



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

F1F2 80 Beneficiary's dependent children.

.....

Textual Amendments

- F1** S. 80 repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), **Sch. 1** (with savings in S.R. 2003/212, **art. 2** and see also Welfare Reform Act (Northern Ireland) 2010 (c. 13), **s. 30(1)**)
- F2** S. 80 (as saved) amended by The Social Security Benefits Up-rating Order (Northern Ireland) 2005 (S.R. 2005/82), arts. 1(1)(b), **8**

F3 81 Restrictions on increase - child not living with beneficiary, etc.

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Status: Point in time view as at 14/02/2006.

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Textual Amendments

- F3** S. 81 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(3)(e), [Sch. 1](#) (with savings in [S.R. 2003/212](#), [art. 2](#) and see also [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [s. 30\(1\)](#))

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 ^{F4}. . . it shall be increased by the amount specified in relation to the [^{F5}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.
- [^{F6}(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 [^{F7}or civil partner] does not have weekly earnings which exceed the amount of the relevant increase, and
 - (b) either she and her husband [^{F8}or civil partner] are residing together or she is contributing to [^{F9}her husband’s or civil partner’s] 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 [^{F10}or civil partner] 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

- F4** 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](#)
- F5** 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](#)
- F6** [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](#)

Status: Point in time view as at 14/02/2006.

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- F7** Words in s. 82(3)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 89(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F8** Words in s. 82(3)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 89(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F9** Words in s. 82(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 89(b)**; S.I. 2005/3255, art. 2(1), Sch.
- F10** Words in s. 82(4)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 89(c)**; S.I. 2005/3255, art. 2(1), Sch.

^{x1}**83 Pension increase (wife).**

- (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**

^{x2}**84 Pension increase (husband).**

- (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”).

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- (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).

^{F13}(1)

[^{F14}(1A) Subject to subsections (2A) and (4) below, the weekly rate of a Category A retirement pension shall be increased by the amount specified in relation to that pension in Schedule 4, Part 4, column (3) for any period during which a person who is neither the spouse or civil partner 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.]

(2) Subject to [^{F15}subsections (3) and (4) below], the weekly rate of a [^{F16}Category C retirement pension payable by virtue of section 78(1) above] 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.

[^{F17}(2A) Subsection (1A) above does not apply if the pensioner is a person whose spouse or civil partner 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.]

(3) Subsection (2) above does not apply if the pensioner is a [^{F18}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.

(4) Regulations may, in a case within subsection [^{F19}(1A) or] (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.

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Textual Amendments

- F13** S. 85(1) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(2), Sch. 30; S.I. 2005/3255, art. 2(1), Sch.
- F14** S. 85(1A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(3); S.I. 2005/3255, art. 2(1), Sch.
- F15** Words in s. 85(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(4)(a); S.I. 2005/3255, art. 2(1), Sch.
- F16** Words in s. 85(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(4)(b); S.I. 2005/3255, art. 2(1), Sch.
- F17** S. 85(2A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(5); S.I. 2005/3255, art. 2(1), Sch.
- F18** 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)
- F19** Words in s. 85(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 91(6); S.I. 2005/3255, art. 2(1), Sch.

^{F20} **86**

Textual Amendments

- F20** 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

[^{F21} **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

- F21** 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.

- (1) Where a person—
 - [^{F22}(a) is entitled to short-term incapacity benefit under section 30A(2)(b) above; and]

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- (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 ^{F23} . . . is determined,

[^{F24}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 ^{F23} . . . 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

- F22** 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**
- F23** 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**
- F24** 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)

- C2** S. 87 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 13**

[^{F25}88 **Increases to be in respect of only one adult dependant.**

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

- F25** 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 [^{F26}etc.] for purposes of provisions relating to increases of benefits in respect of ^{F27}... adult dependants.**

- (1) Except as may be prescribed, in ^{F28}... [^{F29}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.
- [^{F30}(1A) Except as may be prescribed, in sections 82 to 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 [^{F31}subsections (1) and (1A) above], the Department may by regulations provide, in relation to cases where payments by way of occupational or personal pension [^{F32}or PPF periodic payments] are made

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otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed.

[^{F33}(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 Article 146(2) of the Pensions (Northern Ireland) Order 2005 or section 162(2) of the Pensions Act 2004 (the pension compensation provisions); or
- (b) any periodic payments made in relation to a person, payable under Article 150 of the Pensions (Northern Ireland) Order 2005 or section 166 of the Pensions Act 2004 (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

- F26** Word in s. 89 heading inserted (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(3)(a)**
- F27** Words in s. 89 heading repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1 (with savings in S.R. 2003/212, art. 2)
- F28** Words in s. 89(1) repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1 (with savings in S.R. 2003/212, art. 2)
- F29** Words in s. 89 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. 1 para. 26** (with art. 15(1)); S.R. 1994/450, art. 2, Sch. Pt. IV
- F30** S. 89(1A) inserted (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(3)(b)**
- F31** Words in s. 89(2) substituted (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(3)(c)(i)**
- F32** Words in s. 89(2) inserted (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(3)(c)(ii)**
- F33** S. 89(3) added (14.2.2006) by The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), art. 1(1), **Sch. para. 1(3)(d)**

Modifications etc. (not altering text)

- C3** S. 89 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 11**

90 Beneficiaries under sections 68 and 70.

The weekly [^{F34}rate]

- (b) of [^{F35}a carer’s allowance] ,

shall, in such circumstances as may be prescribed, be increased for ^{F36}... adult dependants by the appropriate amount specified in relation to [^{F37}the allowance] in Schedule 4, Part IV.

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Textual Amendments

- F34** 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\(3\)\(f\)\(4\)\(5\)](#)
- F35** 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\(2\)\(a\)\(iv\)](#)
- F36** Words in s. 90 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); [S.I. 2003/962, art. 2\(3\)\(e\), Sch. 1](#) (with savings in [S.R. 2003/212, art. 2](#))
- F37** 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.

(1) A beneficiary shall not be entitled—

- (a) to an increase in any benefit [^{F38}under or by virtue of sections 82 to 88 above]; or
- (b) to an increase in benefit ^{F39}... 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.

[^{F40}(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

- F38** 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\(1\)](#))
- F39** Words in s. 91(1)(b) repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); [S.I. 2003/962, art. 2\(3\)\(e\), Sch. 1](#) (with savings in [S.R. 2003/212, art. 2](#))
- F40** 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\(b\)](#)

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.

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93 Dependency increases on termination of employment after period of entitlement to disability working allowance.

Where—

[^{F41}(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;. . .

^{F42}(ii)]

(b) when he was last entitled to that [^{F43}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 [^{F43}benefit]. . . should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [^{F43}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 [^{F43}benefit]. . . was previously payable and the day on which he again becomes entitled to it.

Textual Amendments

F41 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

F42 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)

F43 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:

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