



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART IV **N.I.**

INCREASES FOR DEPENDANTS

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 ^{F1} . . . it shall be increased by the amount specified in relation to the [^{F2}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.
- [^{F3}(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 [^{F4}or civil partner] does not have weekly earnings which exceed the amount of the relevant increase, and
 - (b) either she and her husband [^{F5}or civil partner] are residing together or she is contributing to [^{F6}her husband’s or civil partner’s] 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 [^{F7}or civil partner] of the beneficiary nor a child [^{F8}or qualifying young person], and
 - (b) in respect of whom such further conditions as may be prescribed are fulfilled, has the care of [^{F9}one or more children or qualifying young persons] 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

- F1** Words in s. 82(1) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt.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**
- F2** 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**
- F3** 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**
- F4** 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.
- F5** 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.
- F6** 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.
- F7** 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.
- F8** Words in s. 82(4) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 31(a)**
- F9** Words in s. 82(4) substituted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 31(b)**

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

- (1) This section applies to—
- (a) a Category A or Category C retirement pension;
 - ^{F10}(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.

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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

F10 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).** **N.I.**

- (1) Where a Category A retirement pension is payable to a woman for any period—
- [^{F11}(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

F11 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 [^{F12}or qualifying young persons]). **N.I.**

[^{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

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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 [F15subsections (3) and (4) below], the weekly rate of a [F16Category 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 [F17or qualifying young person] has the care of [F18one or more children or qualifying young persons] in respect of whom the pensioner is entitled to child benefit.
- [F19(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 [F20person 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 [F21(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.

Textual Amendments

- F12** Words in s. 85 heading inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 32\(3\)](#)
- 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** Words in s. 85(2) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 32\(2\)\(a\)](#)
- F18** Words in s. 85(2) substituted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 32\(2\)\(b\)](#)
- F19** 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.](#)
- F20** 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\(10\)](#)
- F21** 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.](#)

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Textual Amendments

F22 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**

[^{F23} **86A 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

F23 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—
 - [^{F24}(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 ^{F25} . . . is determined,

[^{F26}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 ^{F25} . . . 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

F24 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**

F25 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**

F26 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)

C1 S. 87 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 13**

[^{F27}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 [^{F28}85] above be entitled for the same period to an increase of benefit in respect of more than one person.]

Textual Amendments

F27 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**

F28 Word in s. 88 substituted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(7)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

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