
STATUTORY INSTRUMENTS

1979 No. 642

The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

[^{F1}Provision in relation to entitlement to child benefit for the purposes of a widowed parent's allowance

16ZA.—(1) For the purpose only of determining whether a man or a woman who has been widowed (“the surviving spouse”) [^{F2}or whose civil partner has died (“surviving civil partner”)] satisfies the requirements of subsection (2)(a) of section 39A of the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”)—

- (a) a person shall be treated for the purposes of subsection (3) (b) or (c) of that section as having been entitled to child benefit in respect of a child [^{F3}or qualifying young person] where that person would have been so entitled had—
 - (i) that child [^{F4}or qualifying young person] not been absent from Great Britain, and
 - (ii) a claim for child benefit been made in respect of the child [^{F5}or qualifying young person] in the manner prescribed under section 13 of the Social Security Administration Act 1992; and
- (b) the surviving spouse [^{F6}or surviving civil partner] shall be treated, for the purposes of subsection (2)(a) of section 39A, as entitled to child benefit in respect of the child [^{F5}or qualifying young person] who, by virtue of sub-paragraph (a) above, falls within subsection (3) of that section.

(2) In determining whether a surviving spouse [^{F7}or surviving civil partner] who has been more than once married [^{F8}, has formed more than one civil partnership, or who has been both married and formed a civil partnership] and who was not residing with the deceased spouse [^{F9}or, as the case may be, the deceased civil partner] immediately before his or her death is entitled to a widowed parent's allowance under section 39A of the 1992 Act, the deceased spouse [^{F10}or deceased civil partner] shall, for the purposes of subsection (3)(b) of that section, be treated as having been entitled to child benefit in respect of any child [^{F11}or qualifying young person] in respect of whom—

- (a) a previous spouse [^{F12}or civil partner] of that surviving spouse [^{F12}or civil partner] by a marriage [^{F13}or, as the case may be, by the formation of a civil partnership] which ended with that previous spouse's [^{F14}or previous civil partner's] death was, immediately before his or her death, entitled or treated as entitled to child benefit; and
- (b) that surviving spouse [^{F15}or civil partner] was entitled or treated as entitled to child benefit immediately before the death of the deceased spouse [^{F15}or civil partner].]

Textual Amendments

- F1** Reg. 16ZA inserted (9.4.2001) by [The Social Security \(Widows Benefit and Retirement Pensions\) Amendment Regulations 2001 \(S.I. 2001/1235\)](#), regs. 1(1), **2(a)**

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- F2** Words in reg. 16ZA(1) 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. 10(4)(a)(i)** (with art. 3)
- F3** Words in reg. 16ZA(1) inserted (10.4.2006) by The Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations 2006 (S.I. 2006/692), regs. 1, **3(3)(a)(i)**
- F4** Words in reg. 16ZA(1) inserted (10.4.2006) by The Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations 2006 (S.I. 2006/692), regs. 1, **3(3)(a)(ii)**
- F5** Words in reg. 16ZA(1) inserted (10.4.2006) by The Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations 2006 (S.I. 2006/692), regs. 1, **3(3)(a)(iii)**
- F6** Words in reg. 16ZA(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. 10(4)(a)(ii)** (with art. 3)
- F7** Words in reg. 16ZA(2) 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. 10(4)(b)(i)** (with art. 3)
- F8** Words in reg. 16ZA(2) 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. 10(4)(b)(ii)** (with art. 3)
- F9** Words in reg. 16ZA(2) 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. 10(4)(b)(iii)** (with art. 3)
- F10** Words in reg. 16ZA(2) 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. 10(4)(b)(iv)** (with art. 3)
- F11** Words in reg. 16ZA(2) inserted (10.4.2006) by The Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations 2006 (S.I. 2006/692), regs. 1, **3(3)(b)**
- F12** Words in reg. 16ZA(2)(a) 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. 10(4)(b)(v)(aa)** (with art. 3)
- F13** Words in reg. 16ZA(2)(a) 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. 10(4)(b)(v)(bb)** (with art. 3)
- F14** Words in reg. 16ZA(2)(a) 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. 10(4)(b)(v)(cc)** (with art. 3)
- F15** Words in reg. 16ZA(2)(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. 10(4)(b)(vi)** (with art. 3)

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