
STATUTORY RULES OF NORTHERN IRELAND

1994 No. 485

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

PART I

GENERAL

Allocation of contributions for a spouse or child

3.—(1) Subject to paragraphs (2) and (3), for the purposes of the Contributions and Benefits Act in so far as they relate to incapacity benefit, any sum paid by a person by way of contribution towards—

- (a) the maintenance of his spouse,
- (b) the cost of providing for a relevant child; or
- (c) both that maintenance and that cost,

shall be treated for the purposes of section 81(2)(b) of that Act (restrictions on increase — child not living with beneficiary, etc.) and regulations 9 and 12 as such contributions of such respective amounts equal in the aggregate to the sum in respect of his spouse or any relevant child, as may be determined by the adjudicating authority so as to secure as large a payment as possible byway of benefit in respect of dependents.

(2) Any sum paid by way of contribution towards the maintenance of a spouse shall not be treated by virtue of this regulation as a sum paid by way of contribution towards the cost of providing for a relevant child, and any sum paid by way of contribution towards the cost of providing for a relevant child shall not be treated as a sum paid by way of contribution towards the maintenance of a spouse, unless in either case the spouse is entitled to child benefit in respect of that relevant child.

(3) In this regulation—

“adjudicating authority” means any person or body with responsibility under the Administration Act and regulations made under that Act, for the determination of claims for benefit and questions arising in connection with a claim for, or award of, or disqualification for receiving, benefits;

“relevant child” means a child in respect of whom, in the period for which the sum in question is paid by a person, that person is entitled to child benefit or would have been so entitled had he contributed to the cost of providing for the child at a sufficient weekly rate.