



Social Security (Northern Ireland) Act 1975

1975 CHAPTER 15

PART II

BENEFIT AND ITS ADMINISTRATION

CHAPTER III

INCREASES FOR DEPENDANTS

Adult dependants

44 Short term benefit: increase for adult dependants

- (1) Subject to the provisions of this section, the weekly rate of unemployment benefit or sickness benefit shall be increased by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (4), for any period during which—
- (a) the beneficiary is—
 - (i) residing with his wife, or
 - (ii) contributing to the maintenance of his wife at a weekly rate not less than that amount; and
 - (b) his wife is not engaged in any one or more employments from which her weekly earnings exceed that amount.
- (2) Subject to the following subsections, the weekly rate—
- (a) of unemployment benefit or sickness benefit in the case of a beneficiary not entitled to an increase under subsection (1) above ; and
 - (b) of a maternity allowance in any case,

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shall be increased by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (4), for any of the periods mentioned in subsection (3) below.

- (3) Those periods are—
- (a) any period during which the beneficiary's husband is incapable of self-support and either they are residing together or she is contributing to his maintenance at a weekly rate not less than the amount so specified;
 - (b) any period during which the beneficiary has residing with him, and is wholly or mainly maintaining, such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled ;
 - (c) any period during which some female person (not a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 41, being a person in relation to whom such further conditions as may be prescribed are fulfilled.
- (4) A beneficiary shall not under subsection (2) above be entitled for the same period to an increase of benefit in respect of more than one person.
- (5) Where a person is entitled to unemployment benefit or sickness benefit under section 14(2)(b) or (c)—
- (a) he shall not be entitled to an increase under subsection (2) above in respect of any such period as is mentioned in paragraph (a) or (b) of subsection (3) above; and
 - (b) if he would have been entitled only by virtue of section 33 to the retirement pension by reference to which the weekly rate of the unemployment benefit or sickness benefit is determined, the amount of any increase under this section of that weekly rate shall be that which would have been applicable by virtue of that section in the case of such an increase of the weekly rate of that pension.
- (6) In this section, " relative " does not include any person who is a child.

45 Pension increase (wife)

- (1) This section applies to—
- (a) a Category A or Category C retirement pension ;
 - (b) an invalidity pension.
- (2) Subject to the following provisions, the weekly rate of a pension to which this section applies, when payable to a man, shall be increased by the amount respectively specified in relation to the relevant pension in Schedule 4, Part IV, column (4)—
- (a) for any period during which the pensioner is residing with his wife; or
 - (b) for any period during which the pensioner is contributing to the maintenance of his wife at a weekly rate not less than that amount, and his wife is not engaged in any one or more employments from which her weekly earnings exceed that amount.
- (3) Where the pensioner is residing with his wife, and the earnings of his wife for the week ending last before any week for which he is entitled to benefit under this section exceeded £20, the weekly rate of benefit under this section shall for the last-mentioned week be reduced—

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- (a) where the excess is less than £4, by 5 pence for each complete 10 pence of the excess; and
- (b) where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess.

In this subsection "week", where used in the expression "week for which he is entitled to benefit" means such period of 7 days as may be prescribed by regulations made for the purposes of this subsection.

- (4) With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, subsection (3) above shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

1976	£35
1977	£50.

46 Pension increase (female with care of children)

- (1) This section applies to—
 - (a) a Category A retirement pension ;
 - (b) a Category C retirement pension by virtue of section 39(1)(a);
 - (c) an invalidity pension.
- (2) Subject to the following provisions, the weekly rate of a pension to which this section applies shall be increased by the amount specified in Schedule 4, Part IV, column (4), for any period during which some female person (not a child) has the care of a child or children of the pensioner's family, or of a child or children treated as such for the purposes of section 41.
- (3) Subsection (2) above shall not apply if the pensioner is a man whose wife is entitled to a Category B retirement pension, or to a Category C retirement pension by virtue of section 39(1)(b), or in such other cases as may be prescribed.
- (4) Regulations may, in a case within subsection (2) above in which the female person there referred to is residing with the pensioner and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject to a reduction in respect of the female person's earnings, other than such of her earnings from employment by the pensioner as may be prescribed, comparable to the reduction under section 45(3) above.

47 Invalidity pension (dependent relative)

- (1) Subject to subsection (2) below, the weekly rate of an invalidity pension shall be increased by the amount specified in Schedule 4, Part IV, column (4)—
 - (a) for any period during which the pensioner's husband is incapable of self-support and either they are residing together or she is contributing to his maintenance at a weekly rate not less than the amount so specified; or
 - (b) for any period during which the pensioner has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a

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relative in relation to whom such further conditions as may be prescribed are fulfilled.

In this subsection " relative " does not include any person who is a child.

- (2) Where a person is entitled to an invalidity pension at a weekly rate determined under section 15(4) of this Act—
- (a) subsection (1) above does not apply ; and
 - (b) if the pensioner would have been entitled only by virtue of section 33 to the retirement pension by reference to which the weekly rate of the invalidity pension is determined, the amount of an increase under this section of that weekly rate shall be that which would have been applicable by virtue of that section in the case of such an increase of the weekly rate of that pension.

48 Pension increases: supplementary provisions

- (1) A pensioner shall not under sections 45 to 47 above be entitled for the same period to an increase of benefit in respect of more than one person.
- (2) Sections 45 and 46 above, as they relate to the amount of the increase of a retirement pension, have effect subject to section 30(1) of this Act (earnings rule); and any reduction to be made under that subsection shall be made, so far as necessary—
 - (a) first, against the amount of the benefit set out in Schedule 4, Part I, plus any increase under section 28(4) or (5) or 29(10);
 - (b) secondly, against the increase under section 45 or 46 and before any reduction to be made under section 45(3); and
 - (c) lastly, against any increase under section 41.