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(**1**) 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(**2**) as are brought into operation by Article 2(2) of the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996(**3**).

(2) The Interpretation Act (Northern Ireland) 1954(**4**) 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(**5**) 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;"; and

(b) after the definition of "benefit" there shall be inserted the following definition—

(**1**) 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))
(**2**) S.I. 1995/755 (N.I. 2)
(**3**) S.R. 1996 No. 297 (C. 17)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1979 No. 5; relevant amending regulations are S.R. 1979 No. 361 and S.R. 1980 Nos. 261 and 427

""the Foster Placement Regulations" means the Foster Placement (Children) Regulations (Northern Ireland) 1996;"(**6**).

(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*)(**7**) 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(**8**).

(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)(**9**)—

(**6**) S.R. 1996 No. 467
(**7**) Sub-paragraph (*e*) was added by regulation 2 of S.R. 1980 No. 427
(**8**) S.R. 1989 No. 253
(**9**) Paragraph (7) was added by regulation 7 of S.R. 1980 No. 261