
STATUTORY INSTRUMENTS

1998 No. 2231

The Social Security (Welfare to Work) Regulations 1998

PART II

**CONTRIBUTORY AND NON-CONTRIBUTORY
BENEFITS AND STATUTORY SICK PAY REGULATIONS**

Amendment of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995

3.—(1) The Social Security (Incapacity Benefit) (Transitional) Regulations 1995(1) shall be amended in accordance with the following paragraphs of this regulation.

(2) After regulation 17A(2) (awards of incapacity benefit in cases where periods of interruption of employment and periods of incapacity for work link) there shall be inserted—

“Calculating periods of incapacity for work for welfare to work beneficiaries in long-term incapacity benefit transitional cases

17B. For the purposes of transitional cases, where a person, to whom regulation 17(1) (transitional awards of long-term incapacity benefit) or regulation 17A (awards of incapacity benefit in cases where periods of interruption of employment and periods of incapacity for work link) applies, has been determined in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995 to have become a welfare to work beneficiary, section 30C(1)(c) of the 1992 Act (any two periods of incapacity for work not separated by a period of more than 8 weeks shall be treated as one period of incapacity for work) shall have effect as if for the reference to 8 weeks there were substituted a reference to 52 weeks.”

(3) In regulation 23 (increase of Category A retirement pension for incapacity)—

(a) after the word “23” there shall be inserted the words “—(1)”; and

(b) at the end, there shall be inserted—

“(2) In the case of a person who is a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995, the reference in paragraph (1) to a period of 57 days shall be treated as a reference to a period of 52 weeks.”

(4) In regulation 24 (increase of rate of long-term incapacity benefit for dependants in transitional cases)—

(a) in paragraph (7), for the words “A person” there shall be substituted “Except in a case where paragraph (7A) applies, a person”;

(b) after paragraph (7), there shall be inserted—

“(7A) The exception referred to in paragraph (7) applies only if the person—

(1) S.I.1995/310.

(2) Regulation 17A was inserted by S.I. 1995/987.

- (a) has been determined to be a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995; and
 - (b) is not entitled to incapacity benefit on any day in a period falling within a linking term within the meaning of regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995.”.
- (5) In regulation 25(3) (further provisions for dependants in respect of the application of old saving provisions)–
- (a) in paragraph (3), for the words “The old saving provisions” there shall be substituted “Except in a case where paragraph (3A) applies, the old saving provisions”;
 - (b) after paragraph (3), there shall be inserted–
 - “(3A) The exception referred to in paragraph (3) applies only if the person–
 - (a) has been determined to be a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995; and
 - (b) is not entitled to incapacity benefit on any day in a period falling within a linking term within the meaning of regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995.”.
- (6) In regulation 28 (transitional provisions for an increase of severe disablement allowance for adult dependants), in paragraph (1), for the words “regulation 24(2) to (7)” there shall be substituted the words “regulation 24 (2) to (7A)”.
- (7) In regulation 31(4) (application of the new tests of incapacity for work), in paragraph (5)(c), after the word “spell” there shall be inserted the words “or period”.

(3) Regulation 25 was amended by S.I. 1995/987.

(4) Regulation 31 was amended by S.I. 1995/987 and 1996/3207.