



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART IV

INCREASES FOR DEPENDANTS

Miscellaneous

89 Earnings to include occupational and personal pensions for purposes of provisions relating to increases of benefits in respect of child or adult dependants.

- (1) Except as may be prescribed, in section 80 and [^{F1}sections 82 to 86A above, and in regulations under section 86A above,] any reference to earnings includes a reference to payments by way of occupational or personal pension.
- (2) For the purposes of the provisions mentioned in subsection (1) above, the Department may by regulations provide, in relation to cases where payments by way of occupational or personal pension are made otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed.

Textual Amendments

- F1** Words in s. 89 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 26** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

Modifications etc. (not altering text)

- C1** S. 89 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 11**

Status: Point in time view as at 21/10/2002.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

90 Beneficiaries under sections 68 and 70.

The weekly [^{F2}rate]

(b) of [^{F3}a carer's allowance] ,

shall, in such circumstances as may be prescribed, be increased for child or adult dependants by the appropriate amount specified in relation to [^{F4}the allowance] in Schedule 4, Part IV.

Textual Amendments

- F2** Word in s. 90 substituted for words and para. (a) (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 25(a)**; S.R. 2000/332, **art. 2(3)(f)(4)(5)**
- F3** Words in s. 90 substituted (21.10.2002 for certain purposes and 1.4.2003 otherwise) by The **Deregulation (Carer's Allowance) Order (Northern Ireland) 2002** (S.R. 2002/321), arts. 1, **2(2)(a)(iv)**
- F4** Words in s. 90 substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 25(b)**; S.R. 2000/332, **art. 2(3)(f)(4)(5)**

91 Effect of trade disputes on entitlement to increases.

(1) A beneficiary shall not be entitled—

- (a) to an increase in any benefit [^{F5}under or by virtue of sections 82 to 88 above]; or
- (b) to an increase in benefit for an adult dependant by virtue of regulations under section 90 above,

if the person in respect of whom he would be entitled to the increase falls within subsection (2) below.

[^{F6}(2) A person falls within the subsection if—

- (a) he is prevented for being entitled to a jobseeker's allowance by Article 16 of the Jobseekers (Northern Ireland) Order 1995 (trade disputes); or
- (b) he would be so prevented if he were otherwise entitled to that benefit.]

Textual Amendments

- F5** Words in s. 91(1)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 27** (with art. 15(1))
- F6** S. 91(2) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 10**; S.R. 1996/401, **art. 2(b)**

92 Dependency increases: continuation of awards in cases of fluctuating earnings.

(1) Where a beneficiary—

- (a) has been awarded an increase of benefit under this Part of this Act, but
- (b) ceases to be entitled to the increase by reason only that the weekly earnings of some other person (“the relevant earner”) exceed the amount of the increase or, as the case may be, some specified amount,

then, if and so long as the beneficiary would have continued to be entitled to the increase, disregarding any such excess of earnings, the award shall continue in force but the increase shall not be payable for any week if the earnings relevant to that week exceed the amount of the increase or, as the case may be, the specified amount.

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- (2) In this section the earnings which are relevant to any week are those earnings of the relevant earner which, apart from this section, would be taken into account in determining whether the beneficiary is entitled to the increase in question for that week.

93 Dependency increases on termination of employment after period of entitlement to disability working allowance.

Where—

- [^{F7}(a) a person becomes entitled—
- (i) to the higher rate of short-term incapacity benefit, or to long-term incapacity benefit, by virtue of section 30C(5) or (6) or section 42 above; . . .
 - ^{F8}(ii)]
- (b) when he was last entitled to that [^{F9}benefit]. . . , it was increased in respect of a dependant by virtue of—
- (i) regulation 8(6) of the ^{M1}Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977;
 - (ii) regulation 3 of the ^{M2}Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1984;
 - (iii) regulation 2 of the ^{M3}Social Security (Savings for Existing Beneficiaries) Regulations (Northern Ireland) 1984; or
 - (iv) regulation 4 of the ^{M4}Social Security Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989,

for the purpose of determining whether his [^{F9}benefit]. . . should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [^{F9}benefit]. . . , the increase in respect of that dependant shall be treated as having been payable to him on each day between the last day on which his [^{F9}benefit]. . . was previously payable and the day on which he again becomes entitled to it.

Textual Amendments

- F7** S. 93(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 28(a)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F8** S. 93(a)(ii) and word “or” preceding it repealed (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)(g)(4)(5)**
- F9** Words in s. 93 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 28(b)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

Marginal Citations

- M1** S.R. (N.I.) 1977 No. 74.
M2 S.R. (N.I.) 1984 No. 373.
M3 S.R. (N.I.) 1984 No. 381.
M4 S.R. (N.I.) 1989 No. 381.

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