

2001 No. 1305

SOCIAL SECURITY

**The Social Security (Incapacity Benefit) Amendment
Regulations 2001**

Made - - - - 30th March 2001

Laid before Parliament 4th April 2001

Coming into force 25th April 2001

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 30A(2A) and (6), 122(1) and 175(2) to (4) of, and paragraph 2(8) of Schedule 3 to, the Social Security Contributions and Benefits Act 1992(a), and of all other powers enabling him in that behalf, by this instrument which contains only regulations made by virtue of sections 62 and 64 of the Welfare Reform and Pensions Act 1999(b) and which is made before the end of the period of six months beginning with the coming into force of those provisions(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity Benefit) Amendment Regulations 2001 and shall come into force on 25th April 2001.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

2.—(1) The Social Security (Incapacity Benefit) Regulations 1994(d) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)(a) of regulation 2B (relaxation of the first contribution condition in certain cases), for “relevant tax year” substitute “last complete tax year”.

(3) In regulation 15 (age exception—persons aged 20 and under 25)—

(a) in paragraph (2)(b), for “in a period” substitute “in respect of a period”; and

(b) for paragraph (3)(b), substitute the following—

“(b) ended no earlier than the beginning of the last two complete tax years before the benefit year which would have governed a claim for incapacity benefit under section 30A(1)(a) of the Contributions and Benefits Act had he been eligible for it.”.

(a) 1992 c.4; section 30A was inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994 (c.18), and subsections (2A) and (6) were inserted by section 64 of the Welfare Reform and Pensions Act 1999 (c.30); paragraph 2(8) of Schedule 3 was added by section 62(4) of the Welfare Reform and Pensions Act 1999. Section 175(4) was amended by Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 122(1) is cited because of the meaning assigned to the word “prescribe”.

(b) 1999 c.30.

(c) See section 173(5)(b) of the Social Security Administration Act 1992 (c.5).

(d) S.I. 1994/2946; relevant amending instruments are S.I. 2000/3120 and 2001/573.

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(4) In paragraph (3)(b) of regulation 18 (circumstances in which a previous claimant who does not satisfy the age condition becomes entitled)—

- (a) after “earnings” where it first occurs, insert “factor”; and
- (b) for “were” substitute “was”.

Signed by authority of the Secretary of State for Social Security.

30th March 2001

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Incapacity Benefit) Regulations 1994 (S.I. 1994/2946). The amendments clarify the position relating to the relaxation of the first contribution condition for incapacity benefit, and the circumstances where a person may be entitled to incapacity benefit when he is aged between 20 and 25, or where he has previously been so entitled.

These Regulations do not impose a charge on business.

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