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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 404**

**The Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000**

**Part V**

**Reduction or Abatement of Incapacity Benefit  
for Occupational or Other Pension Payments**

**Permanent health insurance**

- 19.** For the purposes of section 30DD (incapacity benefit: reduction for pension payments)—
- “pension payment” shall include permanent health insurance payment; and
- “permanent health insurance payment” means any periodical payment arranged by an employer under an insurance policy providing benefits in connection with physical or mental illness, disability, infirmity or defect, in relation to a former employee on the termination of his employment.

**Disregard of certain pension payments**

- 20.** For the purposes of section 30DD(1) there shall be disregarded—
- (a) any pension payment within the meaning of section 30DD(5) made to a person as a beneficiary on the death of a member of any pension scheme;
  - (b) where a pension scheme is in deficit or has insufficient resources to meet the full pension payment, the extent of the shortfall; or
  - (c) any permanent health insurance payment in respect of which the employee had contributed to the premium to the extent of more than 50 per cent.

**Date from which pension payment is to be taken into account**

- 21.** Where section 30DD(1) applies, deductions shall take effect, calculated, where appropriate, in accordance with regulation 23, from the first day of the week, commencing on Sunday, in which the pension payment is paid to a person who is entitled to incapacity benefit in that week.

**Date from which the change in the rate of pension takes effect**

- 22.** Where pension payments are already in payment to a person and the rate of payment changes, the deduction at the new rate shall take effect, calculated, where appropriate, in accordance with regulation 23, from the first day of the week, commencing on Sunday, in which the new rate of the pension payment is paid.

### **Pension payment made other than weekly**

**23.**—(1) Where a pension payment, or an aggregate of such payments, as the case may be, is paid to a person for a period other than a week, such payments shall be treated as being made to that person by way of weekly pension payments and the weekly amount shall be determined—

- (a) where payment is made for a year, by dividing the total by 52;
- (b) where payment is made for 3 months, by dividing the total by 13;
- (c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
- (d) where payment is made for 2 or more months, otherwise than for a year or for 3 months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
- (e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

(2) In determining the weekly amount of the pension payment—

- (a) there shall be disregarded the sum of less than one half of a penny; and
- (b) the sum of one half of a penny or more but less than one penny shall be rounded up to one penny.

(3) In determining the weekly pension payment, where two or more pension payments are payable to a person, each pension payment shall be calculated separately in accordance with paragraph (1) before aggregating the sum of those payments for the purposes of the reduction of incapacity benefit in accordance with section 30DD(1).

### **Priority of deductions of pension payments taken as payable for the purposes of reduction of incapacity benefit**

**24.** Where a reduction in the rate of incapacity benefit payable to a person falls to be made in accordance with section 30DD(1) the reduction shall be made, so far as is necessary—

- (a) initially against so much of the benefit as falls to be paid at the personal rate;
- (b) then against any increase in the benefit payable for adult dependants; and
- (c) finally against any increase in the benefit payable for dependent children.

### **Person whose benefit is not to be reduced under section 30DD(1)**

**25.** Section 30DD(1) shall not apply to a person who is entitled to the highest rate of the care component of a disability living allowance under section 72. “????”

### **Amendment of the Social Security (Credits) Regulations**

**3.** In regulations 8A(1) and 8B(1) of the Social Security (Credits) Regulations (Northern Ireland) 1975(1) (credits for unemployment and incapacity for work) “Subject to regulation 9,” shall be omitted.

### **Amendment of the Social Security (Claims and Payments) Regulations**

**4.** In regulation 24 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(2) (incapacity benefit, severe disablement allowance and maternity allowance)—

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(1) S.R. 1975 No. 113; regulations 8A and 8B were inserted by regulation 2(6) of S.R. 1996 No. 430  
 (2) S.R. 1987 No. 465; regulation 24 was substituted by regulation 2(10) of S.R. 1994 No. 456

- (a) in paragraph (1) for “and (3)” there shall be substituted “, (3) and (3A)”;
- (b) in paragraph (2) for “paragraph (3)” there shall be substituted “paragraphs (3) and (3A)”;  
and
- (c) after paragraph (3) there shall be inserted the following paragraph—
  - “(3A) Where the amount of incapacity benefit payable after reduction for pension payments under section 30DD of the Contributions and Benefits Act (including any reduction for other purposes) is less than £5 a week, the Department may direct that it shall be paid (whether in advance or in arrears) at such intervals as may be specified not exceeding 12 months.”.

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations**

5. In regulation 5(2) of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988<sup>(3)</sup> (offsetting prior payment against subsequent award), in Case 3 after “allowance”, in both places where it occurs, there shall be inserted “or incapacity benefit for persons incapacitated in youth in accordance with section 30A(1)(b) and (2A) of the Contributions and Benefits Act”.

### **Saving**

6. Where, on any day before the coming into operation of these Regulations, a person is entitled to incapacity benefit and continues, on that day or any day immediately after the coming into operation of these Regulations, to be entitled to incapacity benefit, whether or not by virtue of section 30C of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the principal Regulations shall have effect as if these Regulations had not been made.

### **Revocations**

7. The Regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3) of that Schedule.

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(3) [S.R. 1988 No. 142](#), to which there are amendments not relevant to these regulations