
STATUTORY RULES OF NORTHERN IRELAND

1994 No. 485

The Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994

PART II

CHILD DEPENDANTS

Contribution towards cost of providing for child

8.—(1) Where, apart from section 81(1) of the Contributions and Benefits Act, a person is entitled to receive, in respect of a of a particular child, an increase of incapacity benefit under any of the provisions of section 80 of that Act for any period, and neither of the conditions set out in paragraph (2) is satisfied, that person shall, for the purposes of section 81(2) of that Act, be deemed as respects that period to be making the contributions so required at a weekly rate not less than that required by that section if—

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

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

- (a) that the person would be treated for the purposes of Part IX of the Contributions and Benefits Act as having the child living with him; or
- (b) that 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, a person fails to make contributions which he has undertaken to make in accordance with paragraph (1), the decision awarding the increase for that period in respect of the child shall be revised.

(4) Except in a case to which applies either—

- (a) regulation 15 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978⁽¹⁾ (modification of the Act in relation to title to benefit for beneficiary's child dependents); or
- (b) any regulations made under Article 6(10) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994⁽²⁾ (power to provide for the transition to incapacity benefit) which provides, subject to the regulations, for regulation 18 of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977⁽³⁾ (preservation of entitlement to benefit in payment before 4th April 1977 for a child dependent), to have effect,

(1) S.R. 1978 No. 114; relevant amending regulations are S.R. 1983 No. 36, S.R. 1984 No. 317, S.R. 1986 No. 303 and S.R. 1994 Nos. 45 and 269

(2) S.I.1994/1898 (N.I. 12)

(3) S.R. 1977 No. 74; relevant amending regulations are S.R. 1980 No. 216, S.R. 1983 Nos. 36 and 193, S.R. 1984 Nos. 373, 377 and 382, S.R. 1985 No. 229, S.R. 1987 No. 129, S.R. 1989 No. 373 and S.R. 1992 No. 521

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section 81(2)(b) of the Contributions and Benefits Act shall not apply in a case where neither the beneficiary nor his spouse (if he has a spouse and she is residing with him) is in fact entitled to child benefit in respect of the child in question.