
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 35

**The Social Security (Incapacity Benefit)
(Transitional) Regulations (Northern Ireland) 1995**

PART III

**PROVISIONS FOR THE TRANSITION TO
INCAPACITY BENEFIT FROM SICKNESS BENEFIT**

Transitional awards of short-term incapacity benefit

11.—(1) Where a person is entitled to sickness benefit immediately before the appointed day, that award of sickness benefit shall have effect on or after the appointed day as if it were an award of short-term incapacity benefit; and such an award shall be referred to in these regulations as a transitional award of short-term incapacity benefit.

(2) A person shall cease to be entitled to a transitional award of short-term incapacity benefit under paragraph (1)—

- (a) when the period of incapacity for work comes to an end;
- (b) after 364 days of entitlement to short-term incapacity benefit in a period of incapacity for work; or
- (c) if he was entitled to sickness benefit under section 102(1) (sickness benefit in respect of industrial injury) immediately before the appointed day, when the incapacity for work is no longer as a result of a personal injury of the kind mentioned in section 94(1) (right to industrial injuries benefit),

whichever first occurs.

(3) Subject to regulations 29 to 32, a person's entitlements a transitional award of short-term incapacity benefit shall be subject to him being incapable of work as determined in accordance with Part XIIA of the Contributions and Benefits Act(2) (incapacity for work).

(4) Where a person ceases by virtue of paragraph (2)(b) to be entitled to a transitional award of short-term incapacity benefit he is, subject to him being incapable of work as determined in accordance with Part XIIA of the Contributions and Benefits Act, entitled to long-term incapacity benefit in the same period of incapacity for work on which he is under pensionable age.

(1) Section 102 is repealed by Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(2) Part XIIA is inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994