



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART IV **N.I.**

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. **N.I.**

- (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—
 - ^{F1}(a)
 - ^{F2}(b) short-term incapacity benefit at the higher rate or where the beneficiary is over pensionable age;
 - (c) long-term incapacity benefit; 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

Status: Point in time view as at 21/10/2002.

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- (ii) an unmarried couple; and
- (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 [^{F3}£155] or more; and
- (b) in respect of a further child for each complete [^{F4}£20] by which the earnings exceeded [^{F5}£155].
- (5) Subject to section 81 below, the weekly rate of a widowed mother's allowance [^{F6}or a widowed parent's allowance payable by virtue of section 37(1)(a) or (as the case may be) section 39A(2)(a)] above shall be increased for any period in respect of the child or, if more than one, each respectively of the children falling within [^{F7}section 37(2) (a), (b) or (c) or (as the case may be) section 39A(3)(a), (b) or (c)] 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** S. 80(2)(a) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1995/401, **art. 2**
- F2** S. 80(2)(b)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 4(3)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F3** Sum in s. 80(4)(a) substituted (with effect as mentioned in art. 1(1)(b) of amending S.R.) by The Social Security Benefits Up-rating Order (Northern Ireland) 2002 (S.R. 2002/99), **art. 8(a)**
- F4** Sum in s. 80(4)(b) substituted (with effect as mentioned in art. 1(1)(b) of amending S.R.) by S.R. 2001/41, **art. 8** (which S.R. was revoked (11.4.2002) by S.R. 2002/99, **arts. 1(1)(g), 23**); and that same sum substituted (with effect as mentioned in art. 1(1)(b) of amending S.R.) by virtue of The Social Security Benefits Up-rating Order (Northern Ireland) 2002 (S.R. 2002/99), **art. 8(b)**
- F5** Sum in s. 80(4)(b) substituted (with effect as mentioned in art. 1(1)(b) of amending S.R.) by The Social Security Benefits Up-rating Order (Northern Ireland) 2002 (S.R. 2002/99), **art. 8(b)**
- F6** Words in s. 80(5) substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 10(a)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F7** Words in s. 80(5) substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 10(b)**; S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

Modifications etc. (not altering text)

- C2** S. 80 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 6, 7, 9(2)**
- C3** S. 80(3)(4) modified (13.4.1995) by S.R. 1994/485, **reg. 5**

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

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

- (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—
 - (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)

C4 S. 81(2) modified (13.4.1995) by S.R. 1994/485, regs. 1(1), 8(1)

C5 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. **N.I.**

- (1) Subject to section 61 above and section 87 below, the weekly rate of unemployment benefit ^{F8} . . . it shall be increased by the amount specified in relation to the [^{F9}that benefit] 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.
- [^{F10}(2) Subject, in particular, to subsection (5) and section 87 below, the weekly rate of a maternity allowance shall be increased by the amount specified in relation to that benefit 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.

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- (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.

Textual Amendments

- F8** Words in s. 82(1) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. I para. 19(a), **Sch. 2** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F9** Words in s. 82(1) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 19(a)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F10** S. 82(2) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 7**; S.R. 1996/401, **art. 2**

^{X1}**83 Pension increase (wife).** **N.I.**

- (1) This section applies to—
- (a) a Category A or Category C retirement pension;
 - ^{F11}(b)
- (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.

Editorial Information

- X1** Ss. 83 and 84 are replaced by s. 83A (6.4.2010) by virtue of S.I. 1995/3213 (N.I. 22), art. 123, **Sch. 2 Pt. II para. 2**

Textual Amendments

- F11** S. 83(1)(b) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 para. 20, **Sch. 2** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

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x2 84 Pension increase (husband). N.I.

- (1) Where a Category A retirement pension is payable to a woman for any period—
- [^{F12}(a) which began immediately on the termination of a period for which the pensioner was entitled to an increase in incapacity benefit by virtue of any provision of regulations under section 86A below prescribed for the purposes of this paragraph, 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.

Editorial Information

X2 Ss. 83 and 84 are replaced by s. 83A (6.10.2010) by virtue of S.I. 1995/3213 (N.I. 22), art. 123, **Sch. 2 Pt. II para. 2**

Textual Amendments

F12 S. 84(1)(a) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 8**; S.R. 1996/401, **art. 2**

85 Pension increase (person with care of children). N.I.

- (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;
 - [^{F13}(c)]
- (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 [^{F14}person whose spouse] 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.

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- (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.

Textual Amendments

- F13** S. 85(1)(c) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 para. 22, **Sch. 2** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F14** Words in s. 85(3) substituted (16.12.1995 subject to Sch. 2 of the amending Act) by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 Pt. III para. 18(10)**

F1586 **N.I.**

Textual Amendments

- F15** S. 86 repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1, Pt. I para. 23, **Sch. 2** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

[F1686A Incapacity benefit: increase for adult dependants. N.I.]

- (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

- F16** 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**

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

- (1) Where a person—
 - [^{F17}(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 ^{F18}. . . is determined,

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

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[^{F19}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 ^{F18} . . . 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.

Textual Amendments

- F17** S. 87(1)(a) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 9**; S.R. 1996/401, **art. 2**
- F18** Words in s. 87(1)(b)(2) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. I para. 24(4), **Sch. 2** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F19** Words following s. 87(1)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 24(3)** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

Modifications etc. (not altering text)

- C6** S. 87 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 13**

[^{F20}88 **Increases to be in respect of only one adult dependant.** **N.I.**

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

Textual Amendments

- F20** S. 88 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 25** (with art. 15(1)); S.R. 1994/450, art. 2, **Sch. Pt. IV**

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.** **N.I.**

- (1) Except as may be prescribed, in section 80 and [^{F21}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.

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

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Textual Amendments

F21 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)

C7 S. 89 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 11**

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

The weekly [^{F22}rate]

(b) of [^{F23}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 [^{F24}the allowance] in Schedule 4, Part IV.

Textual Amendments

F22 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)**

F23 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)**

F24 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. **N.I.**

(1) A beneficiary shall not be entitled—

(a) to an increase in any benefit [^{F25}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.

[^{F26}(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

F25 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))

F26 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)**

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

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

(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. N.I.

Where—

[^{F27}(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;. . .

^{F28}(ii)]

(b) when he was last entitled to that [^{F29}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 [^{F29}benefit]. . . should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [^{F29}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 [^{F29}benefit]. . . was previously payable and the day on which he again becomes entitled to it.

Textual Amendments

F27 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**

F28 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)**

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

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F29 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.

Status:

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

Changes to legislation:

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