

SCHEDULES

SCHEDULE 1

Section 11(1).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF THE CONTRIBUTIONS AND BENEFITS ACT

1 In section 4 of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 (payments treated as remuneration and earnings), in subsection (3) (meaning of “sickness payment”) omit the words “within the meaning of section 57 below”.

Marginal Citations

M1 1992 c. 4.

2 (1) Section 20 of the <sup>M2</sup>Social Security Contributions and Benefits Act 1992 (descriptions of contributory benefits) is amended as follows.

(2) In subsection (1) (list of benefits), for paragraphs (b) and (c) substitute—

“(b) incapacity benefit, comprising—

(i) short-term incapacity benefit, and

(ii) long-term incapacity benefit;”.

(3) In subsection (2)—

(a) in the definition of “long-term benefit” for paragraph (a) substitute—

“ (a) long-term incapacity benefit;”;

(b) in the definition of “short-term benefit” for paragraph (b) substitute—

“ (b) short-term incapacity benefit; and”.

Marginal Citations

M2 1992 c. 4.

3 (1) Section 21 of the <sup>M3</sup>Social Security Contributions and Benefits Act 1992 (contribution conditions) is amended as follows.

(2) In subsection (1) (benefits which are subject to contribution conditions being satisfied) for “other than invalidity benefit” substitute “ other than long-term incapacity benefit under section 30A below or short-term or long-term incapacity benefit under section 40 or 41 below ”.

*Changes to legislation:* There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

- (3) In subsection (2), in the first part of the table (classes of contributions relevant in relation to benefits), for “Sickness benefit” substitute “ Short-term incapacity benefit under section 30A below ”.

#### Marginal Citations

**M3** 1992 c. 4.

<sup>F1</sup>4 . . . . .

#### Textual Amendments

**F1** Sch. 1 para. 4 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

<sup>F2</sup>5 . . . . .

#### Textual Amendments

**F2** Sch. 1 para. 5 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

<sup>F3</sup>6 . . . . .

#### Textual Amendments

**F3** Sch. 1 para. 6 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

- 7 Omit sections 31 to 34 of the <sup>M4</sup>Social Security Contributions and Benefits Act 1992 (sickness benefit and invalidity benefit).

#### Marginal Citations

**M4** 1992 c. 4.

- 8 For section 40 of the <sup>M5</sup>Social Security Contributions and Benefits Act 1992 (invalidity pension for widows) substitute—

#### “40 Long-term incapacity benefit for widows.

- (1) Subject to subsection (2) below, this section applies to a woman who—
- (a) on her late husband’s death is not entitled to a widowed mother’s allowance or subsequently ceases to be entitled to such an allowance;
  - (b) is incapable of work at the time when he dies or when she subsequently ceases to be so entitled;
  - (c) either—
    - (i) would have been entitled to a widow’s pension if she had been over the age of 45 when her husband died or when she ceased to be entitled to a widowed mother’s allowance; or

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- (ii) is entitled to such a pension with a reduction under section 39(4) above; and
    - (d) is not entitled to incapacity benefit apart from this section.
  - (2) This section does not apply to a woman unless—
    - (a) her husband died after 5th April 1979; or
    - (b) she ceased to be entitled to a widowed mother's allowance after that date (whenever her husband died).
  - (3) A woman to whom this section applies is entitled to long-term incapacity benefit under this section for any day of incapacity for work which—
    - (a) falls in a period of incapacity for work that began before the time when her late husband died or she subsequently ceased to be entitled to a widowed mother's allowance; and
    - (b) is after that time and after the first 364 days of incapacity for work in that period.
  - (4) A woman to whom this section applies who is not entitled to long-term incapacity benefit under subsection (3) above, but who is terminally ill, is entitled to short-term incapacity benefit under this section for any day of incapacity for work which—
    - (a) falls in a period of incapacity for work that began before the time when her late husband died or she subsequently ceased to be entitled to a widowed mother's allowance, and
    - (b) is after that time and after the first 196 days of incapacity for work in that period.
- For the purposes of this subsection a woman is terminally ill if she suffers from a progressive disease and her death in consequence of that disease can reasonably be expected within 6 months.
- (5) The weekly rate of incapacity benefit payable under this section is—
    - (a) if the woman is not entitled to a widow's pension, that which would apply if she were entitled to long-term incapacity benefit under section 30A above; and
    - (b) if she is entitled to a widow's pension with a reduction under section 39(4) above, the difference between the weekly rate of that pension and the weekly rate referred to in paragraph (a) above.
  - (6) A woman is not entitled to incapacity benefit under this section if she is over pensionable age; but if she has attained pensionable age and the period of incapacity for work mentioned in subsection (3)(a) or (4)(a) above did not terminate before she attained that age—
    - (a) she shall, if not otherwise entitled to a Category A retirement pension, be entitled to such a pension, and
    - (b) the weekly rate of the Category A retirement pension to which she is entitled (whether by virtue of paragraph (a) above or otherwise) shall be determined in the prescribed manner.
  - (7) Where a woman entitled to short-term incapacity benefit under subsection (4) above attains pensionable age and defers her entitlement to a Category A pension or makes an election under section 54(1) below, the days of incapacity for work falling within the period of incapacity for

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work mentioned in that subsection shall, for the purpose of determining any subsequent entitlement to incapacity benefit under section 30A above or the rate of that benefit, be treated as if they had been days of entitlement to short-term incapacity benefit.

- (8) References to short-term incapacity benefit at the higher rate shall be construed as including short-term incapacity benefit payable under subsection (4) above.”.

#### Marginal Citations

M5 1992 c. 4.

- 9 For section 41 of the <sup>M6</sup>Social Security Contributions and Benefits Act 1992 (invalidity pension for widowers) substitute—

**“41 Long-term incapacity benefit for widowers.**

- (1) This section applies to a man whose wife has died on or after 6th April 1979 and who either—
- (a) was incapable of work at the time when she died, or
  - (b) becomes incapable of work within the prescribed period after that time,
- and is not entitled to incapacity benefit apart from this section.
- (2) A man to whom this section applies is entitled to long-term incapacity benefit under this section for any day of incapacity for work which—
- (a) falls in a period of incapacity for work that began before the time when his wife died or within the prescribed period after that time, and
  - (b) is after that time and after the first 364 days of incapacity for work in that period.
- (3) A man to whom this section applies who is not entitled to long-term incapacity benefit under subsection (2) above, but who is terminally ill, is entitled to short-term incapacity benefit under this section for any day of incapacity for work which—
- (a) falls in a period of incapacity for work that began before the time when his wife died or within the prescribed period after that time, and
  - (b) is after that time and after the first 196 days of incapacity for work in that period.

For the purposes of this subsection a man is terminally ill if he suffers from a progressive disease and his death in consequence of that disease can reasonably be expected within 6 months.

- (4) The weekly rate of incapacity benefit payable under this section is that which would apply if he were entitled to long-term incapacity benefit under section 30A above.
- (5) A man is not entitled to incapacity benefit under this section if he is over pensionable age; but if he has attained pensionable age, and the period of

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incapacity for work mentioned in subsection (2)(a) or (3)(a) above did not terminate before he attained that age—

- (a) he shall, if not otherwise entitled to a Category A retirement pension and also not entitled to a Category B retirement pension by virtue of section 51 below, be entitled to a Category A retirement pension; and
  - (b) the weekly rate of the Category A retirement pension to which he is entitled (whether by virtue of paragraph (a) above or otherwise) shall be determined in the prescribed manner.
- (6) Where a man entitled to short-term incapacity benefit under subsection (3) above attains pensionable age and defers his entitlement to a Category A pension or makes an election under section 54(1) below, the days of incapacity for work falling within the period of incapacity for work mentioned in that subsection shall, for the purpose of determining any subsequent entitlement to incapacity benefit under section 30A above or the rate of that benefit, be treated as if they had been days of entitlement to short-term incapacity benefit.
- (7) References to short-term incapacity benefit at the higher rate shall be construed as including short-term incapacity benefit payable under subsection (3) above.”.

**Marginal Citations**

M6 1992 c. 4.

- .....
- 10 For section 42 of the Social Security Contributions and Benefits Act 1992 (entitlement to invalidity pension on termination of employment after period of entitlement to disability working allowance) substitute—

**“42 Entitlement under s.40 or 41 after period of employment or training for work.**

- (1) Where—
- (a) a person who is engaged and normally engaged in remunerative work ceases to be so engaged, and
  - (b) he is entitled to a disability working allowance for the week in which there falls the last day on which he is so engaged, and
  - (c) he qualified for a disability working allowance for that week by virtue of incapacity benefit under section 40 or 41 above having been payable to him, and
  - (d) the first day after he ceases to be engaged as mentioned in paragraph (a) above is for him a day of incapacity for work and falls not later than the end of the period of two years beginning with the last day for which he was entitled to incapacity benefit under that section,

any day since that day which fell within a week for which he was entitled to a disability working allowance shall be treated for the purposes of any claim for incapacity benefit under that section for a period commencing after he

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ceases to be engaged as mentioned in paragraph (a) above as having been a day of incapacity for work.

(2) Where—

- (a) a person becomes engaged in training for work, and
- (b) he was entitled to incapacity benefit under section 40 or 41 above for one or more of the 56 days immediately before he became so engaged, and
- (c) the first day after he ceases to be so engaged is for him a day of incapacity for work and falls not later than the end of the period of two years beginning with the last day for which he was entitled to incapacity benefit under that section,

any day since that day in which he was engaged in training for work shall be treated for the purposes of any claim for incapacity benefit under that section for a period commencing after he ceases to be so engaged as having been a day of incapacity for work.

In this subsection “training for work” means training for work in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973 or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 or training of such other description as may be prescribed.

(3) For the purposes of this section “week” means any period of 7 days.”.

<sup>F4</sup>11

#### Textual Amendments

**F4** Sch. 1 para. 11 repealed (29.11.1999) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1999/3178, art. 2(1), Sch. 1 (subject to transitional provisions in Schs. 21-23)

- 12 In section 46 of the <sup>M8</sup>Social Security Contributions and Benefits Act 1992 (modifications of section 45 for calculating additional pension in certain cases), omit—
- (a) subsection (1); and
  - (b) in subsection (2), the words “or 41(4)”.

#### Marginal Citations

**M8** 1992 c. 4.

- 13 In section 47 of the <sup>M9</sup>Social Security Contributions and Benefits Act 1992 (increase of Category A retirement pension for invalidity), in subsections (1) and (5) for “invalidity allowance” substitute “age addition to long-term incapacity benefit by virtue of regulations under section 30B(7) above”.

#### Modifications etc. (not altering text)

**C1** Sch. 1 para. 13 restricted (13.4.1995) by S.I. 1995/310, reg. 23

**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

**Marginal Citations**

**M9** 1992 c. 4.

- 14 Omit section 57 of the <sup>M10</sup>Social Security Contributions and Benefits Act 1992 (determination of days for which benefit is payable).

**Marginal Citations**

**M10** 1992 c. 4.

- 15 Omit section 58 of the <sup>M11</sup>Social Security Contributions and Benefits Act 1992 (incapacity for work: work as councillor to be disregarded).

**Marginal Citations**

**M11** 1992 c. 4.

- 16 Omit section 59 of the <sup>M12</sup>Social Security Contributions and Benefits Act 1992 (invalidity benefit: disqualifications, &c.).

**Marginal Citations**

**M12** 1992 c. 4.

- 17 (1) Section 61 of the <sup>M13</sup>Social Security Contributions and Benefits Act 1992 (exclusion of increase of benefit in case of failure to satisfy contribution conditions) is amended as follows.
- (2) In subsection (2) for paragraph (b) substitute—
- “(b) to short-term incapacity benefit at a rate determined under section 30B(3) above.”.
- (3) In the same subsection omit—
- (a) paragraph (c) and the word “or” preceding it; and
- (b) the words “or invalidity pension” (twice).

**Marginal Citations**

**M13** 1992 c. 4.

<sup>F5</sup>18 . . . . .

**Textual Amendments**

**F5** Sch. 1 para. 18 repealed (3.11.2000 for specified purposes, otherwise 6.4.2001) by 1999 c. 30, s. 88, Sch. 13 Pt. IV; S.I. 2000/2958, art. arts. 2(3)(g)(4)(5) (with art. 4)

<sup>F6</sup>19 . . . . .

*Changes to legislation:* There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

#### Textual Amendments

**F6** Sch. 1 para. 19 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

<sup>F7</sup>20 . . . . .

#### Textual Amendments

**F7** Sch. 1 para. 20 repealed (19.7.1995 with effect on or after 6.4.2010 in accordance with Sch. 4 paras. 19, 20 of the repealing Act) by 1995 c. 26, ss. 177, 126, Sch. 7 Pt. II Note; and Sch. 1 para. 20 also expressed to be repealed (26.9.2007 with effect on 6.4.2010 in accordance with s. 27(4)(b) of the repealing Act) by Pensions Act 2007 (c. 22), ss. 27(2), 30(3), Sch. 7 Pt. 2 (with s. 4(5))

<sup>F8</sup>21 . . . . .

#### Textual Amendments

**F8** Sch. 1 para. 21 repealed (19.7.1995 with effect on or after 6.4.2010 in accordance with Sch. 4 paras. 19, 20 of the repealing Act) by 1995 c. 26, s. 177, Sch. 7 Pt. II Note; and Sch. 1 para. 21 also expressed to be repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

22 <sup>F9</sup> . . . . .

#### Textual Amendments

**F9** Sch. 1 para. 20 repealed (26.9.2007 with effect on 6.4.2010 in accordance with s. 27(4)(b) of the repealing Act) by Pensions Act 2007 (c. 22), ss. 27(2), 30, Sch. 7 Pt. 2 (with s. 4(5))

23 Omit section 86 of the <sup>M14</sup>Social Security Contributions and Benefits Act 1992 (increase of wife's invalidity pension for dependent husband).

#### Marginal Citations

**M14** 1992 c. 4.

24 (1) Section 87 of the <sup>M15</sup>Social Security Contributions and Benefits Act 1992 (rate of increase where associated retirement pension is attributable to reduced contributions) is amended as follows.

<sup>F10</sup>(2) . . . . .

<sup>F10</sup>(3) . . . . .

(4) For the words in subsection (1) following paragraph (b) substitute— “ the amount of any increase of the benefit attributable to sections 82 to 86A above shall be determined in accordance with regulations under this section. ”.

#### Textual Amendments

**F10** Sch. 1 para. 24(2)(3) repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)



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**Marginal Citations**

**M15** 1992 c. 4.

- 25 For section 88 of the <sup>M16</sup>Social Security Contributions and Benefits Act 1992 (pension increases to be in respect of only one adult dependant) substitute—

**“88 Increases to be in respect of only one adult dependant.**

A person shall not under or by virtue of sections 83 to 86A above be entitled for the same period to an increase of benefit in respect of more than one person.”.

**Marginal Citations**

**M16** 1992 c. 4.

- 26 In section 89 of the <sup>M17</sup>Social Security Contributions and Benefits Act 1992 (references to earnings to include occupational and personal pensions) for “sections 82 to 86 above” substitute “ sections 82 to 86A above, and in regulations under section 86A above, ”.

**Marginal Citations**

**M17** 1992 c. 4.

- 27 In section 91(1) of the <sup>M18</sup>Social Security Contributions and Benefits Act 1992 (effect of trade disputes on entitlement to increases: increases to which section applies), in paragraph (a) for “under sections 82 to 88 above” substitute “ under or by virtue of sections 82 to 88 above ”.

**Marginal Citations**

**M18** 1992 c. 4.

- 28 In section 93 of the <sup>M19</sup>Social Security Contributions and Benefits Act 1992 (dependency increases on termination of employment after period of entitlement to disability working allowance)—
- (a) for paragraph (a) substitute—
    - “(a) a person becomes entitled—
    - (i) to the higher rate of short-term incapacity benefit, or to long-term incapacity benefit, by virtue of section 30C(5) or (6) or section 42 above, or
    - (ii) to severe disablement allowance by virtue of section 68(10) or (10A) above; and”;
  - (b) in paragraph (b) and the closing words for “pension or” (four times) substitute “ benefit or ”.

*Changes to legislation:* There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

#### Marginal Citations

**M19** 1992 c. 4.

- 29 Omit section 102 of the <sup>M20</sup>Social Security Contributions and Benefits Act 1992 (sickness benefit in respect of industrial injury).

#### Marginal Citations

**M20** 1992 c. 4.

- <sup>F11</sup>30 .....

#### Textual Amendments

**F11** Sch. 1 para. 30 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

- 31 In section 126(1) of the <sup>M21</sup>Social Security Contributions and Benefits Act 1992 (income support: trade disputes), in the closing words, omit “by reason of disease or bodily or mental disablement”.

#### Marginal Citations

**M21** 1992 c. 4.

- 32 <sup>F12</sup> .....

#### Textual Amendments

**F12** Sch. 1 para. 32 repealed (6.4.2003) by 2002 c. 21, ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(3)(e), Sch. 1 (subject to savings and transitional provisions in arts 3, 4)

- 33 In section 150(1) of the <sup>M22</sup>Social Security Contributions and Benefits Act 1992 (qualifying benefits for purposes of Christmas bonus for pensioners), for paragraph (b) substitute—  
“(b) long-term incapacity benefit;”.

#### Marginal Citations

**M22** 1992 c. 4.

- 34 In section 151(4) of the <sup>M23</sup>Social Security Contributions and Benefits Act 1992 (employer’s liability to pay statutory sick pay: days to be treated as days of incapacity for work), for the words from “a day shall not be treated as a day” to “unless on that day” substitute “a day of incapacity for work in relation to a contract of service means a day on which”.

**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

#### Marginal Citations

**M23** 1992 c. 4.

<sup>F13</sup>35 . . . . .

#### Textual Amendments

**F13** Sch. 1 para. 35 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

<sup>F14</sup>36 . . . . .

#### Textual Amendments

**F14** Sch. 1 para. 36 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

<sup>F15</sup>37 . . . . .

#### Textual Amendments

**F15** Sch. 1 para. 37 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

- 38 (1) Schedule 3 to the <sup>M24</sup>Social Security Contributions and Benefits Act 1992 (contribution conditions for entitlement to benefit) is amended as follows.
- (2) In paragraph 2(6)(b) (meaning of “relevant benefit year” for purposes of contribution conditions for short-term incapacity benefit), for “period of interruption of employment” substitute “period of incapacity for work”.
- (3) In paragraph 5(6) (widowed mother’s allowance, widow’s pension and Category A and B retirement pensions), for “an invalidity pension” substitute “long-term incapacity benefit”.
- (4) In paragraph 8 (persons deemed to satisfy contribution conditions by virtue of entitlement to another short-term benefit) for “sickness benefit” (twice) substitute “short-term incapacity benefit”.

#### Marginal Citations

**M24** 1992 c. 4.

- 39 In Schedule 4 to the <sup>M25</sup>Social Security Contributions and Benefits Act 1992 (rates of benefit, &c.)—
- (a) in Part I (contributory periodical benefits), omit paragraph 3; and
- <sup>F16</sup>(b) . . . . .

#### Textual Amendments

**F16** Sch. 1 para. 39(b) repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3; S.I. 1996/2208, art. 2(b)

*Changes to legislation:* There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

#### Marginal Citations

**M25** 1992 c. 4.

40

F17

#### Textual Amendments

**F17** Sch. 1 para. 40 repealed (6.4.2012) by [Pensions Act 2011 \(c. 19\)](#), ss. 2(6), 38(4), [Sch. 2 para. 4\(a\)](#) (with s. 2(8)); [S.I. 2011/3034](#), [art. 4\(c\)\(e\)\(f\)\(iv\)](#)

41 (1) Schedule 7 to the <sup>M26</sup>Social Security Contributions and Benefits Act 1992 (industrial injuries benefits) is amended as follows.

(2) In paragraph 3 (restriction on increase of unemployability supplement)—

(a) in sub-paragraph (2) omit “or an invalidity pension”; and

(b) in sub-paragraph (3) omit “or invalidity pension”.

<sup>F18</sup>(3) .....

#### Textual Amendments

**F18** Sch. 1 para. 41(3) repealed (7.10.1996) by [1995 c. 18](#), s. 41(5), [Sch. 3](#); [S.I. 1996/2208](#), [art. 2\(b\)](#)

#### Marginal Citations

**M26** 1992 c. 4.

42

In Part I of Schedule 8 to the <sup>M27</sup>Social Security Contributions and Benefits Act 1992 (workmen’s compensation and industrial diseases benefit in respect of employment before 5th July 1948: nature and amount of benefit under industrial diseases benefit schemes), in paragraph 6(4)(d)—

(a) for “section 82” substitute “ section 86A ”; and

(b) for “sickness benefit” substitute “ short-term incapacity benefit ”.

#### Marginal Citations

**M27** 1992 c. 4.

43 (1) Schedule 11 to the <sup>M28</sup>Social Security Contributions and Benefits Act 1992 (circumstances in which entitlement to statutory sick pay does not arise) is amended as follows.

(2) In paragraph 2, for sub-paragraphs (d) and (e) substitute—

“(d) in the period of 57 days ending immediately before the relevant date the employee had at least one day on which—

(i) he was entitled to incapacity benefit (or would have been so entitled had he satisfied the contribution conditions mentioned in section 30A(2)(a) above), or

(ii) she was entitled to a maternity allowance, or

(iii) he was entitled to a severe disablement allowance;”.

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

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(3) Omit paragraph 5.

**Marginal Citations**

M28 1992 c. 4.

- 44 (1) Schedule 12 to the <sup>M29</sup>Social Security Contributions and Benefits Act 1992 (relationship of statutory sick pay with benefits and other payments, &c.) is amended as follows.
- (2) In paragraph 1 (day of entitlement to statutory sick pay not to count as day of incapacity for work for certain purposes), after “period of interruption of employment” insert “ for the purposes of unemployment benefit or a period of incapacity for work for the purposes of incapacity benefit ”.
- (3) For paragraphs 3 and 4 (sickness benefit) substitute—

*“ Incapacity benefit*

- 3 (1) This paragraph and paragraph 4 below have effect to exclude, where a period of entitlement as between an employee and an employer of his comes to an end, the provisions by virtue of which short-term incapacity benefit is not paid for the first three days.
- (2) If the first day immediately following the day on which the period of entitlement came to an end—
- (a) is a day of incapacity for work in relation to that employee, and
  - (b) is not a day in relation to which paragraph 1 above applies by reason of any entitlement as between the employee and another employer, that day shall, except in prescribed cases, be or form part of a period of incapacity for work notwithstanding section 30C(1)(b) above (by virtue of which a period of incapacity for work must be at least 4 days long).
- (3) Where each of the first two consecutive days, or the first three consecutive days, following the day on which the period of entitlement came to an end is a day to which paragraphs (a) and (b) of sub-paragraph (2) above apply, that sub-paragraph has effect in relation to the second day or, as the case may be, in relation to the second and third days, as it has effect in relation to the first.
- 4 (1) Where a period of entitlement as between an employee and an employer of his comes to an end, section 30A(3) above (exclusion of benefit for first 3 days of period) does not apply in relation to any day which—
- (a) is or forms part of a period of incapacity for work (whether by virtue of paragraph 3 above or otherwise), and
  - (b) falls within the period of 57 days immediately following the day on which the period of entitlement came to an end.
- (2) Where sub-paragraph (1) above applies in relation to a day, section 30A(3) above does not apply in relation to any later day in the same period of incapacity for work.”.
- (4) For paragraph 5 substitute—

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

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*“ Incapacity benefit for widows and widowers*

- 5 Paragraph 1 above does not apply for the purpose of determining whether the conditions specified in section 40(3) or (4) or section 41(2) or (3) above are satisfied.”.

**Marginal Citations**

**M29** 1992 c. 4.

- 45 (1) Schedule 13 to the <sup>M30</sup>Social Security Contributions and Benefits Act 1992 (relationship between statutory maternity pay and other benefits) is amended as follows.

<sup>F19</sup>(2) .....

- (3) For paragraph 2 (invalidity) substitute—

*“ Incapacity benefit*

- 2 (1) Regulations may provide that in prescribed circumstances a day which falls within the maternity pay period shall be treated as a day of incapacity for work for the purpose of determining entitlement to the higher rate of short-term incapacity benefit or to long-term incapacity benefit.
- (2) Regulations may provide that an amount equal to a woman’s statutory maternity pay for a period shall be deducted from any such benefit in respect of the same period and a woman shall be entitled to such benefit only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.”.

**Textual Amendments**

**F19** Sch. 1 para. 45(2) repealed (7.10.1996) by 1995 c. 18, s. 41(5), **Sch. 3**; S.I. 1996/2208, **art. 2(b)**

**Marginal Citations**

**M30** 1992 c. 4.

**PART II**

AMENDMENTS OF THE ADMINISTRATION ACT AND OTHER ENACTMENTS

*Social Security Administration Act 1992 (c.5)*

<sup>F20</sup>46 .....

**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

### Textual Amendments

**F20** Sch. 1 para. 46 repealed (29.11.1999) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1999/3178, art. 2(1), Sch. 1 (subject to transitional provisions in Schs. 21-23)

<sup>F21</sup>47 .....

### Textual Amendments

**F21** Sch. 1 para. 47 repealed (7.10.1996) by 1995 c. 18, s. 41(5), Sch. 3 and expressed to be repealed (29.11.1999) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1999/3178, art. 2(1), Sch. 1 (subject to transitional provisions in Schs. 21-23)

<sup>F22</sup>48 .....

### Textual Amendments

**F22** Sch. 1 para. 48 repealed (29.11.1999) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1999/3178, art. 2(1), Sch. 1 (subject to transitional provisions in Schs. 21-23)

- 49 In section 130 of the Social Security Administration Act 1992 (duties of employers: statutory sick pay and claims for other benefits), in subsection (1) (claims for purposes of which information may be required)—
- (a) for paragraph (a) substitute—  
“(a) short-term incapacity benefit;”;
  - (b) for paragraph (c) substitute—  
“(c) long-term incapacity benefit;”.
- 50 In section 132 of the Social Security Administration Act 1992 (duties of employers: statutory maternity pay and claims for other benefits), in subsection (1) (claims for purposes of which information may be required)—
- (a) in paragraph (b) for “sickness benefit” substitute “ short-term incapacity benefit ”; and
  - (b) in paragraph (c) for “invalidity pension under section 33” substitute “ long-term incapacity benefit under section 30A ”.
- 51 In section 170 of the Social Security Administration Act 1992 (Social Security Advisory Committee) in the definition of “relevant enactments” in subsection (5), for “and this Act” substitute “ , this Act and the Social Security (Incapacity for Work) Act 1994 ”.
- 52 In section 191 of the Social Security Administration Act 1992 (interpretation: general), omit the definition of “invalidity benefit”.
- 53 In Schedule 2 to the Social Security Administration Act 1992 (supplementary provisions with respect to tribunals, &c.), in paragraph 7(2) (persons to whom remuneration and travelling and other allowances may be paid), after paragraph (a) insert—
- “(aa) a person appointed as medical assessor to a social security appeal tribunal under regulations under section 61A(4) above; and”.

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1. (See end of Document for details)

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*Employment Protection (Consolidation) Act 1978 (c.44)*

F23 54 .....

**Textual Amendments**

**F23** Sch. 1 Pt. II para. 54 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

*Criminal Justice Act 1991 (c.53)*

- 55 In section 24(4) of the Criminal Justice Act 1991 (recovery of fines, &c. by deduction from income support: interpretation), in the definition of “income support” for “sickness or invalidity” substitute “or incapacity”.

*Pension Schemes Act 1993 (c.48)*

- 56 (1) Section 46 of the Pension Schemes Act 1993 (effect of entitlement to guaranteed minimum pensions on payment of social security benefits) is amended as follows.
- (2) In subsection (1), for “, a widow’s pension or a widower’s invalidity pension” substitute “ or a widow’s pension ”.
- (3) Omit subsection (2).
- (4) For subsection (3) substitute—
- “(3) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to long-term incapacity benefit under section 30A of the Social Security Contributions and Benefits Act 1992,
- for that period an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions shall be deducted from any increase payable under regulations under section 30B(7) of that Act and he shall be entitled to such an increase only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.”.
- (5) In subsection (6), omit paragraph (b)(i).
- (6) In subsection (8), omit paragraph (a) and the word “and” immediately following it.
- (7) Omit subsection (9).
- 57 In section 47(1) of the Pension Schemes Act 1993 (further provisions concerning entitlement to guaranteed minimum pensions for the purposes of section 46), omit the words from “in any case” to “construed”.
- 58 In section 48(2) of the Pension Schemes Act 1993 (reduced benefits where minimum payments or minimum contributions paid), for “sections 34(4) and” substitute “ section ”.



**Changes to legislation:**

There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, SCHEDULE 1.