



# Social Security Act 1975

## 1975 CHAPTER 14

### PART II

#### BENEFIT AND ITS ADMINISTRATION

### CHAPTER IV

#### BENEFIT FOR INDUSTRIAL INJURIES

##### *Increases for dependants*

#### **64 Beneficiary's dependent children**

- (1) Subject to the provisions of this section and section 62 below, the weekly rate—
  - (a) of injury benefit; or
  - (b) of a disablement pension where the beneficiary is entitled to an unemployability supplement,shall be increased for any period during which the beneficiary has a family which includes a child or children.
- (2) The amount or amounts of the increase shall be—
  - (a) in the case of injury benefit, as specified in Schedule 4, Part V, paragraph 9 ; and
  - (b) in the case of a disablement pension, as specified in Schedule 4, Part V, paragraph 10.
- (3) A child of the family of a woman for the time being residing with the beneficiary is to be treated for the purposes of this section as a child of the beneficiary's family if the child either—
  - (a) is an illegitimate son or daughter of theirs ; or

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- (b) was born not less than 6 months before the day for which the increase under this section is claimed and was wholly or mainly maintained by the beneficiary throughout the 6 months ending immediately before that day.
- (4) Subject to section 65 below, where a man is entitled to injury benefit or a disablement pension, there is to be treated as included in the beneficiary's family for the purposes of this section—
- (a) a child who, on the day for which the increase provided by subsection (1) above is claimed, could (though not otherwise included in the beneficiary's family) have been treated as so included by virtue of paragraph 3 of the Schedule to the Family Allowances Act; and
  - (b) a child who could have been so treated but for the fact that the beneficiary is contributing at the appropriate rate to the cost of providing for the child;
- and "the appropriate rate" means a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of section 3(2) of that Act.

#### **65 Additional provisions as to increase under s.64**

- (1) An increase under section 64 above of any amount in respect of a particular child shall for any period be payable only if during that period one or other of the following conditions is satisfied with respect to the child—
- (a) the child is living with the beneficiary; or
  - (b) the requisite contributions are being made to the cost of providing for the child.
- (2) The condition specified in subsection (2)(b) above is to be treated as satisfied if, and only if—
- (a) such contributions are being made at a weekly rate not less than the amount referred to in subsection (1)—
    - (i) by the beneficiary, or
    - (ii) where the beneficiary is one of two spouses living together, by them together; and
  - (b) where an allowance under the Family Allowances Act is payable in respect of the child as a child of the beneficiary's family, the contributions are over and above those required for the purposes of satisfying section 3(2) of that Act or (as the case may be) the Schedule to that Act, paragraph 1(1), proviso.
- (3) Where a person is entitled in respect of a child to a guardian's allowance (section 38), the amount (if any) payable to that or any other person by way of an increase under section 64 of any benefit shall be such, and such only, as would be payable if that child were not included or treated as included in any family.
- (4) A married woman shall not be entitled to an increase under section 64 of the weekly rate of injury benefit or a disablement pension for any period during which she is residing with her husband and he is not incapable of self-support.

#### **66 Adult dependants**

- (1) The weekly rate of injury benefit, and of a disablement pension where the beneficiary is entitled to an unemployability supplement, shall be increased under this section for any period during which—
- (a) the beneficiary is—

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- (i) residing with his wife, or
  - (ii) contributing to the maintenance of his wife at the requisite rate ; or
  - (b) the beneficiary's husband is incapable of self-support, and either they are residing together or she is contributing to his maintenance at the requisite rate ;  
or
  - (c) the beneficiary has residing with him and is wholly or mainly maintaining any such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled; or
  - (d) some female person (not a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 64 above, being a person in relation to whom such further conditions as may be prescribed are fulfilled.
- (2) The amount of the increase under this section shall be—
- (a) in the case of injury benefit, that specified in Schedule 4, Part V, paragraph 11;
  - (b) in the case of a disablement pension, that specified in Schedule 4, Part V, paragraph 12 ;
- and the requisite rate for the purposes of subsection (1)(a) and (b) above is a weekly rate not less than that amount.
- (3) Regulations may provide that a beneficiary is not to be entitled to an increase of benefit under this section in respect of a wife or husband where the earnings of the wife or husband (calculated or estimated in the prescribed manner and on the prescribed basis) exceed the prescribed amount.
- (4) Where the beneficiary is entitled to an unemployability supplement and is residing with his wife, and the earnings of his wife for the calendar week ending last before any week for which he is entitled to benefit under this section exceeded £20, the weekly rate of benefit under this section shall for the last-mentioned week be reduced—
- (a) where the excess is less than £4, by 5 pence for each complete 10 pence of the excess ; and
  - (b) where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess.
- (5) With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, subsection (4) above shall have effect with the substitution for " £20 " of the amount specified in relation to that year in the second column below—

1976	£35
1977	£50

- (6) Regulations under subsection (3) above—
- (a) shall not restrict the amount of benefit in a case within subsection (4);
  - (b) may, in a case within subsection (1)(d) in which the female person is residing with a beneficiary entitled to unemployability supplement, and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject to a reduction in respect of the female person's earnings, other than such of her earnings from employment by the beneficiary as may be prescribed, comparable to the reduction in subsection (4);

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- (c) may, in connection with any reduction of benefit in respect of earnings, prescribe the method of calculating or estimating the earnings.
- (7) A beneficiary shall not be entitled to an increase of benefit under this section in respect of more than one person for the same period.
- (8) In this section " relative " does not include any person who is a child.