



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

## 1992 CHAPTER 7

### PART IV

#### INCREASES FOR DEPENDANTS

##### *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

*Status: Point in time view as at 06/04/1995.*

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- (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.

**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.

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- (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.
- (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.

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**[<sup>F1</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**

**F1** 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—
  - (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.

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