
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 Statutory Maternity Pay Regulations

18.—(1) The Statutory Maternity Pay Regulations shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 21A (effect of statutory maternity pay on invalidity benefit)—
- (a) in the heading for the words “invalidity benefit” there shall be substituted the words “incapacity benefit”;
 - (b) in paragraph (1)—
 - (i) for the words “invalidity pension” there shall be substituted the words “short-term incapacity benefit at the higher rate or long-term incapacity benefit”;
 - (ii) for the words “section 15 of the 1975 Act or under section 15 of the Social Security Pensions Act 1975” there shall be substituted the words “section 30A of the Contributions and Benefits Act(1)”;
 - (iii) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”;
 - (c) in paragraph (1)(a) the words “by reason of some specific disease or bodily or mental disablement, work for this purpose being work which the woman can reasonably be expected to do” shall be omitted;
 - (d) in paragraph (1)(b) for the words “section 17(2) of the 1975 Act” there shall be substituted the words “section 30C(3) of the Contributions and Benefits Act(2)”;
 - (e) in paragraph (1)(c) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”;
 - (f) in paragraph (1)(d)—
 - (i) for the words “sickness benefit” in both places where they occur there shall be substituted the words “short-term incapacity benefit”;
 - (ii) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”;
 - (g) in paragraph (1A)—
 - (i) for the words “interruption of employment” there shall be substituted the words “incapacity for work”;

(1) Section 30A is inserted by section 1 of the Social Security (Incapacity for Work) Act 1994.

(2) Section 30C(3) is inserted by section 3(1) of the Social Security (Incapacity for Work) Act 1994.

- (ii) for the words “entitlement to invalidity pension under section 15 of the 1975 Act, as being a day on which the woman has been entitled to sickness benefit.” there shall be substituted the words “entitlement to short-term incapacity benefit at the higher rate and long-term incapacity benefit under section 30A of the Contributions and Benefits Act, as being a day on which the woman has been entitled to short-term incapacity benefit”;
- (h) in paragraph (1B) for the words “ “period of interruption of employment” has the same meaning as it has in the 1975 Act by virtue of section 17(1)(d) of that Act” there shall be substituted the words “ “period of incapacity for work” has the same meaning as in section 30C(1) of the Contributions and Benefits Act”.
- (i) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) Where by virtue of paragraph (1) a woman is entitled to short-term incapacity benefit at the higher rate or long-term incapacity benefit for any week (including part of a week) the total amount of such benefit (including any increase for a dependant) payable to her for that week shall be reduced by an amount equivalent to any statutory maternity pay to which she is entitled in accordance with Part XII of the Contributions and Benefits Act for the same week and only the balance, if any, of the short-term incapacity benefit at the higher rate or long-term incapacity benefit shall be payable to her.”.
- (3) In regulation 25A(5) (provision of information relating to claims for certain other benefits), for the words “sickness benefit, invalidity pension” there shall be substituted the words “incapacity benefit”.