



STATUTORY INSTRUMENTS

**S.I. No. 859 of 2007**

---

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (No. 7) (CHILD BENEFIT)  
REGULATIONS 2007

**(Prn. A7/2402)**

S.I. No. 859 of 2007

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (No. 7) (CHILD BENEFIT) REGULATIONS 2007

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by sections 4, 219(1)(i), 220(2)(a), of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby makes the following regulations:

*Citation and construction*

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007.

(2) These Regulations shall be construed as one with the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) and shall be included in the collective citation “the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007”.

*Definition*

2. In these Regulations “the Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007.

*Normal residence*

3. The Principal Regulations are amended by substituting the following Rules for Rules 4 and 5 in article 159:

“4. Subject to Rule 8, a qualified child, who is resident elsewhere than with a parent or a step-parent and whose mother is alive, shall, where his or her mother is entitled to his or her custody whether solely or jointly with any other person, be regarded as normally residing with his or her mother and with no other person.

5. Subject to Rule 8, a qualified child, who is resident elsewhere than with a parent or a step-parent and whose father is alive, shall, where his or her father is entitled to his or her custody whether solely or jointly with any person other than his or her mother, be regarded as normally residing with his or her father and with no other person.”.

4. The Principal Regulations are amended by inserting the following Rule after Rule 7 in article 159:

“8. Where normal residence would fall to be decided under Rule 4 or 5 above and where a qualified child has been placed in foster care, or with a relative by the Health Service Executive under section 36 of the Child Care Act 1991 (No. 17 of 1991), and has been in such care for a continuous period

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th January, 2008.*

of 6 months he or she shall, on the 1st day of the following month or the first day of the 6th month following the first day of October 2007, whichever is the later, be regarded as normally residing with the woman who has care and charge of him or her in the household of which he or she is normally a member and with no other person provided that where there is no such woman in that household he or she shall be regarded as normally residing with the head of that household and with no other person.”.

*Full-time education*

5. The following sub-article is substituted for article 160(1) of the Principal Regulations:

“160. (1) Subject to this Part, a child shall be regarded as receiving full-time education while

- (a) attending on a full-time basis a course of full-time education by day at an institution of education, or
- (b) entered on a register established and maintained under Section 14 of the Education (Welfare) Act, 2000.”.

*Normal residence — early childcare supplement*

6. The Principal Regulations are amended by substituting the following article for article 195:

“195. For the purposes of early childcare supplement, where

- (a) the persons specified in Rule 1 of article 159 are resident in separate households, or
- (b) where a qualified child has been placed in foster care, or with a relative by the Health Service Executive under section 36 of the Child Care Act 1991 and normal residence is determined in accordance with Rule 8 of article 159,

the qualified child shall be regarded as normally residing with the person with whom he or she resides for the majority of the quarter.”.



GIVEN under the Official Seal of the Minister for Social and Family Affairs,  
12 December 2007

MARTIN CULLEN,  
Minister for Social and Family Affairs.

The Minister for Finance hereby consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Finance,  
12 December 2007

BRIAN COWEN,  
Minister for Finance.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These regulations provide for amendment to the rules used to determine the person with whom the qualified child resides for the purposes of child benefit and as a consequence for the early childcare supplement. It also provides for the extension of child benefit to children over the age of 16 who are receiving home schooling.

Article 4 of these regulations provide that where a child is placed in foster care or with a relative by the Health Services Executive, payment of child benefit will transfer to the foster parent.

In order to preserve the birth parents entitlement to child benefit where the child has been placed in short-term foster care article 4 further provides that the payment of child benefit to the foster parent will only take effect once the child has been residing with the foster parent for a period of 6 months.

Article 5 provides for the extension of child benefit to children over the age of 16 who are receiving home schooling.

Article 6 provides that the payment of the early childcare supplement will follow child benefit residency rules subject to the payment being made to the person with whom the child resides for the majority of the quarter. This will permit the foster parent to receive payment of the early childcare supplement.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
51 ST. STEPHEN'S GREEN, DUBLIN 2  
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)  
or through any bookseller.

---

€2.54



Wt. (B25844). 285. 1/08. Cahill. Gr. 30-15.