
STATUTORY INSTRUMENTS

1977 No. 343

The Social Security Benefit (Dependency) Regulations 1977

**PART I
GENERAL**

[^{F1}Circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled

4B.—(1) For the purposes of—

- (a) section 56 (child's special allowance);
- (b) section 77 (guardian's allowance);
- ^{F2}(c)
- (d) section 82(4) (short-term benefits—increase for adult dependents);
- (e) section 85(2) (pension increase (person with care of children));
- (f) section 90 (increase in benefits for beneficiaries under sections 68 and 70),

of the Contributions and Benefits Act, and

- (g) paragraphs 4(1) (unemployability supplement: increase for beneficiary's dependent children) and 6(1) (unemployability supplement: increase for dependent adults) of Schedule 7 to,

that Act, a person who is entitled to child benefit in respect of a child shall be treated as if he were not so entitled for the periods referred to in paragraph (2) below.

(2) The periods referred to in paragraph (1) above are—

- (a) any period throughout which—
 - (i) the person referred to in that paragraph, not being a parent of the child, does not fall to be treated as responsible for the child under section 143(1)(a) of the Contributions and Benefits Act, and
 - (ii) a parent of that child falls to be treated as responsible for the child under the said section 143(1)(a); or
- (b) any period throughout which—
 - (i) that person, not being a parent of that child, falls to be treated as responsible for the child under section 143(1)(a) of the Contributions and Benefits Act, and
 - (ii) a parent of that child also falls to be treated as responsible for the child under the said section 143(1)(a); or
- (c) any day following the day on which that child died.

(3) Sub-paragraph (b) of paragraph (2) shall not apply in the case of a person who is wholly or mainly maintaining the child referred to in that sub-paragraph.

(4) For the purposes of—

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- (a) section 37(1) (entitlement to a widowed mother’s allowance);
- (b) section 39A(2) (entitlement to a widowed parent’s allowance);
- (c) section 56(1)(b);
- (d) section 77(1);
- ^{F3}(e)
- (f) section 82(4);
- (g) section 85(2);
- (h) section 90;

of the Contributions and Benefits Act, and

- (i) paragraphs 4(1), 6(1) and 18(1)(a)(ii) of Schedule 7 (industrial death benefit: child of deceased’s family) to,

that Act, a person who is entitled to child benefit in respect of a child shall be treated as if he were not so entitled for any period for which that benefit is not payable by virtue of any of the provisions referred to in paragraph (5) below.

(5) The provisions referred to in paragraph (4) above are—

- (a) regulation 7 (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child);
- (b) regulation 7A (exclusion from benefit of children aged 16 but under the age of 19 who are receiving advanced education);
- (c) regulation 7B (child receiving training under the youth training scheme); or
- (d) regulation 7C (child receiving income support),

of the Child Benefit (General) Regulations 1976 or any provision contained in regulations made under section 144(1) of the Contributions and Benefits Act in so far as those regulations provide that child benefit is not to be payable by virtue of section 142(1)(b) of that Act and regulations made thereunder.]

Textual Amendments

- F1** Reg. 4B substituted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **5(2)**
- F2** Reg. 4B(1)(c) omitted (6.4.2003) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/937\)](#), regs. 1(b), **2(2)(c)**
- F3** Reg. 4B(4)(e) omitted (6.4.2003) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/937\)](#), regs. 1(b), **2(2)(c)**

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