
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 41

**The Social Security (Incapacity for Work)
(General) Regulations (Northern Ireland) 1995**

**PART I
GENERAL**

Citation and commencement

1. These regulations may be cited as the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 and shall come into operation on 13th April 1995.

Interpretation

2.—(1) In these regulations—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“the Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(1);

“activity” means an activity specified in column (1) of Parts I and II of the Schedule;

“adjudication officer” means an officer appointed in accordance with section 36(1) of the Administration Act;

“the all work test” means the test defined in Part III;

“benefit” does not include statutory sick pay or industrial injuries benefit;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple the other member of that couple;

“confinement” has the meaning given to by section 167(1) of the Contributions and Benefits Act(2);

“descriptor” means, in relation to an activity, the descriptor in column (2) of Parts I and II of the Schedule which describes a person’s ability to perform that activity;

“disability appeal tribunal” means a tribunal constituted under section 41 of the Administration Act;

(1) S.R. 1976 No. 175; amended by S.R. 1982 No. 153, S.R. 1987 No. 117, S.R. 1992 No. 83 and S.R. 1994 No. 468

(2) Section 167(1) is amended by Article 4(b) of the Still-Birth (Definition) (Northern Ireland) Order 1992 (S.I. 1992/1310 (N.I. 10))

“the Disability Living Allowance Advisory Board” means the board referred to in section 152(1) of the Administration Act;

“doctor” means a registered medical practitioner not being the claimant;

“the own occupation test” means the test defined in section 167B;

“social security appeal tribunal” means a tribunal constituted under section 39 of the Administration Act;

“spell of incapacity” has the meaning given to it by section 167B(3);

“voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association;

“volunteer” means a person who is engaged in voluntary work with a charity or voluntary organisation, or who is engaged in voluntary work otherwise than for a close relative, where the only payment received by him or due to be paid to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in connection with that work;

“week” means any period of 7 days.

(2) In these regulations, any reference to a numbered section is to the section of the Contributions and Benefits Act bearing that number.

(3) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these regulations as it applies to a Measure of the Assembly.

Application

3. These regulations do not apply for the purposes of Part V (benefit for industrial injuries) or Part XI (statutory sick pay) of the Contributions and Benefits Act.