



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART IV

INCREASES FOR DEPENDANTS

Miscellaneous

89 Earnings to include occupational and personal pensions for purposes of provisions relating to increases of benefits in respect of child or adult dependants

- (1) Except as may be prescribed, in section 80 and sections 82 to 86 above any reference to earnings includes a reference to payments by way of occupational or personal pension.
- (2) For the purposes of the provisions mentioned in subsection (1) above, the Secretary of State may by regulations provide, in relation to cases where payments by way of occupational or personal pension 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.

90 Beneficiaries under sections 68 and 70

The weekly rates—

- (a) of a severe disablement allowance, and
- (b) of an invalid care allowance,

shall, in such circumstances as may be prescribed, be increased for child or adult dependants by the appropriate amount specified in relation to the allowance in question in Schedule 4, Part IV.

Status: This is the original version (as it was originally enacted).

91 Effect of trade disputes on entitlement to increases

- (1) A beneficiary shall not be entitled—
- (a) to an increase in any benefit under sections 82 to 88 above; or
 - (b) to an increase in benefit for an adult dependant 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.
- (2) A person falls within this subsection if—
- (a) he is disqualified under section 27 above for receiving unemployment benefit; or
 - (b) he would be so disqualified if he were otherwise entitled to that benefit.

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—

- (a) a person becomes entitled to an invalidity pension or a severe disablement allowance by virtue of section 33(7), 42 or 68(10) above; and
- (b) when he was last entitled to that pension or allowance, it was increased in respect of a dependant by virtue of—
 - (i) regulation 8(6) of the Social Security Benefit (Dependency) Regulations 1977;
 - (ii) regulation 2 of the Social Security (Savings for Existing Beneficiaries) Regulations 1984;
 - (iii) regulation 3 of the Social Security Benefit (Dependency) Amendment Regulations 1984; or
 - (iv) regulation 4 of the Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989,

for the purpose of determining whether his pension or allowance should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his pension or allowance, the increase in respect of that dependant shall be treated as having been payable to him on each day between the last day on

which his pension or allowance was previously payable and the day on which he again becomes entitled to it.