
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 347

The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010

Amendment of the Income Support (General) Regulations

3.—(1) Subject to paragraph (4), paragraph 12 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987⁽¹⁾ (additional condition for the higher pensioner and disability premiums) is amended in accordance with the following provisions of this regulation.

(2) For sub-paragraph (1)(b) substitute—

“(b) the claimant—

(i) is entitled to statutory sick pay,

(ii) has been so entitled for a continuous period of not less than 196 days, and

(iii) is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act⁽²⁾,

and for these purposes any two or more periods of entitlement separated by a break of not more than 56 days shall be treated as one continuous period; or”.

(3) Sub-paragraphs (1A) and (5) are omitted.

(4) Where a person—

(a) is or becomes entitled to an award of income support; and

(b) is a person to whom paragraph 7(a) or (b) of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987 (persons incapable of work) applies,

paragraph 12(1)(b), (1A) and (5) of Schedule 2 to those Regulations continues to apply to that person as if paragraphs (2) and (3) of this regulation had no effect.

⁽¹⁾ In paragraph 12, sub-paragraph (1)(b) was substituted by regulation 2(12)(a)(ii) of [S.R. 1995 No. 67](#) and amended by regulation 2(8) of [S.R. 1995 No. 367](#), regulation 3(3)(a) of [S.R. 2005 No. 580](#) and regulation 2(7)(d)(i) of [S.R. 2007 No. 154](#), paragraph (1A) was inserted by regulation 8(3)(b) of [S.R. 1998 No. 324](#) and amended by regulation 5(6)(a) of [S.R. 2006 No. 359](#) and paragraph (5) was added by regulation 15(b) of [S.R. 1988 No. 431](#) and amended by regulation 6(e) of [S.R. 1989 No. 395](#) and regulation 3(5)(b) of [S.R. 1990 No. 387](#)

⁽²⁾ Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 ([S.I. 1994/1898 \(N.I. 12\)](#))