

DIRECTIONS: ELECTIONS NOT TO RECEIVE CHILD BENEFIT

Background Notes

Paragraph 1 explains why these directions have the force of law.

Paragraph 2 describes how an election not to receive child benefit payments and its revocation must be made, and from when they take effect.

Paragraph 3 sets out that an election will not have effect (and so will not be acted upon) if - when HMRC receives it - an overpayment of child benefit or undue benefit paid by another state, is being recovered from the child benefit.

The child benefit claimant may, if they so wish, make a fresh election after the overpayments have been recovered.

Paragraph 4 provides that where an election has been made by a claimant (whose income or whose partner's income, typically, is between £50,000 to £60,000), that election can be changed retrospectively to the point at which child benefit ceased - provided that the amount of the tax charge would have been less than the amount of the child benefit payable for that period. This would be subject to HMRC being notified of the change, no later than two years from the end of the relevant tax year.