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STATUTORY INSTRUMENTS

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**1994 No. 2945**

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

**PART II**

**Child Dependants**

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

6.—(1) For the purposes of section 80 (increase of benefit in respect of dependent children), in so far as it relates to incapacity benefit, 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 Great Britain 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 143 (meaning of “person responsible for child”).