



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

## 1992 CHAPTER 7

### PART IV

#### INCREASES FOR DEPENDANTS

##### *Child dependants*

#### **80 Beneficiary's dependent children.**

- (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—
  - <sup>F1</sup>(a) .....
  - <sup>F2</sup>(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
    - (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.

*Status: Point in time view as at 01/04/2000.*

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992,*  
*Cross Heading: Child dependants is up to date with all changes known to be in force on or before 19*  
*June 2024. There are changes that may be brought into force at a future date. Changes that have been*  
*made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) No such increase shall be payable—
- (a) in respect of the first child where the earnings were [<sup>F3</sup>£145] or more; and
  - (b) in respect of a further child for each complete [<sup>F3</sup>£19] by which the earnings exceeded [<sup>F3</sup>£145].
- (5) Subject to section 81 below, the weekly rate of a widowed mother’s allowance payable by virtue of subsection (1)(a) of section 37 above shall be increased for any period in respect of the child or, if more than one, each respectively of the children falling within subsection (2)(a), (b) or (c) of that section 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** Sums in s. 80(4) specified (with effect as mentioned in art. 1(1)(b) of the specifying S.R.) by S.R. 2000/38, **art. 8**

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

- C1** S. 80 modified (13.4.1995) by S.R. 1994/485, **regs. 1, 6, 7, 9(2)**
- C2** S. 80(3)(4) modified (13.4.1995) by S.R. 1994/485, **reg. 5**

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

- (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—

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*Status: Point in time view as at 01/04/2000.*

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- (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.

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

**C3** S. 81(2) modified (13.4.1995) by S.R. 1994/485, **regs. 1(1), 8(1)**

**C4** S. 81(2)(b) modified (13.4.1995) by S.R. 1994/485, **regs. 1(1), 3(1)**

**Status:**

Point in time view as at 01/04/2000.

**Changes to legislation:**

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Child dependants is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.