

# INDICATIVE DRAFT REGULATIONS

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## STATUTORY INSTRUMENTS

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**2005 No.**

### **SOCIAL SECURITY**

#### **The Child Benefit (Definition of Qualifying Young Person) Regulations 2004**

<i>Made</i>	- - - -	<i>2005</i>
<i>Laid before Parliament</i>		<i>2005</i>
<i>Coming into force</i>	- -	<i>10th April 2006</i>

The Treasury, in exercise of the powers conferred upon them by section 142(2) of the Social Security Contributions and Benefits Act 1992(1) and section 138(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) hereby make the following Regulations:

#### **Citation, commencement and effect**

1. These regulations may be cited as the Child Benefit (Definition of Qualifying Young Person) Regulations 2005, shall come into force on [ ] and shall have effect on and after 10th April 2006.

#### **Interpretation**

2. In these Regulations —

“advanced education” means —

- (a) a course in preparation for a degree, a diploma of higher education, a higher national diploma, or a teaching qualification, or
- (b) any other course which is of a standard above an ordinary national diploma, a national diploma, a national certificate of Edexcel, a general certificate of education (advanced level), or a Scottish national qualification at higher or advanced level;

“approved training” means —

- (a) in relation to England, arrangements made by the Government known as “Entry to Employment” or “Programme Led Pathways into Apprenticeships”,
- (b) in relation to Wales, arrangements made by the Government known as “Skillbuild”, “Foundation Modern Apprenticeships” or “Modern Apprenticeships”,
- (c) in relation to Scotland, arrangements made by the Government known as “Get Ready For Work”, “Skillseekers” or “Modern Apprenticeships” or
- (d) in relation to Northern Ireland, arrangements made by the Government known as “Access”, “Jobskills Traineeships” or “Modern Apprenticeships”;

“arrangements made by the Government” means —

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(1) 1992 (c. 4). Section 142 was substituted by clause 1(2) of the Child Benefit Bill.  
(2) 1992 (c. 7). Section 138 was substituted by clause 2(2) of the Child Benefit Bill.

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- (a) in relation to England and Wales, arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973<sup>(3)</sup>,
- (b) in relation to Scotland, arrangements made by —
  - (i) the Secretary of State under section 2 of the Employment and Training Act 1973,
  - (ii) Scottish Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990<sup>(4)</sup>, or
  - (iii) Highlands and Islands Enterprise under that section, or
- (c) in relation to Northern Ireland, arrangements made by the Department for Employment and Learning under section 1 of the Employment and Training (Northern Ireland) Act 1950<sup>(5)</sup>.

### Definition of “qualifying young person”

3. For the purposes of Part 9 of the Social Security Contributions and Benefits Act 1992 and Part 9 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 a “qualifying young person” is —

- (a) a person aged 16 years, from the date on which he attains that age until and including the 31st August which next follows that date,
- (b) a person aged 16 years and over who is undertaking a course of full-time education at a school or college which is not advanced education, or
- (c) a person aged 16 years and over who is undertaking approved training that is not provided through a contract of employment.

4. For the purposes of paragraphs (b) and (c) of regulation 3 the person —

- (a) shall have commenced the course of full-time education or approved training before attaining the age of 19 years, and
- (b) shall not have attained the age of 20 years.

5. For the purposes of paragraph (b) of regulation 3, education shall be treated as full-time where in pursuit of a course at least 12 hours per week during term time is spent receiving tuition, engaged in practical work or supervised study, or taking examinations.

6. For the purposes of paragraph (b) of regulation 3, a person shall be treated as undertaking a course of full-time education during the period between the end of one course and the commencement of another where that person is enrolled to undertake and does commence the latter course.

### Transitional Provision

7. Any person aged 19 years before 10<sup>th</sup> April 2006 shall not be a qualifying young person for the purposes of these Regulations.

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Two of the Lords Commissioners of Her Majesty’s Treasury

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<sup>(3)</sup> 1973 (c. 50). Section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

<sup>(4)</sup> 1990 (c. 35). Section 2 was amended by sections 47 and 51 of, and Schedule 10 to, the Trade Union Reform and Employment Rights Act 1993 (c. 19).

<sup>(5)</sup> 1950 (c. 29). Section 1 has been amended by S.I. 1974/ 2144 (N.I. 7), S.I. 1988/ 1087 (N.I. 10) and S.I. 1990/ 1200 (N.I. 8).

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## EXPLANATORY NOTE

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

By virtue of section 141 of the Social Security Contributions and Benefits Act 1992 and section 137 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the social security benefit “child benefit” may be payable to someone who has responsibility for a “child” or “qualifying young person”. The term “child” is defined in sections 142 and 138 of, respectively, the Social Security Contributions and Benefits Act 1992 and the Social Security Contributions and Benefits (Northern Ireland) Act 1992. The term “qualifying young person” is defined by regulation 3 of these regulations.

*[These regulations will replace those in the Child Benefit (General) Regulations 2003 (S.I. 2003/493) which deal with the definition of a child aged 16 and over.]*