

STATUTORY INSTRUMENTS

2003 No. 492

**The Child Benefit and Guardian's Allowance
(Administration) Regulations 2003**

PART 3

PAYMENTS

[^{F1}Payment by direct credit transfer

16.—(1) Child benefit or guardian's allowance shall be paid in accordance with paragraphs (2) to (6) unless paid in accordance with regulation 17.

(2) Payment of child benefit or guardian's allowance ^{F2}... shall be made by direct credit transfer into a bank or other account that [^{F3}the person entitled to the benefit or allowance has] notified to the Board for the purpose of payment of—

- (a) a benefit described in section 5(2) of the Social Security Administration Act 1992;
- (b) a benefit described in section 5(2) of the Social Security Administration (Northern Ireland Act) 1992; or
- (c) a tax credit described in section 1 of the Tax Credits Act 2002,

to which that person is entitled.

(3) If a person entitled to child benefit is also entitled to guardian's allowance, the allowance shall be paid into the same bank or other account as that into which the child benefit is paid under this regulation.

^{F4}(4)

(5) Subject to paragraph (6), the benefit or allowance shall be paid within seven days of the last day of each successive period of entitlement.

(6) The Board may make a particular payment by direct credit transfer otherwise than is provided by paragraph (5) if it appears to them appropriate to do so for the purpose of—

- (a) paying any arrears of benefit or allowance, or
- (b) making a payment in respect of a terminal period of an award for any similar purpose.]

Textual Amendments

- F1** Reg. 16 substituted (1.11.2010) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment\) Regulations 2010 \(S.I. 2010/2459\)](#), regs. 1, **2(a)**
- F2** Words in reg. 16(2) omitted (21.7.2016) by virtue of [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment\) Regulations 2016 \(S.I. 2016/681\)](#), regs. 1, **2(2)(a)**
- F3** Words in reg. 16(2) substituted (21.7.2016) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment\) Regulations 2016 \(S.I. 2016/681\)](#), regs. 1, **2(2)(b)**

Changes to legislation: There are currently no known outstanding effects for the *The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 3*. (See end of Document for details)

F4 Reg. 16(4) omitted (21.7.2016) by virtue of *The Child Benefit and Guardian's Allowance (Administration) (Amendment) Regulations 2016 (S.I. 2016/681)*, regs. 1, **2(3)**

Commencement Information

I1 Reg. 16 in force at 7.4.2003, see [reg. 1](#)

[^{F5}Payment by other means

17.—(1) Child benefit or guardian's allowance may be paid by a means other than by direct credit transfer where it appears to the Board to be appropriate to do so in the circumstances of a particular case.

(2) If a person entitled to child benefit is also entitled to guardian's allowance, the allowance shall be paid in the same manner as that in which the child benefit is paid under this regulation.

(3) An instrument of payment issued by the Board pursuant to this regulation shall—

- (a) remain the property of the Board, and
- (b) be returned immediately to the Board (or such person as the Board may direct) if the person who has the instrument—
 - (i) is required to do so by the Board; or
 - (ii) ceases to be entitled to any part of the benefit or allowance to which the instrument relates.]

Textual Amendments

F5 Reg. 17 substituted (1.11.2010) by *The Child Benefit and Guardian's Allowance (Administration) (Amendment) Regulations 2010 (S.I. 2010/2459)*, regs. 1, **2(a)**

Commencement Information

I2 Reg. 17 in force at 7.4.2003, see [reg. 1](#)

Time of payment

18.—(1) Subject to paragraphs (2) to (4), child benefit and guardian's allowance shall be paid in accordance with an award as soon as reasonably practicable after the award has been made.

(2) Child benefit shall be paid—

- (a) if a person entitled to it makes an election under regulation 19 or 20, weekly beginning with the first convenient date after the election has been made;
- (b) in any other case, in the last week of each successive period of four weeks of the period of entitlement.

(3) Where benefit is paid at four-weekly intervals in accordance with paragraph (2)(b), the Board must arrange for it to be paid weekly if they are satisfied that payment at intervals of four weeks is causing hardship.

(4) If a person who has made a claim for child benefit is also entitled to guardian's allowance, the allowance shall be paid at the same intervals as the child benefit.

(5) The Board must take steps to notify persons to whom child benefit or guardian's allowance is payable of the arrangements they have made for payment in so far as those arrangements affect those persons.

Commencement Information

I3 Reg. 18 in force at 7.4.2003, see **reg. 1**

Persons who may elect to have child benefit paid weekly

19.—(1) A person may make an election under this regulation to have child benefit paid weekly if—

- (a) he is a lone parent; or
- (b) he or his partner is receiving—
 - (i) income support; ^{F6} ...
 - (ii) an income-based allowance payable under Part 1 of the Jobseekers Act 1995(1) or Part 2 of the Jobseekers (Northern Ireland) Order 1995(2)^{F7};
 - (iii) an income-related employment and support allowance within the meaning in Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007; ^{F8}...
 - (iv) a state pension credit within the meaning in the State Pension Credit Act 2002 or the State Pension Credit Act (Northern Ireland) 2002^{F9}; or
 - (v) universal credit under Part 1 of the Welfare Reform Act 2012^{F10} or Part 2 of the Welfare Reform (Northern Ireland) Order 2015.]

(2) “Lone parent” means a person who has no partner and is entitled to child benefit in respect of a child ^{F11} or qualifying young person] for whom he is responsible.

- (3) A person making an election under this regulation—
 - (a) must furnish, in such manner and at such times as the Board may determine, such certificates, documents, other information or facts as the Board may require which may affect his right to receive payment of the benefit weekly; and
 - (b) as soon as reasonably practicable after any change of circumstances which he might reasonably be expected to know might affect that right, must notify the Board in writing of that change in accordance with paragraph (4).

(4) A notification under paragraph (3)(b) must be delivered or sent to an appropriate office as regards the Board.

Textual Amendments

- F6** Word in reg. 19(1)(b) omitted (1.1.2010) by virtue of The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/3268), regs. 1, **3(4)(a)**
- F7** Reg. 19(1)(b)(iii)(iv) and semi-colon added (1.1.2010) by The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/3268), regs. 1, **3(4)(b)**
- F8** Word in reg. 19(1)(b)(iii) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **81**
- F9** Reg. 19(1)(b)(v) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **81**

(1) 1995 c. 18.

(2) S.I.1995/2705 (N.I. 15).

- F10** Words in [reg. 19\(1\)\(b\)\(v\)](#) inserted (N.I.) (coming into force in accordance with [reg. 1\(1\)](#) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), [regs. 1\(1\)](#), [57](#)
- F11** Words in [reg. 19\(2\)](#) inserted (10.4.2006) by [The Child Benefit and Guardian's Allowance \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/203\)](#), [regs. 1](#), [2\(5\)](#)

Commencement Information

- I4** [Reg. 19](#) in force at 7.4.2003, see [reg. 1](#)

Elections for weekly payment by persons to whom child benefit was payable for a period beginning before and ending after 15th March 1982

20.—(1) This regulation applies to a person to whom child benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982.

(2) A person to whom this regulation applies may make an election to have the benefit paid weekly after 15th March 1982 if—

- (a) he makes it before the end of the period of 26 weeks beginning with the day on which benefit was payable for the first four weeks in respect of which arrangements for four-weekly payment were made;
- (b) in the case of benefit under the Contributions and Benefits Act, he was absent from Great Britain on 15th March 1982 for any of the reasons specified in paragraph (3) and he makes the election before the end of the period of 26 weeks beginning with the first week in respect of which benefit became payable to him in Great Britain on his return; or
- (c) in the case of benefit under the Contributions and Benefits (NI) Act, he was absent from Northern Ireland on 15th March 1982 for any of the reasons specified in paragraph (3) and he makes the election before the end of the period of 26 weeks beginning with the first week in respect of which benefit became payable to him in Northern Ireland on his return.

(3) The reasons specified in this paragraph are that the person—

- (a) was a serving member of the forces;
- (b) was the spouse of such a serving member; or
- (c) was living with such a serving member as husband or wife.

(4) “Serving member of the forces” means a person, other than one mentioned in Part 2 of Schedule 6 to the Social Security (Contributions) Regulations 2001⁽³⁾, who, being over the age of 16 years, is a member of any establishment or organisation specified in Part 1 of that Schedule (being a member who gives full pay service) but does not include any such person while absent on desertion.

Commencement Information

- I5** [Reg. 20](#) in force at 7.4.2003, see [reg. 1](#)

Manner of making elections under regulations 19 and 20

21.—(1) This regulation applies to elections under regulations 19 and 20.

(2) An election—

- (a) must be made by notice in writing to the Board; and
- (b) must be delivered or sent to an appropriate office as regards the Board.

(3) S.I. 2001/1004.

- (3) An election is made on the date on which it is received by the appropriate office.
- (4) Where a person has made an election, child benefit is payable weekly so long as—
 - (a) he remains continually entitled to it; and
 - (b) in the case of an election under regulation 19, the conditions specified in paragraph (1)(a) or (b) of that regulation continue to be satisfied.
- (5) A person who has made an election may cancel it at any time by giving to the Board a notice in writing which must be sent or delivered to an appropriate office as regards the Board.
- (6) The Board must give effect to a notice given in accordance with paragraph (5) as soon as reasonably practicable after receiving it.

Commencement Information

I6 Reg. 21 in force at 7.4.2003, see [reg. 1](#)

Interim payments

22.—^{F12}(1) If the condition in any sub-paragraph of paragraph (1A) is satisfied, the Board may make a payment on account (“an interim payment”) of any child benefit or guardian’s allowance to which it appears to them that a person—

- (a) is or may be entitled,
 - (b) where sub-paragraph (a) of paragraph (1A) applies, would or might be entitled, were a claim made,
 - (c) where sub-paragraph (b) of that paragraph applies, would or might be entitled, were the national insurance number condition satisfied.
- (1A) The conditions are that—
- (a) a claim for benefit or allowance has not been made in accordance with these Regulations and it is impracticable for such a claim to be made immediately;
 - (b) a claim has been made in accordance with these Regulations, the conditions of entitlement are satisfied other than the national insurance number condition, and it is impracticable for that condition to be satisfied immediately;
 - (c) a claim for the benefit or allowance has been so made but it is impracticable for it, or an application or appeal relating to it, to be determined immediately;
 - (d) an award of the benefit or allowance has been made but it is impracticable for the person entitled to it to be paid immediately other than by means of an interim payment.]

(2) Paragraph (1) does not apply pending the determination of an appeal ^{F13}....

(3) On or before the making of an interim payment, the Board must give the person to whom payment is to be made notice in writing of his liability under regulations 41 and 42 to have it brought into account and to repay any overpayment.

^{F14}(4) In this regulation “the national insurance number condition” means the condition imposed—

- (a) in Great Britain, by section 13(1A) and (1B), of the Administration Act (requirement for claim to be accompanied by details of national insurance number);
- (b) in Northern Ireland, by section 11(1A) and (1B) of the Administration (NI) Act.]

Textual Amendments

- F12** Reg. 22(1)(1A) substituted for reg. 22(1) (18.3.2005) by The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/343), regs. 1, **8(2)**
- F13** Words in reg. 22(2) omitted (18.3.2005) by virtue of The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/343), regs. 1, **8(3)**
- F14** Reg. 22(4) added (18.3.2005) by The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/343), regs. 1, **8(4)**

Commencement Information

- I7** Reg. 22 in force at 7.4.2003, see **reg. 1**

Information to be given and changes to be notified

23.—(1) This regulation applies to any person entitled to child benefit or guardian's allowance and any person by whom, or on whose behalf, payments of such benefit or allowance are receivable.

(2) A person to whom this regulation applies must furnish in such manner and at such times as the Board may determine such information or evidence as the Board may require for determining whether a decision on an award—

- (a) in relation to benefit or allowance under the Contributions and Benefits Act, should be revised under section 9 or superseded under section 10 of the Social Security Act 1998**(4)**;
- (b) in relation to benefit or allowance under the Contributions and Benefits (NI) Act, should be revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998**(5)**.

(3) A person to whom this regulation applies must furnish in such manner and at such times as the Board may determine such information and evidence as the Board may require in connection with the payment of the benefit or allowance.

[^{F15}(3A) Where a person is in receipt of a benefit or allowance by means other than a direct credit transfer, in accordance with regulation 17, that person must, if required, within such time as the Board may determine, provide details of a bank or other account to which payment can be made.]

(4) A person to whom this regulation applies must notify the Board or a relevant authority of any change of circumstances which he might reasonably be expected to know might affect—

- (a) the continuance of entitlement to the benefit or allowance; or
- (b) the payment of it,

as soon as reasonably practicable after the change occurs.

(5) A notification under paragraph (4)—

- (a) must be given by notice in writing or orally; and
- (b) must be sent, delivered or given to the appropriate office.

Textual Amendments

- F15** Reg. 23(3A) inserted (9.6.2022) by The Tax Credits and Child Benefit (Miscellaneous Amendments) Regulations 2022 (S.I. 2022/555), regs. 1, **3(2)**

(4) Section 10 was amended by paragraph 23 of Schedule 7, and Part 1 of Schedule 10, to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(5) Article 11 was amended by paragraph 17(a) of Schedule 6, and Schedule 9, to S.I. 1999/671.

Commencement Information

I8 Reg. 23 in force at 7.4.2003, see **reg. 1**

Fractional amounts of benefit or allowance

24. Where the amount of any child benefit or guardian's allowance payable includes a fraction of a penny, that fraction—

- (a) if it is less than a half, shall be disregarded;
- (b) if it is a half or more, shall be treated as a whole penny.

Commencement Information

I9 Reg. 24 in force at 7.4.2003, see **reg. 1**

Payments to persons under the age of 18 years

25. Where a sum of child benefit or guardian's allowance is paid to a person under the age of 18 years (whether on his own behalf or on behalf of another), either of the following is a sufficient discharge to the Board for the sum paid—

- (a) a direct credit transfer under [^{F16}regulation 16] into the person's account;
- (b) the receipt by the person of a payment made by some other means.

Textual Amendments

F16 Words in **reg. 25(a)** substituted (1.11.2010) by **The Child Benefit and Guardian's Allowance (Administration) (Amendment) Regulations 2010 (S.I. 2010/2459)**, **regs. 1, 2(b)**

Commencement Information

I10 Reg. 25 in force at 7.4.2003, see **reg. 1**

Extinguishment of right to payment if payment is not obtained within the prescribed period

26.—[^{F17}(1) A person's right to payment of any sum of child benefit or guardian's allowance shall be extinguished if payment of that sum has not been obtained within 12 months of the issue by the Board of a cheque or other instrument of payment to that person.]

- ^{F18}(2)
- ^{F18}(3)
- ^{F18}(4)
- ^{F18}(5)

(6) This regulation has effect in relation to a person authorised or appointed to act on behalf of a person entitled to child benefit or guardian's allowance in the same manner as it has effect in relation to such a person.

Changes to legislation: There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 3. (See end of Document for details)

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Textual Amendments

- F17** Reg. 26(1) substituted (1.1.2010) by The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/3268), regs. 1, **3(5)(a)**
- F18** Reg. 26(2)-(5) omitted (1.1.2010) by virtue of The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/3268), regs. 1, **3(5)(b)**
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Commencement Information

- I11** Reg. 26 in force at 7.4.2003, see **reg. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, PART 3.