
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 404

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

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) After regulation 1A(1) (disapplication of section 1(1A) of the Administration Act) there shall be inserted the following Part—

“Part IA

Contributions Conditions: Supplementary Provisions

Relaxation of the first contribution condition in certain cases

1B.—(1) For the purposes of paragraph 2(2)(a) of Schedule 3(2) (first contribution condition) a person who satisfies any of the conditions referred to in paragraph (2) shall be taken to satisfy the first contribution condition if—

- (a) he paid contributions of a relevant class before the relevant time in respect of any one year; and
- (b) the earnings factor is derived—
 - (i) from earnings, on which primary Class 1 contributions have been paid or treated as paid, which are not less than that year’s lower earnings limit multiplied by 25, or
 - (ii) from Class 2 contributions multiplied by 25.

(2) The conditions referred to in paragraph (1) are that—

- (a) he was a person who, in the relevant tax year before the first day of incapacity for work, was entitled to invalid care allowance under section 70(3) or would have been in receipt of invalid care allowance but for the provisions of regulation 4 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(4);
- (b) immediately before the first day of incapacity for work, he was a person—
 - (i) who had been engaged in remunerative employment for a period of more than 2 years, and

(1) Regulation 1A was inserted by regulation 13 of [S.R. 1997 No. 483](#)
(2) Paragraph 2(2)(a) of Schedule 3 was substituted by Article 59(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999
(3) Section 70 was amended by regulation 2(3) of [S.R. 1994 No. 370](#)
(4) [S.R. 1979 No. 242](#); relevant amending regulations are [S.R. 1984 No. 317](#), [S.R. 1992 Nos. 6 and 557](#), [S.R. 1995 No. 150](#) and [S.R. 1996 Nos. 289 and 601](#)

- (ii) who was entitled to a disability working allowance or disabled person's tax credit, as the case may be, under section 128(5) throughout that period; or
- (c) he is, on the first day of his incapacity for work, a person who had received incapacity benefit in the last complete tax year immediately preceding the relevant benefit year in which he again becomes entitled to that benefit.”.
- (3) In regulation 3(1)(6) (days not to be treated as days of incapacity for work) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) a day which is, for the purposes of section 30A(2A)(c)(7) (period of 196 consecutive days preceding the relevant day), not part of any consecutive days of incapacity;”.
- (4) After regulation 3 there shall be inserted the following regulation—

“Days to be treated as days of incapacity for work

3A. For the purposes of incapacity benefit for persons incapacitated in youth under section 30A(2A), any day in respect of which a person is entitled to statutory sick pay immediately before the relevant day shall be treated as a day of incapacity for work.”.

- (5) After Part III (rate of incapacity benefit) there shall be added the following Parts—

“Part IV

Additional Conditions for Persons Incapacitated in Youth

General

13. This Part of these Regulations applies to persons incapacitated in youth in accordance with section 30A(1)(b) and (2A)(8).

Age exception—persons aged 20 and under 25

14.—(1) For the purposes of section 30A(2A)(b) (prescribed cases in relation to persons aged under 25 and above the age 20 limit), a person falls within a prescribed case if he satisfies the conditions specified in the following paragraphs.

- (2) The conditions referred to in paragraph (1) are that he is a person who—
 - (a) registered on a course of—
 - (i) full-time advanced or secondary education, or
 - (ii) vocational or work-based training,
 at least 3 months before he attained the age of 20; and
 - (b) not more than one academic term immediately after the registration referred to in sub-paragraph (a), attended one or more such course of education or training as is mentioned in that sub-paragraph in the period referred to in paragraph (3).
- (3) The period mentioned in paragraph (2)(b) is a period which—

(5) Section 128 was amended by Article 12 of, and paragraph 32 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, paragraph 17 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. [1995/2705 \(N.I. 15\)](#)) and sections 1 and 14 of the Tax Credits Act 1999 (c. 10)

(6) Regulation 3 was amended by regulation 2 of [S.R. 1999 No. 346](#) and regulation 5 of [S.R. 2000 No. 109](#)

(7) Subsection (2A) was inserted by Article 61(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(8) Subsection (1) was amended by Article 61(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

- (a) began on or before a day at least 3 months before the day on which he attained the age of 20; and
- (b) ended on a day—
 - (i) immediately before the relevant day, or
 - (ii) falling within one of the last two complete tax years before the benefit year which would have governed a claim for incapacity benefit under section 30A(1)(a) had he been entitled to that benefit,whichever is the later.
- (4) For the purposes of this regulation a person is attending a course of education or training on any day on which the course or training is interrupted by an illness or domestic emergency.
- (5) In this regulation—
 - “advanced education” means full-time education for the purposes of—
 - (a) a course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher national diploma of the Business and Technician Education Council or the Scottish Vocational Education Council, or a teaching qualification; or
 - (b) any other course which is of a standard above ordinary national diploma, a national diploma of the Business and Technician Education Council or a national certificate of the Scottish Vocational Education Council, a general certificate of education (advanced level), a Scottish certificate of education (higher grade) or a Scottish certificate of sixth year studies;
 - “course of education” means a course of advanced education or secondary education;
 - “full-time” includes part-time where the disability from which a person suffers prevents him from attending a full-time course;
 - “relevant day” has the same meaning as in section 30A(1), that is to say, the day—
 - (a) in respect of which a person is entitled to claim incapacity benefit;
 - (b) which falls on any day immediately after a period of 196 consecutive days of incapacity for work; and
 - (c) which forms part of a period of incapacity for work;
 - “secondary education” means a full-time course of education below a course of advanced education—
 - (a) by attendance at a recognised educational establishment within the meaning of section 143(1); or
 - (b) elsewhere than at a recognised educational establishment, where the Department is satisfied that the education is equivalent to that given in a recognised educational establishment;
 - “training” has the same meaning as vocational training or work-based training;
 - “vocational training” means training for work as defined in regulation 2 for the purposes of section 30C(6) and includes any training, instruction or tuition (of which the primary purpose is the teaching of occupational or vocational skills) received on a course provided, for persons suffering mental or physical disability, by a person recognised by the Department;
 - “work-based training” means vocational training undertaken on the premises of an employer.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
