



# Social Security Act 1975

## 1975 CHAPTER 14

### PART II

#### BENEFIT AND ITS ADMINISTRATION

### CHAPTER I

#### CONTRIBUTORY BENEFITS

##### *Other benefits*

#### **31 Child's special allowance**

Subject to the provisions of this Act (and in particular to those of section 43 imposing limitations on payment of benefit in respect of children), a woman whose marriage has been terminated by divorce shall be entitled to a child's special allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 10, if—

- (a) the husband of that marriage is dead and satisfied the contribution condition for a child's special allowance specified in Schedule 3, Part I, paragraph 6; and
- (b) she has a family which includes a child and at that husband's death the child—
  - (i) was either a child of her family or, where the child is issue of theirs within the meaning of the Family Allowances Act, a child of that husband's family, or
  - (ii) would have been within sub-paragraph (i) above but for the fact that the child was not then in Great Britain; and
- (c) either—
  - (i) that husband had before his death been contributing at not less than the prescribed weekly rate to the cost of providing for that child, or
  - (ii) at the date of that husband's death she was entitled, under an order of a court, trust or agreement which she has taken reasonable steps to enforce, to receive (whether from that husband or from another

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person) payments in respect of that child at not less than that rate provided or procured by that husband:

Provided that the allowance shall not be payable for any period after the woman's remarriage or for any period during which she is cohabiting with a man as his wife.

### **32 Death grant**

- (1) Subject to the provisions of this Act, a death grant of the amount specified in relation thereto in Schedule 4, Part II, paragraph 2, shall be payable in respect of the death of any person (" the deceased ") where the case is one falling within any of the paragraphs of subsection (2) below; and in that subsection and subsection (4) below references to a person being, or having been, a qualifying contributor are to his satisfying or having satisfied the contribution condition specified for death grant in Schedule 3, Part I, paragraph 7.
- (2) The following are the cases in which a death grant is payable—
  - (a) the deceased was a qualifying contributor ;
  - (b) the deceased was at death the husband, wife, widower, widow or a child of the family of a qualifying contributor;
  - (c) the deceased was a child and either—
    - (i) he had been a child of the family of a person who pre-deceased him (and was so at the death of that person) and that person was a qualifying contributor immediately before his death, or
    - (ii) he was the posthumous son or daughter of a man who was a qualifying contributor;
  - (d) the deceased was over the age of 19 at death and—
    - (i) he was at death, and had ever since attaining the age of 19 been, incapacitated for regular employment, and
    - (ii) he was at death residing (or would, if not living in an institution, have been residing) with a near relative being either a qualifying contributor or the wife or widow of a qualifying contributor.
- (3) For the purposes of subsection (2) above, the following definitions apply—
  - (a) " incapacitated " means incapacitated by reason of illness or disability of mind or body ;
  - (b) " institution " means a school, hospital or establishment accepted by the Secretary of State as providing residential accommodation for disabled persons ; and
  - (c) " near relative " means a person—
    - (i) of whom the deceased was the son or daughter or remoter issue ; or
    - (ii) who was the deceased's son or daughter or remoter issue; or
    - (iii) who was the deceased's step-father, stepmother or step-child, or brother, sister, half-brother, or half-sister, step-brother or step-sister, (any such relationship as is specified in sub-paragraph (i), (ii) or (iii) being taken to include the same relationship by adoption, and to include also any such relationship as would have subsisted if some person born illegitimate had been born legitimate).
- (4) Regulations may provide that, in a case where the deceased—

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- (a) was a child either at his death or at any time during the tax year in which he died or the preceding tax year; or
- (b) was at his death over the age of 16 and under the age of 19 and was then incapacitated for regular employment (within the meaning given to that expression by subsection (3)(a) above),

but (in either case) a death grant is not payable by virtue of subsection (1), it shall nevertheless be payable if a person having such connection with the deceased as may be prescribed is or was at any time a qualifying contributor.

- (5) A death grant shall not be payable in respect of the death of a person who attained pensionable age before 5th July 1948 nor, except in prescribed cases, in respect of a death occurring outside Great Britain.