
STATUTORY INSTRUMENTS

1977 No. 343

The Social Security Benefit (Dependency) Regulations 1977

PART I

GENERAL

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

4A.—(1) For the purposes of section 38 (guardian's allowance) or sections ^{F2}... 44(3)(c), 46(2), 49, 64(1) and 66(1)(d) (increase of benefit in respect of dependent children, and ^{F3}... persons having care of dependent children) a person shall be treated as if he were entitled to child benefit in respect of a child for any period throughout which—

- (a) child benefit has been awarded to a parent of that child with whom that child is living and with whom that person is residing and either—
 - (i) the child is being wholly or mainly maintained by that person; or
 - (ii) that person is also a parent of the child; or
- (b) he, or his spouse [^{F4}or civil partner] with whom he is residing, would have been entitled to child benefit in respect of that child had the child been born at the end of the week immediately preceding the week in which birth occurred.

^{F5}(2)

(3) For the purpose of determining whether a person is entitled to a guardian's allowance under section 38, where in respect of a child that allowance is payable to a person for a continuous period of 7 days and would have been payable to that person for the immediately preceding 7 days had he been entitled to child benefit in respect of that child for an earlier week, he shall be treated as if he were entitled to child benefit in respect of that child for that earlier week.

(4) If for any period a person who is in Great Britain could have been entitled to receive payment of an amount by way of a benefit or allowance or an increase of a benefit or an allowance under the Act in respect of a child or a ^{F6}... person who has the care of a child but for the fact that in pursuance of any agreement with the government of a country outside the United Kingdom he, or his [^{F7}spouse][^{F8}or civil partner] who is residing with him, is entitled in respect of the child in question to the family benefits of that country and is not entitled to child benefit, he shall for the purposes of entitlement to the said payment be treated as if he were entitled to child benefit for the period in question.

(5) The expression “earlier week” in paragraph (3) means the week immediately preceding the first week for which the person referred to in that paragraph was entitled to child benefit in respect of the child referred to in that paragraph.

(6) For the purposes of paragraph (1) the word “week” has the meaning assigned to it by section 24(1) of the Child Benefit Act; and for the purposes of paragraphs (1) and (2) a child shall not be regarded as living with a person unless he can be so regarded for the purposes of section 3 (meaning of “person responsible for child”) of the said Act.]

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Textual Amendments

- F1** Reg. 4A inserted (2.6.1980) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1980 \(S.I. 1980/585\)](#), **regs. 1(1), 2**
- F2** Word in reg. 4A(1) 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)(b)**
- F3** Word in reg. 4A(1) omitted (11.4.1989) by virtue of [The Social Security Benefit \(Dependency\) Amendment Regulations 1989 \(S.I. 1989/523\)](#), **regs. 1(1), 2**
- F4** Words in reg. 4A(1)(b) 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(3)(a)** (with art. 3)
- F5** Reg. 4A(2) revoked (26.11.1984) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1984 \(S.I. 1984/1698\)](#), **regs. 1, 2(13)**
- F6** Word in reg. 4A(4) omitted (26.11.1984) by virtue of [The Social Security Benefit \(Dependency\) Amendment Regulations 1984 \(S.I. 1984/1698\)](#), **regs. 1, 2(3)**
- F7** Word in reg. 4A(4) substituted (26.11.1984) by [The Social Security Benefit \(Dependency\) Amendment Regulations 1984 \(S.I. 1984/1698\)](#), **regs. 1, 2(3)**
- F8** Words in reg. 4A(4) 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(3)(b)** (with art. 3)

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