

SCHEDULE 3

Amendment of legislation relating to social security

Social Security Benefit (Dependency) Regulations

6.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977⁽¹⁾ shall be amended in accordance with sub-paragraphs (2) to (7).

(2) In regulation 3 (allocation of contributions for spouse)—

- (a) in the heading⁽²⁾, after “spouse” there shall be inserted “or civil partner”;
- (b) in paragraphs (1) and (2)⁽³⁾, after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(3) In regulation 4A⁽⁴⁾ (circumstances in which a person who is not entitled to child benefit is to be treated as if he were so entitled)—

- (a) in paragraph (1)(b), after “spouse” there shall be inserted “or civil partner”;
- (b) in paragraph (4)⁽⁵⁾, after “spouse” there shall be inserted “or civil partner”.

(4) In regulation 5(5)⁽⁶⁾ (contributions towards cost of providing for child)—

- (a) after “neither the beneficiary nor his spouse” there shall be inserted “or, as the case may be, his civil partner”;
- (b) after “if he has a spouse” and “and his spouse” there shall be inserted “or civil partner”.

(5) In regulation 8⁽⁷⁾ (earnings rules for increases for adult dependants)—

- (a) in paragraph (1)⁽⁸⁾—
 - (i) at the end of sub-paragraph (a) “or” shall be inserted,
 - (ii) at the end of sub-paragraph (b) “or” shall be omitted, and
 - (iii) sub-paragraph (c) shall be omitted;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) This paragraph applies in cases where an increase of benefit is claimed in respect of a spouse or a civil partner who, in either case, is residing with the beneficiary and the increase is claimed under paragraph 6(1)(a)(i) of Schedule 7 to the Contributions and Benefits Act⁽⁹⁾ (increase of disablement pension in respect of a spouse or civil partner where beneficiary entitled to unemployment supplement).”;

(c) in paragraph (2)⁽¹⁰⁾—

- (i) after “paragraph (1)” there shall be inserted “or (1A)”, and
- (ii) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;

(1) S.R. 1977 No. 74; relevant amending Regulations are S.R. 1977 No. 90, S.R. 1980 No. 144, S.R. 1983 No. 193, S.R. 1984 Nos. 373 and 382, S.R. 1985 No. 229, S.R. 1988 No. 138, S.R. 1992 No. 521, S.R. 1994 No. 485, S.R. 1996 Nos. 289 and 520, and S.R. 2003 No. 213

(2) The heading to regulation 3 was amended by regulation 2(2) of S.R. 1983 No. 193 and regulation 2(2)(a)(i) S.R. 2003 No. 213

(3) Paragraph (1) was amended by regulation 2(3) of S.R. 1983 No. 193, regulation 3(a) of S.R. 1984 No. 382, regulation 2(2) of S.R. 1985 No. 229, regulation 15(3)(a) of S.R. 1994 No. 485, regulation 5(3)(a) of S.R. 1996 No. 289 and regulation 2(2) (a)(ii) of S.R. 2003 No. 213; paragraph (2) was amended by regulation 2(4) of S.R. 1983 No. 193

(4) Regulation 4A was inserted by regulation 2 of S.R. 1980 No. 144

(5) Paragraph (4) was amended by regulation 2(3) of S.R. 1984 No. 373

(6) Paragraph (5) was added by regulation 2 of S.R. 1977 No. 90

(7) Regulation 8 was substituted by regulation 2(3) of S.R. 1992 No. 521

(8) Paragraph (1) was amended by regulation 15(4) of SR 1994 No. 485

(9) Paragraph 6(1) is amended by paragraph 105(4)(a) of Schedule 24 to the Civil Partnership Act 2004

(10) Paragraph (2) was amended by regulation 5(4)(a) of SR 1996 No. 289

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) in paragraph (6) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.
- (6) In regulation 11 (contribution to maintenance of adult dependant), after paragraph (1) there shall be inserted the following paragraph—
- “(1A) Subject to paragraphs (2) and (3), for the purposes of section 82 of, and paragraph 6(1)(a)(i) of Schedule 7 to, the Contributions and Benefits Act (11) (increase of maternity allowance and increase of disablement pension where beneficiary entitled to unemployment supplement) a beneficiary shall not be deemed to satisfy the requirement contained in those provisions (that he is contributing to the maintenance of his civil partner at a weekly rate of not less than the standard rate of increase) unless when in employment, or not incapable of work, or not entitled to a Category A or a Category B retirement pension, as the case may be (except in a case where the dependency did not arise until later), he contributed to his civil partner’s maintenance at a weekly rate not less than the standard rate of increase.”.
- (7) In Schedule 2 (prescribed circumstances for increase of a carer’s allowance)—
- (a) in paragraph 2A(12)—
- (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) a beneficiary is a member of a couple; and”, and
- (ii) in sub-paragraph (b) for “person” there shall be substituted “member of the couple”;
- (b) in paragraph 2C(13)—
- (i) the definition of “unmarried couple” shall be omitted, and
- (ii) before the definition of “week”(14) there shall be inserted the following definition—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
- and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (c) in paragraph 4(a)(ii), after “spouses” there shall be inserted “or civil partners”;
- (d) in paragraph 7(a)(15), after “a spouse” there shall be inserted “or civil partner”.

(11) Section 82 was amended by paragraph 7 of Schedule 2 and Schedule 3 to the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15)) and is amended by paragraph 89 of Schedule 24 to the Civil Partnership Act 2004 and paragraph 31 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

(12) Paragraph 2A was inserted by regulation 3(c) of S.R. 1984 No. 382

(13) Paragraph 2C was inserted by regulation 3(c) of S.R. 1984 No. 382

(14) The definition of “week” was substituted by regulation 17(b) of SR 1996 No.520

(15) Paragraph 7(a) was substituted by regulation 5(a) of S.R. 1988 No. 138