
STATUTORY INSTRUMENTS

1994 No. 2947

SOCIAL SECURITY

The Social Security (Severe Disablement Allowance) Amendment Regulations 1994

<i>Made</i>	- - - -	<i>21st November 1994</i>
<i>Laid before Parliament</i>		<i>24th November 1994</i>
<i>Coming into force</i>	- -	<i>13th April 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 68(11) (b), (c) and (d) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and section 12(1) 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 only regulations consequential upon the latter Act and which is made before the end of the period of six months beginning with the coming into force of that enactment⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Severe Disablement Allowance) Amendment Regulations 1994 and shall come into force on 13th April 1995.

Amendment of the Social Security (Severe Disablement Allowance) Regulations 1984

2.—(1) The Social Security (Severe Disablement Allowance) Regulations 1984⁽⁴⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation)—

(a) for paragraph (1A) there shall be substituted the following paragraph—

“(1A) In these Regulations—

“councillor” has the same meaning as in section 171F(2) of the Contributions and Benefits Act⁽⁵⁾; and

(1) 1992 c. 4.

(2) 1994 c. 18.

(3) See the Social Security Administration Act 1992 (c. 5), section 173(5).

(4) S.I.1984/1303. The relevant amending instruments are S.I. 1986/1933, 1989/1687, 1992/585, 1993/3194 and 1994/1101.

(5) Section 171F was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 6(1).

“councillor’s allowance” has the same meaning as in section 30E(2) of the Contributions and Benefits Act⁽⁶⁾”; and

(b) for paragraph (3) of that regulation there shall be substituted the following paragraph—

“(3) In determining whether a day falls within a period of incapacity for work, the provisions of section 30C of the Contributions and Benefits Act⁽⁷⁾ (incapacity benefit: days and periods of incapacity for work) and of any regulations made under section 30C(3) and (4) shall have effect for the purposes of severe disablement allowance as they have effect for the purposes of incapacity benefit.”.

(3) In paragraph (3) of regulation 3, for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”.

(4) In regulation 6 (modification of section 68(2) and (3) of the Contributions and Benefits Act in relation to persons who have previously been entitled to a severe disablement allowance) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”.

(5) In regulation 7 (days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance)—

(a) for paragraph (1) there shall be substituted the following paragraphs—

“(1) Subject to paragraph (3), for the purposes of severe disablement allowance a person shall not be treated as incapable of work for any day which is not to be treated as a day of incapacity for work under regulation 4(1)(c) (Persons attending training courses) of the Social Security (Incapacity Benefit) Regulations 1994⁽⁸⁾.

(1A) Regulation 5 (night workers) of the Social Security (Incapacity Benefit) Regulations 1994 shall apply for the purposes of severe disablement allowance as it applies for the purposes of incapacity benefit.”; and

(b) for paragraph (2) there shall be substituted the following paragraph—

“(2) In determining for the purposes of section 68(2) or (3) of the Contributions and Benefits Act whether a person has been incapable of work for a period of not less than 196 consecutive days, a day shall not be treated as a day on which that person was incapable of work if that day was a day on which he was undergoing imprisonment or detention in legal custody and which was part of a period of imprisonment or detention of more than 6 weeks.”.

(6) In regulation 8A (severe disablement allowance for persons who are councillors), for the words “regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations” there shall be substituted the words “regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994”.

(7) In regulation 20—

(a) in paragraph (1) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”; and

(b) in paragraph (2) for the words “period of interruption of employment” there shall be substituted the words “period of incapacity for work”.

⁽⁶⁾ Section 30E was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 3(1).

⁽⁷⁾ Section 30C was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 3(1).

⁽⁸⁾ S.I. 1994/2946.

Revocations

3. Regulations 7A (treatment of duties as a councillor as a day of incapacity for work) and 9 (disqualification for severe disablement allowance) of the Social Security (Severe Disablement Allowance) Regulations 1984 are revoked.

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

21st November 1994

William Hague
Minister of State,
Department of Social Security

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to the Social Security (Severe Disablement Allowance) Regulations 1984 consequential on the passing of the Social Security (Incapacity for Work) Act 1994, which replaces sickness and invalidity benefits under the Social Security Contributions and Benefits Act 1992 with a new benefit known as incapacity benefit.