
STATUTORY INSTRUMENTS

1995 No. 626

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) (No. 2) Regulation 1995**

Amendment of Schedule 2 to the Housing Benefit Regulations

8.—(1) Paragraph 12 of Schedule 2 to the Housing Benefit Regulations⁽¹⁾ (applicable amounts) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (1)(a)(i)—

- (a) for the words “an invalidity pension” there shall be substituted the words “long-term incapacity benefit”;
- (b) for the words “in the case of invalidity pension” there shall be substituted the words “in the case of long-term incapacity benefit”.

(3) In sub-paragraph (1)(a)(ii) for the words “invalidity pension” there shall be substituted the words “long-term incapacity benefit”.

(4) For head (b) of sub-paragraph (1), there shall be substituted the following head—

“(b) the claimant—

- (i) is incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the Contributions and Benefits Act⁽²⁾ (incapacity for work), and
- (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (aa) in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act⁽³⁾, 196 days;
 - (bb) in any other case, 364 days.”.

(5) In sub-paragraph (3) for the words “for the purposes of the provisions specified in that provision ”there shall be substituted the words“ or to be incapable of work”.

(6) For sub-paragraph (6), there shall be substituted the following—

“(6) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(7) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Contributions and Benefits Act⁽⁴⁾ (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity

(1) Paragraph 12 was amended by S.I. 1988/1971, 1990/546, 1991/2742 and 1994/2137.

(2) 1992 c. 4. Part XIIA was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 5 and 6(1).

(3) Section 30B was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18) section 2.

(4) Section 30B was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 2.

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benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.”.