



Social Security Act 1975

1975 CHAPTER 14

PART II

BENEFIT AND ITS ADMINISTRATION

CHAPTER III

INCREASES FOR DEPENDANTS

Child dependants

43 Limits of increase for dependent children

- (1) Where, apart from this subsection, a person is entitled to receive, in respect of a particular child who is, or who falls to be treated for the purposes of the relevant provision as, a child of that person's family, payment of an amount by way of a child's special allowance under section 31, or a guardian's allowance under section 38, or of any increase under section 41 of any benefit, that amount shall not be payable unless one of the following conditions is satisfied—
- (a) that the child in question is living with the beneficiary; or
 - (b) that the requisite contributions are being made to the cost of providing for the child.
- (2) The condition specified in subsection (1)(b) above is to be treated as satisfied if, but only if—
- (a) such contributions are being made at a weekly rate not less than the amount referred to in subsection (1)—
 - (i) by the beneficiary, or
 - (ii) where the beneficiary is one of two spouses living together, by them together; and
 - (b) where an allowance under the Family Allowances Act is payable in respect of the child as a child of the beneficiary's family, the contributions are over and

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above those required for the purposes of satisfying section 3(2) of that Act or (as the case may be) the Schedule to that Act, paragraph 1(1), proviso.

- (3) For the purposes of subsection (1) above, a child's special allowance is to be treated as a payment in respect of an only, or the elder or eldest, child with respect to whom the conditions specified in section 31(6) and (c) of this Act are satisfied, without prejudice, however, to any payment by way of an increase of the allowance in respect of any other such child under section 41(5).
- (4) Where a person is entitled in respect of a child to a guardian's allowance under section 38, the amount (if any) payable to that or any other person by way of any other benefit under Chapters I to III of this Part of this Act in respect of children of any family shall be such, and such only, as would be payable if the first-mentioned child were not included or treated as included in any family.