

SCHEDULE 2

Regulation 12(2)

PRESCRIBED CIRCUMSTANCES FOR INCREASE OF AN INVALID CARE ALLOWANCE

PART I

Increase of invalid care allowance for child dependants

1. For the purposes of increases of invalid care allowance for child dependants under section 49, the prescribed circumstances in which a beneficiary is entitled to such an increase for any period shall be as set out in the following paragraphs.

2. The weekly rate of an invalid care allowance for any period for which the beneficiary is entitled to child benefit in respect of a child or children shall be increased in respect of that child, or each respectively of those children, by the appropriate amount specified in relation to that allowance in column (2) of Part IV of Schedule 4 to the Act.

3. Where a person is entitled to receive payment of an amount by way of an increase of an invalid care allowance under paragraph 2 above, that increase shall not be payable unless one of the following conditions is satisfied—

- (a) that the beneficiary would be treated for the purposes of the Child Benefit Act as having the child living with him; or
- (b) that the requisite contributions are being made to the cost of providing for the child.

4. The condition specified in paragraph 3(b) above is to be treated as satisfied if, but only if—

- (a) such contributions are being made at a weekly rate not less than the amount referred to in paragraph 2 above—
 - (i) by the beneficiary, or
 - (ii) where the beneficiary is one of two spouses residing together, by them together; and
- (b) the contributions are over and above those required for the purposes of satisfying subsection (1)(b) of section 3 of the Child Benefit Act.

5. Any sum or sums paid by a person by way of contribution towards the cost of providing for two or more children being children in respect of whom, in the period for which the sum in question is paid by the person, he is entitled to child benefit shall be treated as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect of those children so as to secure as large a payment as possible by way of invalid care allowance in respect of them.

PART II

Increase of invalid care allowance for adult dependants

6. For the purposes of increases of invalid care allowance for adult dependants under section 49, the prescribed circumstances in which a beneficiary is entitled to such an increase for any period shall be as set out in paragraph 7 below.

7. The weekly rate of an invalid care allowance shall be increased by the amount specified in relation to that allowance in column (3) of Part IV of Schedule 4 to the Act for any period during which the beneficiary is residing with—

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- (a) his wife and she is not engaged in any one or more employments from which her weekly earnings exceed that amount; or
 - (b) some female person (not being a child) who—
 - (i) has the care of a child or children in respect of whom the beneficiary is entitled to child benefit being a child or children in respect of whom he is entitled to an increase of an invalid care allowance or would be so entitled but for the provisions of any regulation for the time being in force under the Act relating to overlapping benefits; or
 - (ii) is not undergoing imprisonment or detention in legal custody; or
 - (iii) is not engaged in any one or more employments (other than her employment by the beneficiary in caring for a child or children in respect of whom the beneficiary is entitled to child benefit) from which her weekly earnings exceed that amount; or
 - (iv) is not absent from Great Britain, except for any period during which she is residing with the beneficiary outside Great Britain and for which the beneficiary is entitled to an invalid care allowance.
- 8.** A person who is entitled to an increase of an invalid care allowance under paragraph 7(a) above shall not be entitled to an increase of that benefit under paragraph 7(b) above.