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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 404**

**The Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000**

**Circumstances in which a previous claimant who does not satisfy the age condition becomes entitled**

17.—(1) This regulation applies, for the purposes of section 30A(6)(1), to a person who has previously been entitled to incapacity benefit under section 30A(1)(b) (persons incapacitated in youth) and does not satisfy the condition set out in section 30A(2A)(b) (upper age condition).

(2) A person shall be entitled to the lower rate short-term incapacity benefit where—

- (a) he has previously been entitled to incapacity benefit by virtue of having been a person incapacitated in youth under section 30A(1)(b) and (2A);
- (b) his previous entitlement had not been ended by a determination (other than a determination in the circumstances applicable to a person under paragraph (3)(a) or (4)(a)) that he was, or was treated as, capable of work;
- (c) section 30C(1)(c), (5) or (6) (days and periods of incapacity for work) or any regulation made under section 30C(4)(b) (linking provisions) does not apply in his case;
- (d) he is aged 20 or over or, where regulation 14 would otherwise apply to him, aged 25 years or over; and
- (e) he is a person to whom paragraph (3) or (4) applies.

(3) This paragraph applies to a person—

- (a) whose previous entitlement to incapacity benefit for a person incapacitated in youth was terminated solely with a view to him taking up an employment or training;
- (b) whose earnings from an employment or series of employments, which he pursued in the period from the termination of his previous entitlement to the beginning of his period of incapacity for work, were below the lower earnings limit in accordance with section 5(1)(a)(2) multiplied by 25 in any of the last three complete tax years before the beginning of the relevant benefit year; and

(c) who—

- (i) in respect of the last two complete tax years before the beginning of the relevant benefit year has either paid or been credited with earnings equivalent in each of those years to the year's lower earnings limit multiplied by 50, of which at least one, in the last tax year, was in respect of disabled person's tax credit; or
- (ii) within a period of 56 days before the day on which he ceased his last such employment as mentioned in sub-paragraph (b), makes a claim for incapacity benefit for persons incapacitated in youth.

(4) This paragraph applies to a person—

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

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- (a) whose previous entitlement to incapacity benefit for persons incapacitated in youth was terminated by reason solely of his absence from Northern Ireland by virtue of disqualification under section 113;
  - (b) who has been incapable of work for a period of 196 consecutive days from the day his absence from Northern Ireland ceased;
  - (c) who, on the first day of his incapacity for work following the day his absence from Northern Ireland ceased, is a person who had received incapacity benefit for persons incapacitated in youth in the last complete tax year immediately preceding the relevant benefit year which would have applied in his case; and
  - (d) who made his claim for benefit on a day not later than the 197th day from the day on which his absence from Northern Ireland ceased.
- (5) For the purposes of this regulation “training” has the same meaning as in regulation 14.