
STATUTORY INSTRUMENTS

1995 No. 310

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

PART IV

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

Special provisions for persons entitled to long-term incapacity benefit on termination of a period engaged in training for work

20.—(1) Where a person who was entitled to a transitional award of long-term incapacity benefit becomes entitled to long-term incapacity benefit by virtue of section 30C(6) of the 1992 Act(1) and the rate of that benefit is less than the rate at which the transitional award of long-term 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 24(1), the conditions in regulation 24(3) or any of the provisions referred to in regulation 25(2) are no longer satisfied;
- (b) in any other case, the rate of long-term incapacity benefit under section 30B of the 1992 Act(2) together with any increase under section 86A of that Act (increase for adult dependants)(3) equals or exceeds that rate.

(2) Where a person—

- (a) at any time in a period of not more than 57 days immediately before the appointed day or at any time in a period of not more than 57 days immediately after the appointed day attends a training course of the type specified in regulation 7(1)(f) of the Unemployment, Sickness and Invalidity Benefit Regulations (days when a person is attending a training course not to be treated as days of incapacity for work)(4); and
- (b) had been entitled to invalidity benefit in a period of interruption of employment which arose within a period not exceeding 57 days prior to the first day of attendance on the training course; and

(1) Section 30C(6) was inserted into the Social Security Contributions and Benefits Act 1992 by section 3(1) of the Social Security (Incapacity for Work) Act 1994.
(2) 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.
(3) 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.
(4) S.I.1983/1598; regulation 7(1)(f) was amended by the Employment Act 1989 (c. 38), Schedule 5 paragraphs 1 and 4 and S.I. 1991/387.

- (c) within a period not exceeding 57 days beginning on the day after the last day of attendance on the training course becomes entitled to incapacity benefit by virtue of sections 30A, 40 or 41 of the 1992 Act⁽⁵⁾; and
- (d) the rate of incapacity benefit is less than the rate at which a transitional award of long-term incapacity benefit would have been payable had the period of entitlement to invalidity benefit referred to in sub-paragraph (b) been running at the appointed day,

incapacity benefit shall be payable at the latter rate until, in the case where the transitional award would have included an increase under regulation 24(1), the conditions in regulation 24(3) or in any of the provisions referred to in regulation 25(2) are no longer satisfied, and in any other case, the rate of incapacity benefit under section 30B of the 1992 Act together with any increase under section 86A of that Act equals or exceeds that rate.

(3) For the purpose of paragraph (2), the days referred to as days of attendance on a training course in that paragraph shall be treated as days of incapacity for work.

⁽⁵⁾ Section 30A was inserted into the Social Security Contributions and Benefits Act 1992 by section 1(1) of the Social Security (Incapacity for Work) Act 1994. Sections 40 and 41 of the Social Security Contributions and Benefits Act 1992 was amended by section 11 of, paragraphs 8 and 9 of Schedule 1 to, the Social Security (Incapacity for Work) Act 1994.