



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART IV

INCREASES FOR DEPENDANTS

Miscellaneous

- 89 Earnings to include occupational and personal pensions [^{F1}etc.] for purposes of provisions relating to increases of benefits in respect of ^{F2}... adult dependants.**
- (1) Except as may be prescribed, in ^{F3}... [^{F4}[^{F5}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.
- [^{F6}(1A) Except as may be prescribed, in [^{F5}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 [^{F7}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 [^{F8}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.
- [^{F9}(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
 - (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.),

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other than payments made to a surviving dependant of a person entitled to such compensation.]

Textual Amendments

- F1** 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)**
- F2** Words in s. 89 heading repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; [S.I. 2003/938](#), art. 2, **Sch.** (with art. 3)
- F3** Words in s. 89(1) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; [S.I. 2003/938](#), art. 2, **Sch.** (with art. 3)
- F4** 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**
- F5** 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))
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**

^{F10}90 **Beneficiaries under sections 68 and 70.**

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Textual Amendments

- F10** 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 [^{F11}under or by virtue of sections 82 to 88 above]; or
 - (b) to an increase in benefit ^{F12}... 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.

[^{F13}(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

- F11** 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
- F12** 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)
- F13** 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—

- (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.

(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—

[^{F14}(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, ^{F15}...

^{F15}(ii)]

(b) when he was last entitled to that [^{F16}benefit]^{F17}..., it was increased in respect of a dependant by virtue of—

- (i) regulation 8(6) of the ^{M1}Social Security Benefit (Dependency) Regulations 1977;
- (ii) regulation 2 of the ^{M2}Social Security (Savings for Existing Beneficiaries) Regulations 1984;
- (iii) regulation 3 of the ^{M3}Social Security Benefit (Dependency) Amendment Regulations 1984; or
- (iv) regulation 4 of the ^{M4}Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989,

for the purpose of determining whether his [^{F18}benefit]^{F17}... should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [^{F18}benefit]^{F17}..., 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 ^{F18}benefit^{F17} ... was previously payable and the day on which he again becomes entitled to it.

Textual Amendments

- F14** 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
- F15** 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)
- F16** 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
- F17** 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)
- F18** 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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