of Article 2(2) of the Children Order (interpretation).”
- (b) in paragraph (8)—
- (i) for “boarded-out by the Department in the home of” there shall be substituted “placed by an authority with”, and
- (ii) for “the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976” there shall be substituted “the Foster Placement Regulations”; and
- (c) after paragraph (8) there shall be added the following paragraphs—
- “(9) Paragraph (6) shall not apply in respect of any child in the care of an authority who has been placed for adoption in the home of a person proposing to adopt him, provided that an authority is making a payment in respect of either the child’s accommodation or maintenance or both, under Article 27 of the Children Order.
- (10) For the purposes of paragraph (9), placing for adoption means placing for adoption in accordance with the Adoption Agencies Regulations (Northern Ireland) 1989(h).
- (11) In this regulation “authority” has the same meaning as in Article 2 of the Children Order.”
- (6) In regulation 19 (right to benefit of voluntary organisations) in paragraphs (1)(b) and (7)(i)—
- (a) for “boarded-out” there shall be substituted “placed”; and

(i) Paragraph (7) was added by regulation 7 of S.R. 1980 No. 261

- (b) for “the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976” there shall be substituted “the Foster Placement Regulations”.

Transitional Provision

3. Notwithstanding the provisions of paragraphs (9) and (10) of regulation 18 of the Child Benefit (General) Regulations (Northern Ireland) 1979, as inserted by regulation 2(5)(c), a person shall continue to be entitled to child benefit under paragraph (6) of the said regulation 18 where he was so entitled in the week prior to the week commencing on 4th November 1996 provided that he otherwise satisfies the conditions of entitlement to child benefit.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th October 1996.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Child Benefit (General) Regulations (Northern Ireland) 1979 (“the 1979 Regulations”).

Under regulation 3 of the 1979 Regulations a person may be entitled to child benefit notwithstanding the absence of a child who is in residential accommodation pursuant to certain arrangements. Regulation 2 amends the said regulation 3 where the accommodation is provided under the Children (Northern Ireland) Order 1995 (“the Children Order”).

Regulation 2(5)(a) amends regulation 18(5) of the 1979 Regulations as a consequence of the coming into operation of the Children Order so as to provide that there will be no title to child benefit in respect of a child who is looked after by an authority in specified circumstances.

Regulation 2(5)(c) amends regulation 18 of the 1979 Regulations so as to provide that there will be no title to child benefit in the case of a child in care, who is placed for adoption and in respect of whom an authority is making a payment.

Regulation 3 is a transitional provision relating to the continuation of entitlement to child benefit in respect of a child placed for adoption prior to 4th November 1996.

The Regulations also update references consequential upon the coming into operation of the main provisions of the Children Order.

These Regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.