
STATUTORY INSTRUMENTS

1995 No. 829

The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995

PART II

MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

Amendment of the Unemployment, Sickness and Invalidity Benefit Regulations

17.—(1) The Unemployment, Sickness and Invalidity Benefit Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of charity there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;”;

(b) the definition of disability appeal tribunal shall be omitted.

(3) In regulation 2 (provisions to which Parts I and II of these regulations are subject) the words “and IV” shall be omitted.

(4) Regulation 3 is hereby revoked.

(5) In regulation 4 (special provisions relating to day substituted for Sunday)—

(a) in paragraph (1) the words “or of incapacity for work and sickness or invalidity” shall be omitted;

(b) in paragraph (3) the words “or of incapacity for work and, sickness or invalidity” shall be omitted.

(6) In regulation 5 (night workers)—

(a) in paragraph (1) the words “sickness benefit and invalidity benefit,” shall be omitted;

(b) in paragraph (2)(b) the words “or incapable of work by reason of some specific disease or bodily or mental disablement” shall be omitted;

(c) paragraph (3) shall be omitted.

(7) In regulation 6A (requalification period)—

(a) in paragraph (2)(a) the words “sickness benefit, invalidity pension,” shall be omitted;

(b) in paragraph (2)(b) for the words “section 14(1)(b) or treated as incapable of work by virtue of section 22(4)”, there shall be substituted the words “sections 171A to 171G of the Contributions and Benefits Act”.

(8) In regulation 7 (days not to be treated as days of unemployment or incapacity for work)

(a) in the heading the words “or incapacity for work” shall be omitted;

(b) in paragraph (1) the words “, sickness and invalidity” shall be omitted;

- (c) sub-paragraphs (c) and (f) of paragraph (1) shall be omitted.
- (9) Regulations 7A, 8 and 8A are hereby revoked.
- (10) In regulation 13 (reckoning of periods of interruption of employment) for paragraph (2)
 - (a) there shall be substituted the following paragraph—
 - “(a) any day on which a person is attending—
 - (i) a training course provided by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State; or
 - (ii) a training course or course of instruction provided in pursuance of arrangements made with Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State by any public authority, firm or person; or
 - (iii) a course of training in agricultural occupations provided by, or in pursuance of arrangements made by, the Minister of Agriculture, Fisheries and Food or the Secretary of State;and payment of training allowance is made by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise, that Minister or the Secretary of State to the said person for his attendance at the course in question;”.
- (11) Regulations 15 and 17 are hereby revoked.
- (12) In regulation 20 (special provision for certain persons who have been employed abroad), in paragraph (1) for the words “sickness benefit” there shall be substituted the words “short-term incapacity benefit”.
- (13) Regulations 29, 30, 31 and 32 are hereby revoked.
- (14) For Part IV (sickness and invalidity benefit in respect of industrial injury) there shall be substituted the following part—

“PART IV A

TRANSITIONAL PROVISIONS FOR INCAPACITY BENEFIT IN RESPECT OF INDUSTRIAL INJURY

Provision for short-term incapacity in respect of industrial injury persons over pensionable age

- 32A.** In any case where—
 - (a) immediately before the revocation of regulation 30, the provisions of that regulation applied; and
 - (b) after 12th April 1995 a person becomes entitled to short-term incapacity benefit in respect of the same industrial injury by virtue of regulation 11 or 14 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which short-term incapacity benefit is payable shall be the rate set out in paragraph 2 of Part I of Schedule 4 to the Contributions and Benefits Act, or, if higher, the rate at which that benefit would have been payable to the person concerned under section 30B(3) of that Act.

Provision for long-term incapacity in respect of industrial injury—persons over pensionable age

32B.—(1) Subject to paragraph (2) in any case where—

- (a) immediately before the revocation of regulation 31 the provisions of that regulation applied; and
- (b) after 12th April 1995 a person becomes entitled to long-term incapacity benefit by virtue of regulation 17, 17A or 21 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which long-term incapacity benefit is payable shall be the rate referred to in regulation 18(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (notwithstanding that the person is over pensionable age), or, if higher, the rate at which that benefit would be payable under regulation 18(7).

(2) Where the contribution conditions for a Category A retirement pension specified in paragraph 5 of Part I of Schedule 3 to the Contributions and Benefits Act are not satisfied, those conditions shall be taken to be satisfied for the purposes of regulation 18(7) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995.”.