

*Status: Point in time view as at 03/10/2010.*

*Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Short-term incapacity benefit is up to date with all changes known to be in force on or before 14 July 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)*

## SCHEDULES

### SCHEDULE 3

#### CONTRIBUTION CONDITIONS FOR ENTITLEMENT TO BENEFIT

##### PART I

##### THE CONDITIONS

##### *[<sup>F1</sup>Short-term incapacity benefit]*

##### Textual Amendments

**F1** Cross-heading substituted (13.4.1995) by virtue of S.I. 1994/1898 (N.I. 12), art. 3(2) (with art. 15(1)); S.R. 1994/450, art. 2(d), Sch. Pt. IV

- 2 (1) The contribution conditions for [<sup>F2</sup>short-term incapacity benefit] are the following.
- (2) The first condition is that—
- [<sup>F3</sup>(a) the claimant must have actually paid contributions of a relevant class in respect of one of the last three complete years before the beginning of the relevant benefit year, and those contributions must have been paid before the relevant time; and]
- (b) the earnings factor derived as mentioned in sub-paragraph (4) below must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second condition is that—
- (a) the claimant must in respect of the last two complete years before the beginning of the relevant benefit year have either paid or been credited with contributions of a relevant class or been credited (in the case of 1987-88 or any subsequent year) with earnings; and
- (b) the earnings factor derived as mentioned in sub-paragraph (5) below must be not less in each of those years than the year's lower earnings limit multiplied by 50.
- (4) The earnings factor referred to in paragraph (b) of sub-paragraph (2) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
- (i) from [<sup>F4</sup>so much of the claimant's earnings as did not exceed the upper earnings limit and upon] which primary Class 1 contributions have been paid or treated as paid; or
- (ii) from Class 2 contributions; or
- (b) if the year in question is an earlier year, from the contributions paid as mentioned in paragraph (a) of that sub-paragraph.

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- (5) The earnings factor referred to in paragraph (b) of sub-paragraph (3) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
    - (i) from [<sup>F4</sup>so much of the claimant’s earnings as did not exceed the upper earnings limit and upon] which primary Class 1 contributions have been paid or treated as paid or from earnings credited; or
    - (ii) from Class 2 contributions; or
  - (b) if the year in question is an earlier year, from the contributions referred to in paragraph (a) of that sub-paragraph.
- (6) For the purposes of these conditions—
- (a) “the relevant time” is the day in respect of which benefit is claimed;
  - (b) “the relevant benefit year” is the benefit year in which there falls the beginning of the [<sup>F5</sup>period of incapacity for work] which includes the relevant time.
- [<sup>F6</sup>(7) Where a person makes a claim for incapacity benefit and does not satisfy [<sup>F7</sup>the first contribution condition (specified in sub-paragraph (2) above) or, as the case may be,] the second contribution condition (specified in sub-paragraph (3) above) and, in a later benefit year in which he would satisfy that condition had no such claim been made, he makes a further claim for incapacity benefit, the previous claim shall be disregarded.]
- [<sup>F8</sup>(8) Regulations may—
- (a) provide for the first contribution condition (specified in sub-paragraph (2) above) to be taken to be satisfied in the case of persons who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time;
  - (b) with a view to securing any relaxation of the requirements of that condition (as so specified) in relation to persons who have been so entitled, provide for that condition to apply in relation to them subject to prescribed modifications.
- (9) In sub-paragraph (8)—
- “benefit” includes (in addition to any benefit under Parts II to V of this Act)—
- (a) any benefit under Parts VII to XII of this Act, and
  - (b) credits under regulations under section 22(5) above;
- “modifications” includes additions, omissions and amendments.]

#### Textual Amendments

- F2** Words in Sch. 3 para. 2(1) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 3(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F3** Sch. 3 para. 2(2)(a) substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(2)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**
- F4** Words in Sch. 3 para. 2(4)(a)(i)(5)(a)(i) substituted (with effect for 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), ss. 6, 8(2), **Sch. 1 para. 33(2)**
- F5** Words in Sch. 3 para. 2(6)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 38(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F6** Sch. 3 para. 2(7) added (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 5(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

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- F7** Words in Sch. 3 para. 2(7) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(3)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**
- F8** Sch. 3 para. 2(8)(9) added (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(4)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**

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

- C1** Sch. 3 para. 2 modified (13.4.1995) by S.R. 1995/35, **reg. 14(1)**
- C2** Sch. 3 para. 2(6) modified (5.5.2003) by The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Modifications for Her Majestys Forces and Incapacity Benefit) Regulations 2003 (S.I. 2003/735), regs. 1, 4

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