



# 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*

**<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- F1** S. 80 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(3)(e), [Sch. 1](#) (with savings in [S.R. 2003/212](#), [art.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\(1\)](#))

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

- C2** S. 80 (as saved) amended by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2018 \(S.R. 2018/58\)](#), arts. 1(1)(d), [8](#)

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

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*Status: Point in time view as at 01/04/2018.*

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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**F2** S. 81 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(3)(e), [Sch. 1](#) (with savings in [S.R. 2003/212](#), [art.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*

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

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**Textual Amendments**

**F3** S. 82 repealed (with effect from 14.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 14(1)(a), 36(1)(d)(p), [Sch. 4 Pt. 2](#) (with ss. 14(2), 34(2)(a))

**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**F4** S. 83 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), s. 4(1)(a), [Sch. 6 Pt. 2](#) (with s. 4(5)-(8))

**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**F5** S. 84 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), s. 4(1)(b), [Sch. 6 Pt. 2](#) (with s. 4(5)-(8))

**F6 85 Pension increase (person with care of children or qualifying young persons).**

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**Textual Amendments**

**F6** S. 85 repealed (6.4.2010 with savings until 6.4.2020) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), s. 4(1)(c), [Sch. 6 Pt. 2](#) (with s. 4(5)-(8))

**F7 86** .....

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#### Textual Amendments

- F7** 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**

#### [<sup>F8</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 (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—
  - [<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>F10</sup>. . . 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

- F9** 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
- F10** 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**
- F11** 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**

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

C3 S. 87 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 13**

**[<sup>F12</sup>88 Increases to be in respect of only one adult dependant.**

A person shall not [<sup>F13</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**

**F12** 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**

**F13** Words in s. 88 substituted (6.4.2010 with savings until 6.4.2020) by **Pensions Act (Northern Ireland) 2008 (c. 1), s. 4(4), Sch. 1 para. 14** (with s. 4(5)–(8))

*Miscellaneous*

**89 Earnings to include occupational and personal pensions [<sup>F14</sup>etc.] for purposes of provisions relating to increases of benefits in respect of <sup>F15</sup>... adult dependants.**

(1) Except as may be prescribed, in <sup>F16</sup>... [<sup>F17</sup>sections 82 and 86A][<sup>F18</sup>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>F19</sup>(1A) Except as may be prescribed, in [<sup>F20</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 Department 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 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**

**F14** 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)**

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- F15** 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)
- F16** 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)
- F17** Words in s. 89(1) substituted (6.4.2010 with savings until 6.4.2020) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 4(4), **Sch. 1 para. 15** (with s. 4(5)-(8))
- F18** 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
- F19** 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)**
- F20** Words in s. 89(1A) substituted (6.4.2010 with savings until 6.4.2020) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 4(4), **Sch. 1 para. 15** (with s. 4(5)-(8))
- F21** 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)**
- F22** 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)**
- F23** 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)**

- C4** S. 89 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 11**

**F24** **90 Beneficiaries under sections 68 and 70.**

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**Textual Amendments**

- F24** S. 90 repealed (with effect from 14.8.2010 and with savings until 6.4.2020) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 14(1)(b), 36(1)(d)(p), **Sch. 4 Pt. 2** (with ss. 14(2), 34(2)(a))

**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 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.]

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### 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** 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)
- F27** 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.

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

Where—

[<sup>F28</sup>(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;. . .

<sup>F29</sup>(ii) . . . . .]

(b) when he was last entitled to that [<sup>F30</sup>benefit]. . . , 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 [<sup>F30</sup>benefit]. . . should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his [<sup>F30</sup>benefit]. . . , the increase in respect of that dependant shall

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be treated as having been payable to him on each day between the last day on which his [<sup>F30</sup>benefit]. . . 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 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
- F29** 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)
- F30** 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.

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