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## STATUTORY INSTRUMENTS

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# 1994 No. 2946

## The Social Security (Incapacity Benefit) Regulations 1994

### PART III

#### Rate of incapacity benefit

##### **Increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date**

**10.**—(1) The weekly rate of long-term incapacity benefit under section 30A of the Contributions and Benefits Act (incapacity benefit: entitlement) <sup>M1</sup> in relation to a period of incapacity for work shall be increased—

- (a) by the higher amount specified in paragraph (2) if on the qualifying date the beneficiary was under the age of 35; and
- (b) by the lower amount specified in that paragraph if on the qualifying date the beneficiary had attained the age of 35 but was under the age of 45.

(2) The amounts referred to in paragraph (1) are—

- (a) higher amount.....[<sup>F1</sup>£21.50];
- (b) lower amount.....[<sup>F2</sup>£10.80].

#### **Textual Amendments**

**F1** Reg. 10(2)(a) substituted (9.4.2015) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), arts. 1(2)(e), **11(1)(a)** (with art. 11(2))

**F2** Reg. 10(2)(b) substituted (9.4.2015) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), arts. 1(2)(e), **11(1)(b)** (with art. 11(2))

#### **Marginal Citations**

**M1** Section 30A was inserted by section 1(1) of the [Social Security \(Incapacity for Work\) Act 1994 \(c.18\)](#).

##### **Qualifying date for entitlement to increased rate of incapacity benefit — previous entitlement to statutory sick pay**

**11.** For the purposes of regulation 10 the qualifying date in relation to a person to whom regulation 7 applies shall be the first day in the period of entitlement mentioned in paragraph (1) (a) of that regulation.

##### **Qualifying date for entitlement to increased rate of incapacity benefit — members of the armed forces**

**12.**—(1) If, for the purposes of regulation 10, the qualifying date in relation to a person would have been earlier than that specified in section 30B(7) of the Contributions and Benefits Act

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(incapacity benefit: rate) but for the fact that on that earlier date he was a serving member of the forces, the qualifying date in relation to him shall nevertheless be that earlier date.

(2) In this regulation “serving member of the forces” has the meaning given to it by regulation 1(2) of the Social Security (Contributions) Regulations 1979<sup>M2</sup>, except that it does not include a person who falls within that definition by reason only of the fact that he was undergoing training or instruction for a continuous period of not more than 72 hours in any of the forces specified in paragraphs 2 to 9 of Part I of Schedule 3 to those Regulations.

#### Marginal Citations

**M2** [S.I. 1979/591](#). The relevant amending instruments are [S.I. 1980/1975](#) and 1994/1553.

#### Qualifying date for entitlement to increased rate of incapacity benefit — widows

**13.** If, for the purposes of regulation 10, the qualifying date in relation to a person who was entitled to a widow’s allowance would have been earlier than that specified in section 30B(7) of the Contributions and Benefits Act, if in respect of that earlier date she had claimed short-term incapacity benefit and had satisfied the contribution conditions for that benefit specified in paragraph 2 of Schedule 3 to the Contributions and Benefits Act<sup>M3</sup>, the qualifying date in relation to her shall nevertheless be that earlier date.

#### Marginal Citations

**M3** Paragraph 2 of Schedule 3 was amended by sections 1(2) and 3(2) of, and paragraph 38(2) of Schedule 1 to, the [Social Security \(Incapacity for Work\) Act 1994 \(c.18\)](#).

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**Changes to legislation:**

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