



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART II

CONTRIBUTORY BENEFITS

[^{F1}Incapacity benefit]

[^{F1}30A Incapacity benefit: entitlement.

- (1) Subject to the following provisions of this section, a person who satisfies
- ^{F2}(a) either of the conditions mentioned in subsection (2) below; or
 - (b) if he satisfies neither of those conditions, each of the conditions mentioned in subsection (2A) below,]

is entitled to short-term incapacity benefit in respect of any day of incapacity for work [^{F3}(“the relevant day”)] which forms part of a period of incapacity for work.

- (2) The conditions [^{F4}mentioned in subsection (1)(a) above] are that—
- (a) he is under pensionable age on [^{F5}the relevant day] and satisfies the contribution conditions specified for short-term incapacity benefit in Schedule 3, paragraph 2; or
 - (b) on that day he is over pensionable age but not more than 5 years over that age, the period of incapacity for work began before he attained pensionable age, and—
 - (i) he would be entitled to a Category A retirement pension if his entitlement had not been deferred or if he had not made an election under section 54(1) below; or
 - (ii) he would be entitled to a Category B retirement pension by virtue of the contributions of his deceased spouse [^{F6}or deceased civil partner], but for any such deferment or election.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 30A is up to date with all changes known to be in force on or before 22 June 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)

- [The conditions mentioned in subsection (1)(b) above are that—
- ^{F7}(2A) (a) he is aged 16 or over on the relevant day;
- (b) he is under the age of 20 or, in prescribed cases, 25 on a day which forms part of the period of incapacity for work;
- (c) he was incapable of work throughout a period of 196 consecutive days immediately preceding the relevant day, or an earlier day in the period of incapacity for work on which he was aged 16 or over;
- (d) on the relevant day he satisfies the prescribed conditions as to residence in Northern Ireland, or as to presence there; and
- (e) he is not, on that day, a person who is receiving full-time education.]
- (3) A person is not entitled to short-term incapacity benefit [^{F8}under subsection (1)(a) above] for the first 3 days of any period of incapacity for work.
- (4) In any period of incapacity for work a person is not entitled to short-term incapacity benefit for more than 364 days.
- (5) Where a person ceases by virtue of subsection (4) above to be entitled to short-term incapacity benefit, he is entitled to long-term incapacity benefit in respect of any subsequent day of incapacity for work in the same period of incapacity for work on which he is not over pensionable age.
- [Regulations may provide that persons who have previously been entitled to incapacity
- ^{F9}(6) benefit shall, in prescribed circumstances, be entitled to short-term incapacity benefit under subsection (1)(b) above notwithstanding that they do not satisfy the condition set out in paragraph (b) of subsection (2A) above.
- (7) Regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time education for the purposes of paragraph (e) of subsection (2A) above.]]

Textual Amendments

- F1** S. 30A and preceding cross-heading inserted (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 3(1)**; S.R. 1994/450, art. 2(d), Sch. Pt. IV
- F2** Words in s. 30A(1) substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(1)(a)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F3** Words in s. 30A(1) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(1)(b)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F4** Words in s. 30A(2) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(2)(a)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F5** Words in s. 30A(2)(a) substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(2)(b)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F6** Words in s. 30A(2)(b)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 68**; S.I. 2005/3255, art. 2(1), Sch.
- F7** S. 30A(2A) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(3)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F8** Words in s. 30A(3) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(4)**; S.R. 2000/332, art. 2(3)(c)(4)(5)
- F9** S. 30A(6)(7) added (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 61(5)**; S.R. 2000/332, art. 2(3)(c)(4)(5)

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Modifications etc. (not altering text)

- C1** S. 30A 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, 2
- C2** S. 30A excluded (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/312\)](#), regs. 1, **22(a)** (with reg. 3)
- C3** S. 30A(4) modified (13.4.1995) by [S.R. 1995/35](#), **reg. 4**

Status:

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