
STATUTORY RULES OF NORTHERN IRELAND

1994 No. 485

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

PART II

CHILD DEPENDANTS

Circumstances in which a person not entitled to child benefit is to be treated as if so entitled

6.—(1) For the purposes of section 80 of the Contribution and Benefits Act⁽¹⁾, in so far as they relate to incapacity benefited 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 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 the birth occurred.

(2) Where for any period a person who is in Northern Ireland could have been entitled to receive payment of an amount by way of an increase of incapacity benefit in respect 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 spouse 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.

(3) For the purposes of paragraph (1)—

- (a) “week” means a period of 7 days beginning with a Monday; and
- (b) a child shall not be regarded as living with a person unless he can be so regarded for the purposes of section 139 of the Contributions and Benefits Act (meaning of “person responsible for child”).

(1) Section 80(2) is amended by Article 4(3) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 with effect from 6th April 1995