1996 No. 3207

SOCIAL SECURITY

The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996

Made - - - -	*19th December 1996*
Coming into force	*6th January 1997*

Whereas a draft of this instrument was laid before Parliament in accordance with sections 4(12), 6(3) and 7(5) of the Social Security (Incapacity for Work) Act 1994**(a)** and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 171A, 171C, 171D, 171E, 171G(2) and 175(2) to (4) of the Social Security Contribution and Benefits Act 1992**(b)**, sections 73 and 191 of the Social Security Administration Act 1992**(c)** and sections 4, 7 and 12 of the Social Security (Incapacity for Work) Act 1994 and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations need not be referred to it**(d)**, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 and shall come into force on 6th January 1997.

(2) In these Regulations—

"the Incapacity General Regulations" means the Social Security (Incapacity for Work) (General) Regulations 1995**(e)**;

"the Incapacity Transitional Regulations" means the Social Security (Incapacity Benefit) (Transitional) Regulations 1995**(f)**; and

"the Overlapping Benefits Regulations" means the Social Security (Overlapping Benefits) Regulations 1979**(g)**.

(a) 1994 c.18.

(b) 1992 c.4. Sections 171A and 171C were inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), section 5; and sections 171D, 171E and 171G were inserted by section 6(1) of that Act. Section 171G(2) is cited because of the meaning assigned to the word "prescribed".

(c) 1992 c.5. Section 73 was amended by the Jobseekers Act 1995 (c.18), Schedule 2, paragraph 49. Section 191 is cited because of the meaning assigned to the word "prescribe".

(d) *See* the Social Security Administration Act 1992 (c.5), section 173(1)(b).

(e) S.I. 1995/311, to which there are amendments not relevant to this regulation.

(f) S.I. 1995/310, to which there are amendments not relevant to this regulation.

(g) S.I. 1979/597, to which there are amendments not relevant to this regulation.

[Regulation 2 amends regulations 2, 10, 13, 16, 18, 25, 26, 27, 28 of and the Schedule to S.I. 1995/311.]

[Regulation 3 amends regulations 11, 17, 18 and 31 of S.I. 1995/310.]

[Regulation 4 amends regulation 4 of S.I. 1979/597]

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

Alistair Burt
Minister of State,
Department of Social Security

19th December 1996

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. 1995/311) ("the Incapacity General Regulations"), the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (S.I. 1995/310) ("the Incapacity Transitional Regulations") and the Social Security (Overlapping Benefits) Regulations 1979 (S.I. 1979/597) ("the Overlapping Benefits Regulations").

The Incapacity General Regulations are amended to make certain clarifications and to correct minor errors (regulation 2(2), (3), (4), (5), (6), (7), (8), (10) and (11)); and to make provision consistent with adjudication in respect of the exceptional circumstances for which a person who fails the all work test is to be treated as incapable of work (regulation 2(9)).

The Incapacity Transitional Regulations are amended to make certain clarifications and to correct minor errors (regulation 3(2) to (5)).

The Overlapping Benefits Regulations are amended to make it clear that additional rate under the Incapacity Transitional Regulations is to be treated in the same way as additional pension (regulation 4).

These Regulations do not impose a charge on business.