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STATUTORY RULES OF NORTHERN IRELAND

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**1994 No. 461**

**The Social Security (Incapacity Benefit)  
Regulations (Northern Ireland) 1994**

**Part III**

**Rate of Incapacity Benefit**

**Increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date**

**9. —**

(1) The weekly rate of long-term incapacity benefit under section 30A(1) (incapacity benefit: entitlement) in relation to a period of incapacity for work shall be increased—

- (a) by the higher amount specified in paragraph (2)(a) if on the qualifying date the beneficiary was under the age of 35; and
- (b) by the lower amount specified in paragraph (2)(b) if on the qualifying date the beneficiary had attained the age of 35 but was under the age of 45.

(2) The amounts referred to in paragraph (1) are—

- (a) higher amount ... .. £12·15; and
- (b) lower amount ... .. £6·10.

**Qualifying date for entitlement to increased rate of incapacity benefit — previous entitlement to statutory sick pay**

**10.** For the purposes of regulation 9 the qualifying date in relation to a person to whom regulation 6 applies shall be the first day in the period of entitlement mentioned in paragraph (1) (a) of that regulation.

**Qualifying date for entitlement to increased rate of incapacity benefit — members of the armed forces**

**11. —**

(1) If, for the purposes of regulation 9, the qualifying date in relation to a person would have been earlier than that specified in section 30B(7) (incapacity benefit: rate) but for the fact that on that earlier date he was a serving member of the forces, the qualifying date in relation to him shall nevertheless be that earlier date.

(2) In this regulation “serving member of the forces” has the same meaning as in regulation 1(2) of the Social Security (Contributions) Regulations 1979(2), except that it does not include a person who

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(1) Section 30A is inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 with effect from 13th April 1995

(2) S.I.1979/591; relevant amending instruments are S.I. 1980/1975 and S.I. 1994/1553

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*Status: This is the original version (as it was originally made).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

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falls within that definition by reason only of the fact that he was undergoing training or instruction for a continuous period of not more than 72 hours in any of the forces specified in paragraphs 2 to 9 of Part I of Schedule 3 to those regulations.

**Qualifying date for entitlement to increased rate of incapacity benefit — widows**

**12.** If, for the purposes of regulation 9, the qualifying date in relation to a person who was entitled to a widow's allowance would have been earlier than that specified in section 30B(7), if in respect of that earlier date she had claimed short-term incapacity benefit and had satisfied the contribution conditions for that benefit specified in paragraph 2 of Schedule 3(3) (short-term incapacity benefit), the qualifying date in relation to her shall nevertheless be that earlier date.

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(3) Paragraph 2 of Schedule 3 is amended by Articles 3(2) and 5(2) of, and paragraph 38(2) of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 with effect from 13th April 1995