

STATUTORY INSTRUMENTS

1995 No. 310

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

PART V **E+W+S**

MISCELLANEOUS TRANSITIONAL PROVISIONS

Transitional provisions for an increase of severe disablement allowance for adult dependants **E+W+S**

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 [^{F1}regulation 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).

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.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Incapacity Benefit) (Transitional) Regulations 1995, Section 28.