
STATUTORY INSTRUMENTS

1995 No. 310

**The Social Security (Incapacity Benefit)
(Transitional) Regulations 1995**

PART III

**PROVISIONS FOR THE TRANSITION TO
INCAPACITY BENEFIT FROM SICKNESS BENEFIT**

Increase of rate of a transitional award of short-term incapacity benefit for adult dependants

15.—(1) Subject to paragraph (7), where at any time during a period of 56 days immediately before the appointed day—

- (a) an increase of sickness benefit under Part IV of the 1992 Act was payable to a person for a spouse who was an adult dependant; and
- (b) on the appointed day he becomes entitled to a transitional award of short-term incapacity benefit under regulation 11,

an amount equal to that increase shall be payable.

(2) Where, as a consequence of a review under section 150 of the Administration Act in the tax year 1994–1995, the amounts specified in column (3) of paragraph 1A of Part IV of Schedule 4 to the 1992 Act^{M1} are increased, the increase payable under paragraph (1) shall likewise be increased by an equal amount; and thereafter an increase payable under paragraph (1) shall be an amount equal to the appropriate amount specified in column (3) of paragraph 1A of Part IV of Schedule 4 to the 1992 Act.

(3) Subject to the following provisions, an increase under paragraph (1) shall continue to be payable provided that—

- (a) the spouse is residing with the beneficiary; or
- (b) the beneficiary is contributing to the maintenance of his spouse at the weekly rate equal to or greater than the rate of the increase.

(4) The provisions in Part I (general) and Part III (adults), save for regulation 9(1)(a) and (b) of that Part, of the Increases for Dependants Regulations shall apply to an increase under paragraph (1) as they apply to an increase made by virtue of section 86A of that Act^{M2}.

(5) A person shall cease to be entitled to an increase under paragraph (1) when no increase of sickness benefit or short-term incapacity benefit has been paid or payable for a period of at least 57 continuous days.

(6) In calculating the period referred to in paragraph (5) the days of entitlement to disability working allowance or the days of attendance on a training course of a type referred to in section 30C(6) of the 1992 Act^{M3} or regulation 13(2) shall not be taken into account.

(7) Where a person is entitled to an increase under paragraph (1) and section 30B(4) of the 1992 Act applies to him the amount of the increase shall be equal to the rate specified in Schedule 4, Part IV, paragraph 2, column (3) of the 1992 Act.

(8) In a case where paragraph (7) applied, the increase shall continue to be payable if, when the transitional award of short-term incapacity benefit is terminated, he immediately becomes entitled to long-term incapacity benefit under section 30A(5) of that Act and he continues to satisfy the conditions in section 30B(4)(a) and (b); and this regulation shall continue to apply to that increase.

(9) Where a person becomes entitled to an increase under paragraph (1), he shall not be entitled to an adult dependency increase to which he would, but for this provision, be entitled under the Increases for Dependents Regulations.

Marginal Citations

- M1** Paragraph 1A of Part IV of Schedule 4 was inserted into the Social Security Contributions and Benefits Act 1992 by section 2(6) of the Social Security (Incapacity for Work) Act 1994.
- M2** Section 86A was inserted into the Social Security Contributions and Benefits Act 1992 by section 2(5) of the Social Security (Incapacity for Work) Act 1994.
- M3** Section 30C(6) was inserted into the Social Security Contributions and Benefits Act 1992 by section 3(1) of the Social Security (Incapacity for Work) Act 1994.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Incapacity Benefit) (Transitional) Regulations 1995, Section 15.