
STATUTORY INSTRUMENTS

1977 No. 343

The Social Security Benefit (Dependency) Regulations 1977

PART II

CHILD DEPENDANTS

Contribution towards cost of providing for child

5.—(1) Where, apart from section 43(1), 65(1) or [^{F1}70(2)], a person is entitled to receive, in respect of a particular child, payment under the Act of an amount by way of a child's special allowance (section 31), or a guardian's allowance (section 38) or of an increase under any of the provisions of section 41 of any benefit, or payment of an increase or allowance of any amount under section 64 or section 70, for any period, and neither of the conditions set out in the following paragraphs is satisfied, that person shall nevertheless for the purposes of the said section 43(1), 65(1) or 70(4) be deemed as respects that period to be making the contributions so required at a weekly rate not less than that required by the said section 43(1) or 65(1) if—

- (a) he gives an undertaking in writing to make such contributions; and
- (b) on receiving the amount of the allowance or increase in question, he in fact makes such contributions.

(2) The conditions referred to in paragraph (1) are—

- (a) the person would be treated for the purposes of the Child Benefit Act as having the child living with him; or
- (b) contributions are being made to the cost of providing for the child at a rate equal to the amount of the relevant increase of benefit.

(3) Where, in respect of any period, the person referred to in this regulation fails to make the contributions which he has undertaken to make in accordance with the first paragraph of this regulation, the decision awarding the increase or allowance in question for that period in respect of the child shall be revised.

^{F2}(4)

[^{F3}(5) Except in a case to which regulation 15 (preservation of entitlement to benefit in payment before 4th April 1977 for a child dependant) or regulation 13A of the Social Security Benefit (Persons Abroad) Regulations 1975, as amended (modification of the Act in relation to title to benefit for beneficiary's child dependants) applies, paragraph (b) of section 43(2) and paragraph (b) of section 65(2) of the Act (contributions mentioned in those paragraphs to be over and above those required for the purposes of section 3(1)(b) of the Child Benefit Act) shall not apply in a case where neither the beneficiary nor his spouse [^{F4}or, as the case may be, his civil partner] (if he has a spouse [^{F5}or civil partner] and his spouse [^{F5}or civil partner] is residing with him) is in fact entitled to child benefit in respect of the child in question.]

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Textual Amendments

- F1** Word in reg. 5(1) substituted (28.11.1984) by The Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) Amendment Regulations 1984 (S.I. 1984/1699), **regs. 1, 3(a)**
- F2** Reg. 5(4) revoked (3.4.1978) by The Social Security (Miscellaneous Amendments) Regulations 1978 (S.I. 1978/433), **regs. 1(1), 7, Sch.**
- F3** Reg. 5(5) inserted (4.4.1977) by The Social Security Benefit (Dependency) Amendment Regulations 1977 (S.I. 1977/620), **regs. 1, 2**
- F4** Words in reg. 5(5) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 7(4)(a)** (with art. 3)
- F5** Words in reg. 5(5) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 7(4)(b)** (with art. 3)

[^{F6}Meaning of “week” for the purpose of calculating earnings]

^{F7}6.

Textual Amendments

- F6** Reg. 6 inserted (11.4.1988) by The Social Security Benefit (Dependency) Amendment (No. 2) Regulations 1988 (S.I. 1988/556), **regs. 1, 2**
- F7** Reg. 6 revoked (25.11.1996) by The Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745), **reg. 1, Sch. 4**

Circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled

^{F8}7.

Textual Amendments

- F8** Reg. 7 revoked (2.6.1980) by The Social Security Benefit (Dependency) Amendment Regulations 1980 (S.I. 1980/585), **regs. 1(1), 3**

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