



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART IV

#### INCREASES FOR DEPENDANTS

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

**C1** Pt. IV (ss. 80-93): power to apply conferred (1.7.1992) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), ss. 161, 168(4), **Sch. 6 para. 1(3)(a)**.

#### *Child dependants*

#### **80 Beneficiary's dependent children.**

- (1) Subject to section 61 above and to the following provisions of this Part of this Act, the weekly rate of any benefit to which this subsection applies shall, for any period for which the beneficiary is entitled to child benefit in respect of a child or children, be increased in respect of that child, or each respectively of those children, by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (2).
- (2) Subsection (1) above applies to—
  - (a) unemployment benefit where the beneficiary is over pensionable age;
  - (b) sickness benefit where the beneficiary is over pensionable age;
  - (c) invalidity pension; and
  - (d) Category A, Category B or Category C retirement pension.
- (3) In any case where—
  - (a) a beneficiary is one of two persons who are—
    - (i) spouses residing together; or
    - (ii) an unmarried couple; and

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- (b) the other person had earnings in any week,  
the beneficiary's right to payment of increases for the following week under subsection (1) above shall be determined in accordance with subsection (4) below.
- (4) No such increase shall be payable—
- (a) in respect of the first child where the earnings were [<sup>F1</sup>£120] or more; and
  - (b) in respect of a further child for each complete [<sup>F1</sup>£16] by which the earnings exceeded [<sup>F1</sup>£120].
- (5) Subject to section 81 below, the weekly rate of a widowed mother's allowance payable by virtue of subsection (1)(a) of section 37 above shall be increased for any period in respect of the child or, if more than one, each respectively of the children falling within subsection (2)(a), (b) or (c) of that section in respect of whom she is for the time being entitled to child benefit by the amount specified in relation to that allowance in Schedule 4, Part IV, column (2).
- (6) Subject to section 81 below, the weekly rate of a child's special allowance shall, for any period for which the beneficiary is entitled to child benefit in respect of two or more children with respect to whom the conditions specified in section 56(1)(b) and (c) above are satisfied, be increased in respect of each respectively of those children other than the elder or eldest by the amount specified in relation to that allowance in Schedule 4, Part IV, column (2).
- (7) In this section—
- “unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife; and
- “week” means such period of 7 days as may be prescribed for the purposes of this section.

#### **Textual Amendments**

- F1** Sums in s. 80(4) substituted (12.4.1993) by virtue of [S.R. 1993/150, arts. 1\(d\)](#),8 (which S.R. was revoked (11.4.1994) by [S.R. 1994/74, art. 21](#)) and those same sums specified (11.4.1995) by [S.R. 1994/74, art. 8](#)

### **81 Restrictions on increase - child not living with beneficiary, etc.**

- (1) Where, apart from this subsection, a person is entitled to receive, in respect of a particular child, payment of an amount by way of an increase under section 80 above of any benefit, that amount shall not be payable unless one of the conditions specified in subsection (2) below is satisfied.
- (2) Those conditions are—
- (a) that the beneficiary would be treated for the purposes of Part IX of this Act as having the child living with him; or
  - (b) that the requisite contributions are being made to the cost of providing for the child.
- (3) The condition specified in subsection (2)(b) above is to be treated as satisfied if, but only if—
- (a) such contributions are being made at a weekly rate not less than the amount referred to in subsection (1) above—

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- (i) by the beneficiary; or
  - (ii) where the beneficiary is one of two spouses residing together, by them together; and
- (b) except in prescribed cases, the contributions are over and above those required for the purpose of satisfying section 139(1)(b) below.

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

- C2 S. 81(2) modified (13.4.1995) by S.R. 1994/485, **regs. 1(1), 8(1)**
- C3 S. 81(2)(b) modified (13.4.1995) by S.R. 1994/485, **regs. 1(1), 3(1)**

*Adult dependants*

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

- (1) Subject to section 61 above and section 87 below, 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 (3), 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 does not have weekly earnings which exceed that amount.
- (2) Subject, in particular, to subsection (5) and section 87 below, 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,
- shall be increased by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (3) (“the amount of the relevant increase”) for any period to which this subsection applies by virtue of subsection (3) or (4) below.
- (3) Subsection (2) above applies by virtue of this subsection to any period during which—
- (a) the beneficiary’s husband does not have weekly earnings which exceed the amount of the relevant increase, and
  - (b) either she and her husband are residing together or she is contributing to his maintenance at a weekly rate not less than that amount.
- (4) Subsection (2) above applies by virtue of this subsection to any period during which a person—
- (a) who is neither the spouse of the beneficiary nor a child, and
  - (b) in respect of whom such further conditions as may be prescribed are fulfilled,
- has the care of a child or children in respect of whom the beneficiary is entitled to child benefit.
- (5) 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.

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### **83 Pension increase (wife).**

- (1) This section applies to—
  - (a) a Category A or Category C retirement pension;
  - (b) an invalidity pension under section 33 or 41 above.
- (2) Subject to subsection (3) below, the weekly rate of a pension to which this section applies, when payable to a man, shall be increased by the amount specified in relation to the pension in Schedule 4, Part IV, column (3)—
  - (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 does not have weekly earnings which exceed that amount.
- (3) Regulations may provide that for any period during which the pensioner is residing with his wife and his wife has earnings—
  - (a) the increase of benefit under this section shall be subject to a reduction in respect of the wife's earnings; or
  - (b) there shall be no increase of benefit under this section.

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

- (1) Where a Category A retirement pension is payable to a woman for any period—
  - (a) which began immediately upon the termination of a period for which the pensioner was entitled to an increase in unemployment benefit, sickness benefit or invalidity pension by virtue of section 82(3) above or 86(1) below, and
  - (b) during which the requirements of either paragraph (a) or (b) of subsection (2) below are satisfied (without interruption),then, the weekly rate of the pensioner's Category A retirement pension shall be increased by the amount specified in relation to that pension in Schedule 4, Part IV, column (3) ("the specified amount").
- (2) The requirements referred to in subsection (1)(b) above are—
  - (a) that the pensioner is residing with her husband;
  - (b) that the pensioner is contributing to the maintenance of her husband at a weekly rate not less than the specified amount, and her husband does not have weekly earnings which exceed that amount.
- (3) Regulations may provide that for any period during which the pensioner is residing with her husband and her husband has earnings—
  - (a) the increase of benefit under this section shall be subject to a reduction in respect of the husband's earnings; or
  - (b) there shall be no increase of benefit under this section.

### **85 Pension increase (person with care of children).**

- (1) This section applies to—
  - (a) a Category A retirement pension;
  - (b) a Category C retirement pension payable by virtue of section 78(1) above;
  - (c) an invalidity pension under section 33, 40 or 41 above.

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- (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 relation to that pension in Schedule 4, Part IV, column (3) for any period during which a person who is neither the spouse of the pensioner nor a child has the care of a child or children in respect of whom the pensioner is entitled to child benefit.
- (3) Subsection (2) above does 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 78(2) above or in such other cases as may be prescribed.
- (4) Regulations may, in a case within subsection (2) above in which the 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, taking account of the earnings of the person residing with the pensioner, other than such of that person's earnings as may be prescribed, to provisions comparable to those that may be made by virtue of section 83(3) above.

## **86 Increase of woman's invalidity pension (husband).**

- (1) Subject to section 87 below, the weekly rate of an invalidity pension payable to a woman shall be increased by the amount specified in relation to an invalidity pension in Schedule 4, Part IV, column (3) for any period during which either—
  - (a) the pensioner and her husband are residing together and he does not have earnings at a weekly rate in excess of the amount specified in Schedule 4, Part I, paragraph 1; or
  - (b) they are not residing together, he does not have earnings at a weekly rate in excess of the amount specified in relation to an invalidity pension in Schedule 4, Part IV, column (3) and she is contributing to his maintenance at a weekly rate not less than the amount so specified.
- (2) Regulations may provide that—
  - (a) the increase of benefit under this section shall be subject to a reduction in respect of the husband's earnings; or
  - (b) there shall be no increase of benefit under this section.

## **[<sup>F2</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**

- F2** S. 86A inserted (21.11.1994 for the purpose of making regulations and 13.4.1995 otherwise) by S.I. 1994/1898 (N.I. 12), **art. 4(4)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. II**

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

- (1) Where a person—
- (a) is entitled—
    - (i) to unemployment benefit by virtue of section 25(2)(b) or (c) above, or
    - (ii) to sickness benefit by virtue of section 31(2)(b) or (c) above, or
    - (iii) to an invalidity pension by virtue of section 33(2) 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 or invalidity pension is determined,
- the amount of any increase of the benefit or invalidity pension attributable to sections 82 to 86 above shall not be determined in accordance with those sections but shall be determined in accordance with regulations.
- (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 or invalidity pension is determined—
- (a) would have been payable only by virtue of section 60 above; and
  - (b) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension.

**88 Pension increases to be in respect of only one adult dependant.**

A pensioner shall not under sections 83 to 86 above be entitled for the same period to an increase of benefit in respect of more than one person.

*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 sections 82 to 86 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.

**90 Beneficiaries under sections 68 and 70.**

The weekly rates—

- (a) of a severe disablement allowance, and
- (b) of an invalid care allowance,

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

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

- (1) A beneficiary shall not be entitled—
  - (a) to an increase in any benefit under 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.
- (2) A person falls within this subsection if—
  - (a) he is disqualified under section 27 above for receiving unemployment benefit; or
  - (b) he would be so disqualified if he were otherwise entitled to that benefit.

## **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—

- (a) a person becomes entitled to an invalidity pension or a severe disablement allowance by virtue of section 33(7), 42 or 68(10) above; and
- (b) when he was last entitled to that pension or allowance, it was increased in respect of a dependant by virtue of—
  - (i) regulation 8(6) of the <sup>M1</sup>Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977;
  - (ii) regulation 3 of the <sup>M2</sup>Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1984;
  - (iii) regulation 2 of the <sup>M3</sup>Social Security (Savings for Existing Beneficiaries) Regulations (Northern Ireland) 1984; or
  - (iv) regulation 4 of the <sup>M4</sup>Social Security Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989,

for the purpose of determining whether his pension or allowance should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his pension or allowance, the increase in respect of that dependant

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shall be treated as having been payable to him on each day between the last day on which his pension or allowance was previously payable and the day on which he again becomes entitled to it.

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**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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