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STATUTORY INSTRUMENTS

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**1995 No. 310**

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

**PART III**

**PROVISIONS FOR THE TRANSITION TO  
INCAPACITY BENEFIT FROM SICKNESS BENEFIT**

**Special provision for persons entitled to short-term incapacity benefit on termination of employment after a period of entitlement to disability working allowance**

**12.**—(1) Where a person who was entitled to a transitional award of short-term incapacity benefit becomes entitled to the higher rate of short-term incapacity benefit by virtue of section 30C(5) of the 1992 Act <sup>M1</sup> and the rate of that benefit is less than the rate at which the transitional award of incapacity benefit would have been payable had he not ceased to be entitled to that award, incapacity benefit shall be payable at the latter rate until—

- (a) in the case where the transitional award included an increase under regulation 15(1), the conditions in regulation 15(3) are no longer satisfied;
- (b) in any other case, the rate of short-term incapacity benefit under section 30B of the 1992 Act <sup>M2</sup> together with any increase under section 86A of that Act (increase for adult dependants) <sup>M3</sup> equals or exceeds that rate.

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**Marginal Citations**

- M1** Section 30C(5) was inserted into the Social Security Contributions and Benefits Act 1992 by section 3(1) of the Social Security (Incapacity for Work) Act 1994.
- M2** Section 30B was inserted into the Social Security Contributions and Benefits Act 1992 by section 2(1) of the Social Security (Incapacity for Work) Act 1994.
- M3** Section 86A was inserted into the Social Security Contributions and Benefits Act 1992 by section 2(5) of the Social Security (Incapacity for Work) Act 1994.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Incapacity Benefit) (Transitional) Regulations 1995, Section 12.