
STATUTORY RULES OF NORTHERN IRELAND

1994 No. 485

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

PART III

ADULT DEPENDANTS

Increase of incapacity benefit for adult dependants and persons having the care of children

9.—(1) Subject to regulation 14, a beneficiary shall be entitled to an increase of incapacity benefit under section 86A(1) of the Contributions and Benefits Act if—

- (a) he is residing with a spouse of his and either—
 - (i) the spouse is aged at least 60, or
 - (ii) the beneficiary is entitled to an increase of incapacity benefit under section 80 of that Act in respect of a child;
- (b) he has a spouse who is aged at least 60 and not residing with him but to whose maintenance he contributes at a weekly rate equal to or greater than the rate of the increase;
- (c) there is an adult who—
 - (i) is resident with him, and
 - (ii) cares for a child for whom the beneficiary is entitled to an increase under section 80 of that Act; or
- (d) subject to paragraph (3), there is an adult who—
 - (i) is not resident with him, and
 - (ii) cares for a child for whom the beneficiary is entitled to an increase under section 80 of that Act,

and in regulation 10 “dependent” means a person who satisfies any of the conditions set out in any of the sub-paragraphs of this paragraph.

(2) For the purposes of paragraph (1) a person shall be treated as entitled to an increase for a child under section 80 of the Contributions and Benefits Act if he would be so entitled if the day in question was a day on which he was entitled to either short-term incapacity benefit at the higher rate or to long-term incapacity benefit.

(3) A beneficiary shall not be entitled to an increase of incapacity benefit under paragraph (1) unless the other person—

- (a) is employed by the beneficiary in an employment in respect of which the weekly expenses incurred by the beneficiary are not less than the standard rate of increase and was so employed before the beneficiary became incapable of work, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for the employment first arose thereafter; or

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- (b) is a person to whose maintenance the beneficiary is contributing at a weekly rate not less than the standard rate of increase.