



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART IV

#### INCREASES FOR DEPENDANTS

##### *Child dependants*

#### <sup>F1</sup>**80** Beneficiary's dependent children.

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##### **Textual Amendments**

- F1** S. 80 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/938, art. 2, [Sch.](#) (with savings in [art. 3](#))

##### **Modifications etc. (not altering text)**

- C1** S. 80 (in so far as still in force) amended (1.4.2021 with effect in accordance with art. 1(3)(d) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2021 \(S.I. 2021/162\)](#), arts. 1(3)(d), [8](#)
- C2** [S. 80](#) (in so far as still in force) amended (S.) (1.4.2021 with effect in accordance with art. 1(3) of the amending S.S.I.) by [The Social Security Up-rating \(Scotland\) Order 2021 \(S.S.I. 2021/169\)](#), arts. 1(2)(3), [2](#)

#### <sup>F2</sup>**81** Restrictions on increase - child not living with beneficiary etc.

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**Textual Amendments**

- F2** S. 81 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/938, art. 2, [Sch.](#) (with savings in [art. 3](#)); and as to this section as so saved see also [Welfare Reform Act 2009 \(c. 24\)](#), s. [37\(1\)](#); [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(d), [7\(b\)](#)

*Adult dependants*

**F3 82 Short-term benefit: increase for adult dependants.**

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**Textual Amendments**

- F3** S. 82 repealed (6.4.2010 with savings until 6.4.2020) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 15(1)(a), 61(2), [Sch. 7 Pt. 2](#) (with s. 15(2)(3))

**F4 83 Pension increase (wife)**

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**Textual Amendments**

- F4** S. 83 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act 2007 \(c. 22\)](#), s. 4(1)(a), 27(4)(b), [Sch. 7 Pt. 2](#) (with s. 4(5)-(8))

**Modifications etc. (not altering text)**

- C3** S. 83 continued (with modifications) (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 4 para. 15\(1\)](#); S.I. 2014/3169, [art. 2](#)
- C4** S. 83 modified (S.) (in so far as continues to apply) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), arts. 1(2), [11\(1\)](#)

**F5 84 Pension increase (husband).**

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**Textual Amendments**

- F5** S. 84 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act 2007 \(c. 22\)](#), s. 4(1)(b), 27(4)(b), [Sch. 7 Pt. 2](#) (with s. 4(5)-(8))

**Modifications etc. (not altering text)**

- C5** S. 84 continued (with modifications) (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 4 para. 15\(2\)](#); S.I. 2014/3169, [art. 2](#)
- C6** S. 84 continued (with modifications) (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), arts. 1(2), [11\(2\)](#)

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**F<sup>6</sup>85 Pension increase (person with care of children).**

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**Textual Amendments**

**F6** S. 85 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act 2007 \(c. 22\)](#), s. 4(1)(c), 27(4)(b), [Sch. 7 Pt. 2](#) (with s. 4(5)-(8))

**F<sup>7</sup>86 Increase of woman’s invalidity pension (husband).**

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**Textual Amendments**

**F7** S. 86 repealed (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), [Sch. 1 para. 23](#), [Sch. 2](#); [S.I. 1994/2926](#), art. 2(4), [Sch. Pt. 4](#)

**[F<sup>8</sup>86A Incapacity benefit: increase for adult dependants.**

- (1) The weekly rates of short-term and long-term incapacity benefit shall, in such circumstances as may be prescribed, be increased for adult dependants by the appropriate amount specified in relation to benefit of that description in Schedule 4, Part IV, column (3).
- (2) Regulations may provide that where the person in respect of whom an increase of benefit is claimed has earnings in excess of such amount as may be prescribed there shall be no increase of benefit under this section.]

**Textual Amendments**

**F8** S. 86A inserted (18.11.1994 for specified purposes, 13.4.1995 in so far as not already in force) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), [ss. 2\(5\)](#), 16(3); [S.I. 1994/2926](#), art. 2(2), [Sch. Pt. 2](#)

**87 Rate of increase where associated retirement pension is attributable to reduced contributions.**

- (1) Where a person—
  - [<sup>F9</sup>(a) is entitled to short-term incapacity benefit under section 30A(2)(b) above; and]
  - (b) would have been entitled only by virtue of section 60(1) above to the retirement pension by reference to which the rate of that benefit <sup>F10</sup>... is determined,[<sup>F11</sup>the amount of any increase of the benefit attributable to sections 82 to 86A above shall be determined in accordance with regulations under this section.]
- (2) The regulations shall not provide for any such increase in a case where the retirement pension by reference to which the rate of the said benefit <sup>F12</sup>... is determined—
  - (a) would have been payable only by virtue of section 60 above; and

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- (b) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension.

#### Textual Amendments

- F9** S. 87(1)(a) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 2 para. 26](#); S.I. 1996/2208, art. 2(b)
- F10** Words in s. 87(1)(b) repealed (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 24\(3\), Sch. 2](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F11** Words in s. 87(1) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 24\(4\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F12** Words in s. 87(2) repealed (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 24\(3\), Sch. 2](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4

#### **[<sup>F13</sup>88] Increases to be in respect of only one adult dependant.**

A person shall not [<sup>F14</sup>by virtue of section 86A] above be entitled for the same period to an increase of benefit in respect of more than one person.]

#### Textual Amendments

- F13** S. 88 substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 25](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F14** Words in s. 88 substituted (6.4.2010 with savings until 6.4.2020) by [Pensions Act 2007 \(c. 22\), s. 4\(4\), Sch. 1 para. 14](#) (with s 4(5)-(8))

#### *Miscellaneous*

#### **89 Earnings to include occupational and personal pensions [<sup>F15</sup>etc.] for purposes of provisions relating to increases of benefits in respect of <sup>F16</sup>... adult dependants.**

- (1) Except as may be prescribed, in <sup>F17</sup>... [<sup>F18</sup>[<sup>F19</sup>sections 82 and 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.
- [<sup>F20</sup>(1A) Except as may be prescribed, in [<sup>F19</sup>sections 82 and 86A] above, and in regulations under section 86A above, any reference to earnings includes a reference to payments by way of PPF periodic payments.]
- (2) For the purposes of the provisions mentioned in [<sup>F21</sup>subsections (1) and (1A) above], the Secretary of State may by regulations provide, in relation to cases where payments by way of occupational or personal pension [<sup>F22</sup>or PPF periodic payments] 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.
- [<sup>F23</sup>(3) In this section “PPF periodic payments” means—
- (a) any periodic compensation payments made in relation to a person, payable under the pension compensation provisions as specified in section 162(2) of the Pensions Act 2004 or Article 146(2) of the Pensions (Northern Ireland) Order 2005 (the pension compensation provisions); or

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- (b) any periodic payments made in relation to a person, payable under section 166 of the Pensions Act 2004 or Article 150 of the Pensions (Northern Ireland) Order 2005 (duty to pay scheme benefits unpaid at assessment date etc.), other than payments made to a surviving dependant of a person entitled to such compensation.]

#### Textual Amendments

- F15** Word in s. 89 heading inserted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 1(1), **Sch. para. 1(2)(a)**
- F16** Words in s. 89 heading repealed with savings (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/938, art. 2, **Sch.** (with art. 3)
- F17** Words in s. 89(1) repealed with savings (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/938, art. 2, **Sch.** (with art. 3)
- F18** Words in s. 89(1) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 26**; S.I. 1994/2926, art. 2(4), **Sch. Pt. 4**
- F19** Words in s. 89(1)(1A) substituted (6.4.2010 with savings until 6.4.2020) by Pensions Act 2007 (c. 22), s. 4(4), **Sch. 1 para. 15** (with s 4(5)-(8))
- F20** S. 89(1A) inserted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 1(1), **Sch. para. 1(2)(b)**
- F21** Words in s. 89(2) substituted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 1(1), **Sch. para. 1(2)(c)(i)**
- F22** Words in s. 89(2) inserted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 1(1), **Sch. para. 1(2)(c)(ii)**
- F23** S. 89(3) added (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 1(1), **Sch. para. 1(2)(d)**

#### <sup>F24</sup>90 **Beneficiaries under sections 68 and 70.**

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#### Textual Amendments

- F24** S. 90 repealed (6.4.2010 with savings until 6.4.2020) by Welfare Reform Act 2009 (c. 24), ss. 15(1)(b), 61(2), **Sch. 7 Pt. 2** (with s. 15(2)(3))

#### 91 **Effect of trade disputes on entitlement to increases.**

- (1) A beneficiary shall not be entitled—
- (a) to an increase in any benefit [<sup>F25</sup>under or by virtue of sections 82 to 88 above];
- or
- (b) to an increase in benefit <sup>F26</sup>... 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.

[<sup>F27</sup>(2) A person falls within this subsection if—

- (a) he is prevented from being entitled to a jobseeker's allowance by section 14 of the Jobseekers Act 1995 (trade disputes); or
- (b) he would be so prevented if he were otherwise entitled to that benefit.]

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#### Textual Amendments

- F25** Words in s. 91(1)(a) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), [Sch. 1 para. 27](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F26** Words in s. 91(1)(b) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/938, art. 2, [Sch. \(with art. 3\)](#)
- F27** S. 91(2) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 27](#); S.I. 1996/2208, art. 2(b)

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

- (1) Where a beneficiary—
- has been awarded an increase of benefit under this Part of this Act, but
  - 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.
- (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—

- [<sup>F28</sup>(a) a person becomes entitled—
- 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, <sup>F29</sup> ...
  - <sup>F29</sup>(ii) .....]
- (b) when he was last entitled to that [<sup>F30</sup>benefit]<sup>F31</sup> ..., it was increased in respect of a dependant by virtue of—
- regulation 8(6) of the <sup>M1</sup>Social Security Benefit (Dependency) Regulations 1977;
  - regulation 2 of the <sup>M2</sup>Social Security (Savings for Existing Beneficiaries) Regulations 1984;
  - regulation 3 of the <sup>M3</sup>Social Security Benefit (Dependency) Amendment Regulations 1984; or
  - regulation 4 of the <sup>M4</sup>Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989,

for the purpose of determining whether his [<sup>F32</sup>benefit]<sup>F31</sup> ... should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [<sup>F32</sup>benefit]<sup>F31</sup> ..., 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

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his [<sup>F32</sup>benefit]<sup>F31</sup> ... was previously payable and the day on which he again becomes entitled to it.

#### Textual Amendments

- F28** S. 93(a) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 28\(a\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F29** S. 93(a)(ii) and preceding word repealed (with savings for those entitled to severe disablement allowance for days immediately before 6.4.2001) (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 13 Pt. IV](#); S.I. 2000/2958, art. 2(3)(g)(4)(5) (with art. 4)
- F30** Words in s. 93(b) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 28\(b\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F31** Words in s. 93 repealed (with savings for those entitled to severe disablement allowance for days immediately before 6.4.2001) (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 13 Pt. IV](#); S.I. 2000/2958, art. 2(3)(g)(4)(5) (with art. 4)
- F32** Words in s. 93 substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 28\(b\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4

#### Marginal Citations

- M1** [S.I. 1977/343](#).
- M2** [S.I. 1984/1696](#).
- M3** [S.I. 1984/1698](#).
- M4** [S.I. 1989/1690](#).

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