
STATUTORY INSTRUMENTS

1994 No. 2943

SOCIAL SECURITY

**The Social Security (Claims and Payments)
Amendment (No. 2) Regulations 1994**

Made - - - - *21st November 1994*
Laid before Parliament *24th November 1994*
Coming into force - - *13th April 1995*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(a), (f), and (i), 7(1) and 189(1), (4) and (6) of the Social Security Administration Act 1992⁽¹⁾ and section 12 of the Social Security (Incapacity for Work) Act 1994⁽²⁾ and of all other powers enabling him in that behalf, by this instrument which contains regulations made before the end of the period of 6 months beginning with the coming into force of section 12 of the Social Security (Incapacity for Work) Act 1994, the Social Security Advisory Committee having agreed that proposals to make these Regulations, in so far as they would otherwise be required to be referred to it, need not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 and shall come into force on 13th April 1995.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered paragraph, regulation or Schedule is a reference to the paragraph, regulation or Schedule bearing that number in the Social Security (Claims and Payments) Regulations 1987⁽⁴⁾.

Amendment of regulation 3

2. Paragraph (f) of regulation 3 (claims not required for entitlement to benefit in certain cases) shall be omitted.

(1) 1992 c. 5.

(2) 1994 c. 18.

(3) See section 173(1)(b), (5)(a) and (7) of the Social Security Administration Act 1992; section 173(7) defines “regulations”.

(4) S.I.1987/1968; relevant amending instruments are S.I. 1988/522, 1989/136, 1989/1642, 1989/1686, 1990/2208, 1992/247, 1992/1026, 1993/1113.

Amendment of regulation 10

3. In regulation 10 (claim for sickness benefit etc. where no entitlement to statutory sick pay or statutory maternity pay), for the words before the words “or severe disablement allowance” there shall be substituted the words—

“Claim for incapacity benefit or severe disablement allowance where no entitlement to statutory sick pay or statutory maternity pay

10.—(1) Paragraph (2) applies to a claim for incapacity benefit”.

Amendment of regulation 11

4. In regulation 11 (special provisions where it is certified that a woman is expected to be confined or where she has been confined), for the words “sickness or invalidity benefit” in both places where they occur there shall be substituted the words “incapacity benefit”.

Amendment of regulation 15

5. In paragraph (5) of regulation 15 (advance notice of retirement and claim for and award of pension), for the words “sickness, invalidity” there shall be substituted the words “incapacity benefit”.

Amendment of regulation 16

6. In paragraph (4) of regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate), for the words “sickness benefit, invalidity benefit” there shall be substituted the words “incapacity benefit”.

Amendment of regulation 18

7. In paragraph (2) of regulation 18 (duration of disallowance) the words “sickness benefit, invalidity benefit or severe disablement allowance has the same meaning as in paragraph 2(c) of Schedule 4 and a “continuation claim” for” shall be omitted.

Amendment of regulation 21

8. In paragraph (6) of regulation 21 (direct credit transfer), for the words “sickness benefit, invalidity benefit” there shall be substituted the words “incapacity benefit”.

Substitution of regulation 24

9. For regulation 24 (unemployment benefit, sickness or invalidity benefit, maternity allowance and severe disablement allowance) there shall be substituted the following regulation—

“Unemployment benefit, incapacity benefit, maternity allowance and severe disablement allowance

24.—(1) Subject to regulation 21 and paragraphs (2) and (3), unemployment benefit, incapacity benefit and severe disablement allowance shall be paid fortnightly in arrears unless, in any particular case, the Secretary of State arranges otherwise.

(2) Subject to regulation 21 and paragraph (3), incapacity benefit and severe disablement allowance shall be paid weekly in arrears where—

- (a) immediately before 13th April 1995 a person was entitled to sickness benefit, invalidity benefit or severe disablement allowance and—
 - (i) in the case of severe disablement allowance, there has been no break in the entitlement to that benefit on or after that date;
 - (ii) in the case of sickness benefit and invalidity benefit, there has been no break in the entitlement to incapacity benefit on or after that date;
- (b) a claim for incapacity benefit or severe disablement allowance is made on or after 13th April 1995 and immediately before the date of the claim income support on the grounds of incapacity for work was being paid weekly.
- (3) If the weekly amount of incapacity benefit or severe disablement allowance is less than £1.00 it may be paid in arrears at intervals of 4 weeks.
- (4) Maternity allowance shall be paid on Friday in the week for which it is payable unless in any particular case the Secretary of State arranges otherwise.”.

Amendment of Schedule 1

10.—(1) Part 1 of Schedule 1 (other benefit which may be treated as if claimed in addition or in the alternative to the benefit claimed) shall be amended in accordance with the following provisions of this regulation.

(2) For the words “Sickness benefit” and “Invalidity benefit” in column (1) and for the respective entries opposite those words in column (2) there shall be substituted—

“Incapacity benefit	Severe disablement allowance.”.
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(3) For the entry in column (2) opposite the words “Unemployment benefit” in column (1) there shall be substituted—

“Unemployability supplement or invalid care allowance.”.

(4) For the entry in column (2) opposite the words “Severe disablement allowance” in column (1) there shall be substituted—

“Incapacity benefit.”.

(5) For the entry in column (2) opposite the words “An increase of unemployment benefit” in column (1) there shall be substituted—

“An increase of invalid care allowance.”.

(6) For the words “Sickness benefit for a woman” and “Invalidity benefit for a woman” in column (1) and for the respective entries opposite those words in column (2) there shall be substituted—

“Incapacity benefit for a woman	Maternity allowance.”.
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(7) For the entry in column (2) opposite the words “Maternity allowance” in column (1) there shall be substituted—

“Incapacity benefit or severe disablement allowance.”.

(8) For the words “An increase of sickness benefit or invalidity pension” in column (1) there shall be substituted—

“An increase of incapacity benefit.”.

(9) For the entry in column (2) opposite the words “An increase of severe disablement allowance” in column (1) there shall be substituted—

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“An increase of incapacity benefit.”.

Amendment of Schedule 3

11.—(1) Schedule 3 (duration of disallowance) shall be amended in accordance with the following provisions of this regulation.

(2) For the words “Sickness benefit or unemployment benefit.”, in column (1) and for the entry opposite those words in column (2) there shall be substituted—

“Unemployment benefit.	The contribution condition in paragraph 1(2) of Schedule 3 to the Social Security Contributions and Benefits Act 1992 is not satisfied; or
	although that condition is satisfied, the contribution condition in paragraph 1(3) of that Schedule is not satisfied.”.

(3) The words “Invalidity benefit.” and “Severe disablement allowance.” in column (1) and the respective entries opposite those words in column (2) shall be omitted.

Amendment of Schedule 4

12. For paragraph 2 of Schedule 4 (prescribed times for claiming benefit) there shall be substituted the following paragraph—

“2. Incapacity benefit or severe disablement allowance.	The day in respect of which the claim is made and the period of 1 month immediately following it.”.
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Amendment of Schedule 5

13. In paragraph 2 of Schedule 5 (variation of prescribed times under Schedule 4), for the words before the words “or severe disablement allowance” there shall be substituted the words—

“Incapacity benefit or severe disablement allowance claimed by hospital in-patient

2.—(1) Where it is being determined whether the provisions of regulation 19(2) (good cause) have been satisfied by a person who is, or has been, an in-patient in a hospital and who makes a claim for incapacity benefit”.

Amendment of Schedule 7

14.—(1) Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (b) of paragraph 2, for the words “sickness or invalidity benefit or severe disablement allowance and is not a person to whom section 23 of the Social Security Act 1986 (trade disputes) applies” there shall be substituted the words “incapacity benefit or severe disablement allowance and is not a person to whom section 126 of the Social Security Contributions and Benefits Act 1992 (trade disputes) applies”.

(3) In paragraph 3—

- (a) in sub-paragraph (1), after the words “Subject to” there shall be inserted the words “sub-paragraph (1A) and to”;
 - (b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—
 - “(1A) Subject to sub-paragraph (2), where income support is paid to a person on the grounds of incapacity for work, that entitlement commenced on or after 13th April 1995, and no relevant social security benefit is paid to that person, the income support shall be paid fortnightly in arrears.”.
- (4) In paragraph 4, in the definition of “relevant social security benefit”, for the words “sickness benefit, invalidity benefit” there shall be substituted the words “incapacity benefit”.

Amendment of Schedule 9

15. In paragraph 1 of Schedule 9 (deductions from benefit and direct payment to third parties), in the definition of “specified benefit”, for the words “sickness or invalidity benefit” there shall be substituted the words “incapacity benefit”.

Amendment of Schedule 9A

16. In sub-paragraph (1) of paragraph 5 of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders), for the words “sickness benefit, invalidity benefit” there shall be substituted the words “incapacity benefit”.

Signed by authority of the Secretary of State for Social Security.

21st November 1994

William Hague
Minister of State,
Department of Social Security

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Claims and Payments) Regulations 1987 (“the principal Regulations”).

Regulations 2, 3, 4, 5, 6, 8, 10 (other than paragraphs (3) and (5)), 13, 14(2) and (4), 15 and 16 are wholly consequential on the enactment of the Social Security (Incapacity for Work) Act 1994 and are made before the end of the period of 6 months beginning with the coming into force of section 12 of that Act. These regulations (other than regulation 2) substitute references to incapacity benefit for references to sickness benefit or invalidity benefit in the principal Regulations; regulation 2 revokes a provision specific to invalidity benefit.

Regulations 7 and 11 amend regulation 18 of and Schedule 3 to the principal Regulations to provide that the provisions on the disallowance of continuation claims which apply to sickness benefit and invalidity benefit are not carried forward into incapacity benefit and also cease to apply to severe disablement allowance.

Regulations 9 and 14(3) substitute a new regulation 24 of and amend Schedule 7 to the principal Regulations to provide that awards of incapacity benefit, severe disablement allowance and income support in cases of incapacity for work shall be paid fortnightly where entitlement commences on or after 13th April 1995.

Regulation 10(3) and (5) amends Schedule 1 to the principal Regulations to provide that claims for unemployment benefit may not be treated as claims for any benefit other than unemployability supplement or invalid care allowance.

Regulation 12 amends Schedule 4 to the principal Regulations by providing a one month time limit for both new and repeat claims for incapacity benefit and severe disablement allowance.

These Regulations impose no costs on business.