
STATUTORY INSTRUMENTS

2006 No. 2378

**The Social Security (Miscellaneous
Amendments) (No. 4) Regulations 2006**

**Amendment of the Social Security (Incapacity Benefit – Increases for Dependants)
Regulations 1994**

9. In regulation 9 of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations 1994⁽¹⁾ (increase of incapacity benefit for adult dependants and persons having the care of children or qualifying young persons) after paragraph (2A) insert—

“(2B) For the purposes of paragraph (1)(c) a beneficiary shall be treated as if he were entitled to child benefit in respect of a child or qualifying young person for any period throughout which—

- (a) child benefit has been awarded to a parent of that child or qualifying young person with whom that child or qualifying young person is living and with whom the beneficiary is residing and either—
 - (i) the child or qualifying young person is being wholly or mainly maintained by the beneficiary; or
 - (ii) the beneficiary is also a parent of the child or qualifying young person; or
- (b) (i) the beneficiary;
 - (ii) his spouse or civil partner with whom he is residing; or
 - (iii) a parent (other than the beneficiary) to whom sub-paragraph (a) would refer if that parent were entitled to child benefit,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.

(2C) Where for any period a person who is in Great Britain could have been entitled to an increase of incapacity benefit pursuant to paragraph (1)(c) but for the fact that in pursuance of any agreement with the government of a country outside the United Kingdom—

- (a) he;
- (b) his spouse or civil partner who is residing with him; or
- (c) a parent (other than the beneficiary) to whom paragraph (2B)(a) would refer if that parent were entitled to child benefit,

is entitled in respect of the child or qualifying young person 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 increase be treated as if he were entitled to child benefit for the period in question.

(2D) For the purposes of paragraphs (2B) and (2C)—

- (a) “week” means a period of 7 days beginning with a Monday; and

⁽¹⁾ S.I. 1994/2945. Regulation 9 was amended by S.I. 2000/678, 2003/937, 2005/2877 and 2006/692.

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- (b) a child or qualifying young person 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 or qualifying young person”).”.