



Social Security (Incapacity for Work) Act 1994

1994 CHAPTER 18

Incapacity benefit

1 Incapacity benefit: entitlement

- (1) In Part II of the Social Security Contributions and Benefits Act 1992 (contributory benefits), after section 30 insert—

“Incapacity benefit

30A Incapacity benefit: entitlement

- (1) Subject to the following provisions of this section, a person who satisfies either of the following conditions is entitled to short-term incapacity benefit in respect of any day of incapacity for work which forms part of a period of incapacity for work.
- (2) The conditions are that—
- (a) he is under pensionable age on the day in question and satisfies the contribution conditions specified for short-term incapacity benefit in Schedule 3, Part I, 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, but for any such deferment or election.

Status: This is the original version (as it was originally enacted).

- (3) A person is not entitled to short-term incapacity benefit 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.”.
- (2) In Schedule 3 to the Social Security Contributions and Benefits Act 1992 (contribution conditions for entitlement to benefit), in the heading before paragraph 2 and in subparagraph (1) of that paragraph for “sickness benefit” substitute “short-term incapacity benefit”.