STATUTORY INSTRUMENTS

2003 No. 735

SOCIAL SECURITY, NORTHERN IRELAND

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Modifications for Her Majesty's Forces and Incapacity Benefit) Regulations 2003

Made - - - -	*14th March 2003*
Laid before Parliament	*14th March 2003*
Coming into force	
for the purposes of regulations 1 and 3	*6th April 2003*
for all other purposes	*5th May 2003*

The Treasury, with the concurrence of the Secretary of State, in exercise of the powers conferred on them by sections 116(2) and 171(3) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Modifications for Her Majesty's Forces and Incapacity Benefit) Regulations 2003 and shall come into force for the purposes of this regulation and regulation 3 on 6th April 2003, and for all other purposes on 5th May 2003.

Modification of section 30A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2. Section 30A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (entitlement to incapacity benefit)(**b**) shall be modified, in respect of persons who have been members of Her Majesty's forces, as if—

(a) at the beginning of subsection (3), there were inserted "Subject to subsection (3A),", and

(b) after subsection (3), there were inserted—

"(3A) Subsection (3) does not apply to a person—

(a) who is discharged from Her Majesty's forces, and

(**a**) 1992 c.7. Relevant amendments to section 116(2) were made by paragraph 11 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15), paragraph 49 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10) and paragraph 22(1) and (2) of Schedule 3, and paragraph 4 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671). Section 171(5) was amended by paragraph 36 of Schedule 1, and Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order1994 (S.I. 1994/1898 (N.I. 12)).

(**b**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)).

(b) for whom days of sickness absence from duty, which are recorded by the Secretary of State for Defence, are included in calculating the number of days for which the person has been entitled to short-term incapacity benefit.".

Modification of section 30D of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

3. Section 30D of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (calculating days of entitlement to incapacity benefit)(**a**) shall be modified, in respect of persons who have been members of Her Majesty's forces, as if, after subsection (3), there were inserted—

"(3A) In respect of a person who is discharged from Her Majesty's forces after 3rd May 2003, there shall also be included such days as may be prescribed(**b**).".

Modification of paragraph 2(6) of Schedule 3 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992

4. Paragraph 2(6) of Schedule 3 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (contribution conditions for entitlement to incapacity benefit) shall be modified, in respect of persons who have been members of Her Majesty's forces, as if—

(a) after "is" in paragraph (b) (meaning of "the relevant benefit year")(**c**), there were inserted ", subject to paragraph (c),", and

(b) at the end, there were added—

"(c) in the case of a person who is discharged from Her Majesty's forces, and for whom days of sickness absence from duty recorded by the Secretary of State for Defence are included in calculating the number of days for which the person has been entitled to short-term incapacity benefit, "the relevant benefit year" is the benefit year in which there falls the beginning of the period to which the claim for incapacity benefit relates.".

Jim Fitzpatrick
John Heppell

14th March 2003 — Two of the Lords Commissioners of Her Majesty's Treasury

The Secretary of State hereby concurs.
Signed by authority of the Secretary of State.

Nicholas Brown

12th March 2003 — Parliamentary Under-Secretary of State,
Department for Work and Pensions

(**a**) Section 30D was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994.
(**b**) For the meaning of "prescribe" see the definition in section 121(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.
(**c**) Paragraph 2(6)(b) was amended by paragraph 38(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) in its application to persons who are discharged from Her Majesty's forces after 3rd May 2003, who were on sickness absence from duty while in the forces and who claim incapacity benefit.

Regulation 2 modifies section 30A, inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) ("the 1994 Order"), by exempting certain former members of the forces from the requirement to wait 3 days before becoming entitled to incapacity benefit.

Regulation 3 modifies section 30D, inserted by Article 5(1) of the 1994 Order, to enable regulations made by the Department for Social Development in Northern Ireland to prescribe days to be included when calculating the number of days for which the ex-members of the forces have been entitled to short-term incapacity benefit.

Regulation 4 modifies paragraph 2(6) of Schedule 3 by inserting a new definition of "the relevant benefit year" in connection with the National Insurance contribution conditions to be satisfied by former members of the forces who claim incapacity benefit.

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