
STATUTORY INSTRUMENTS

1995 No. 310

**The Social Security (Incapacity Benefit)
(Transitional) Regulations 1995**

PART V

MISCELLANEOUS TRANSITIONAL PROVISIONS

Transition from a six day benefit to a seven day benefit

27. Where a payment of an award of sickness benefit, invalidity benefit or severe disablement allowance would have been made in respect of a six day period ending on—

- (i) 13 April 1995, had the 1994 Act not come into force, the rate of the transitional award of short-term or long-term incapacity benefit or severe disablement allowance in respect of that day shall be 1/6th of the appropriate weekly rate of that benefit or allowance in force on the appointed day;
- (ii) 14 April 1995, had the 1994 Act not come into force, the rate of the transitional award of short-term or long-term incapacity benefit or severe disablement allowance in respect of 13 April and 14 April 1995 shall, in respect of each such day, be 1/6th of the appropriate weekly rate of that benefit or allowance in force on the appointed day.

Transitional provisions for an increase of severe disablement allowance for adult dependants

28.—(1) Subject to paragraph (2), where an increase of severe disablement allowance is payable for an adult dependant at any time during a period of 56 days immediately before the appointed day by virtue of section 90 of the 1992 Act, that increase shall continue to be payable and the provisions in [F1regulation 24(2) to (7A)] shall apply to that increase as if that increase were an increase of long-term incapacity benefit in a transitional case.

(2) Where a person becomes entitled to severe disablement allowance by virtue of—

- (a) section 68(10) of the 1992 Act (treating days of entitlement to disability working allowance as having been days on which a person was both incapable for work and disabled); or
- (b) section 68(10A) of the 1992 Act (treating days engaged in training as having been days on which a person was both incapable for work and disabled) ^{M1},

and an increase had been payable under section 90 of the 1992 Act or paragraph (1) when he was last entitled to that allowance, he shall be entitled to an amount equal to the amount of an increase payable under paragraph (1) if, by reason only of the fact that there is no child for whom he is entitled to an increase under section 80 of the 1992 Act, he would not be entitled to an increase for an adult dependant under the Increases for Dependants Regulations; and the amount payable shall be treated as if it were an increase under paragraph (1).

Status: Point in time view as at 06/04/2019.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Incapacity Benefit)(Transitional) Regulations 1995, PART V. (See end of Document for details)

Textual Amendments

- F1** Words in reg. 28(1) substituted (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **3(6)**

Marginal Citations

- M1** Section 68(10A) was inserted into the Social Security Contributions and Benefits Act 1992 by section 9(2) of the Social Security (Incapacity for Work) Act 1994.

[^{F2}Transitional provision for entitlement to severe disablement allowance where a person has been engaged in training for work

- 28A.** For the purposes of entitlement to severe disablement allowance where a person—
- (a) at any time in a period of not more than 57 days immediately before the appointed day attends a training course of the type specified in regulation 7(1)(f) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983; and
 - (b) was entitled to severe disablement allowance in a period of interruption of employment within a period not exceeding 57 days prior to the first day of attendance on the training course; and
 - (c) becomes incapable of work within a period of 57 days after the last day of attendance on a training course,

he shall be treated as incapable of work and disabled for the days falling within the periods referred to in paragraphs (a), (b) and (c) notwithstanding that he may have been capable of work on any of those days.]

Textual Amendments

- F2** [Reg. 28A](#) inserted (3.4.1995) by [The Social Security \(Incapacity for Work\) Miscellaneous Amendments Regulations 1995 \(S.I. 1995/987\)](#), regs. 1(2), **3(8)**

Status:

Point in time view as at 06/04/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Incapacity Benefit) (Transitional) Regulations 1995, PART V.