
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 entitled to child benefit is to be treated as if not so entitled

7.—(1) For the purposes of section 80 of the Contributions and Benefits Act, in so far as they relate to incapacity, benefit, a person who is entitled to child benefit in respect of a child shall be treated as if he were not so entitled for—

- (a) any period throughout which—
 - (i) that person, not being a parent of the child, does not fall to be treated as responsible for the child under section 139 of that Act, and
 - (ii) a parent of that child falls to be treated as responsible for the child under that section;
- (b) any period throughout which—
 - (i) that person, not being a parent of the child, falls to be treated as responsible for the child under section 139 of that Act, and
 - (ii) a parent of that child also falls to be treated as responsible for the child under that section; or
- (c) any day following the day on which that child died.

(2) Paragraph (1)(b) shall not apply in the case of a person who is wholly or mainly maintaining the child referred to in that sub-paragraph.

(3) For the purposes of section 80 of the Contributions and Benefits Act a person who is entitled to child benefit in respect of a child shall be treated as not so entitled for any period for which that benefit is not payable by virtue of any of the provisions of regulations 7 (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child), 8, (exclusion from benefit of children aged sixteen but, under the age of nineteen who are receiving advanced education), 9 (child receiving training under the youth training programme) or 9A (child receiving income support) of the Child Benefit (General) Regulations (Northern Ireland) 1979⁽¹⁾ or any provision contained in regulations made under section 140(1) of that Act (exclusions and priority) in so far as those regulations provide that child benefit is not to be payable by virtue of section 138(1)(b) of that Act (meaning of “child”) and regulations made under that paragraph.)

(1) S.R. 1979 No. 5; relevant amending regulations are S.R. 1980 No. 261, S.R. 1982 No. 114, S.R. 1987 No. 130 and S.R. 1988 Nos. 132 and 273