

2000 No. 590

SOCIAL SECURITY

**The Social Security (Incapacity) Miscellaneous Amendments
Regulations 2000**

Made - - - - 6th March 2000

Laid before Parliament 9th March 2000

Coming into force in accordance with regulation 1

The Secretary of State for Social Security, in exercise of the powers conferred by sections 135, 171A, 171C, 171D, 171E, 171G(2) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(a), section 4 of the Social Security (Incapacity for Work) Act 1994(b) and paragraph 3 of Schedule 5 to the Social Security Act 1998(c) by this Instrument which contains only regulations made by virtue of the provisions of the Welfare Reform and Pensions Act 1999(d) and which is made before the end of the period of six months beginning with the coming into force of those provisions(e) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Social Security (Incapacity) Miscellaneous Amendments Regulations 2000 and shall come into force for the purposes of—

- (a) this regulation and regulation 3, on 2nd April 2000; and
- (b) the remainder, on 3rd April 2000.

Amendment of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995

2. In regulation 31(4) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(f) (application of the new tests of incapacity for work), for the words “having satisfied the incapacity for work test” there shall be substituted the words “incapable of work in accordance with the personal capability assessment”.

(a) 1992 c. 4. Sections 171A and 171C were inserted by section 5 of the Social Security (Incapacity for Work) Act 1994 (c. 18) (“Incapacity for Work Act”); and section 171A was amended by paragraph 23, Part II of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c. 30) (“Welfare Reform and Pensions Act”), and section 171C was substituted by section 61 of that Welfare Reform and Pensions Act. Sections 171D, 171E and 171G were inserted by section 6(1) of that Incapacity for Work Act. Section 171G(2) is cited because of the meaning assigned to the word “prescribed”.

(b) 1994 c. 18.

(c) 1998 c. 14.

(d) 1999 c. 30.

(e) See section 173(5) of the Social Security Administration Act 1992 (c. 5).

(f) S.I. 1995/310.

Amendment of the Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999

3. Paragraph (9) of regulation 2 of the Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999(a) shall be omitted.

Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995

4. The Social Security (Incapacity for Work) (General) Regulations 1995(b) shall be amended as follows—

- (a) in regulation 17A(c) (person who claims unemployment benefit to be treated as capable of work), there shall be substituted—
 - (i) for the words “Where the all work test applies” the words “Where the question of whether a person is capable or incapable of work falls to be determined in accordance with the personal capability assessment”, and
 - (ii) for the words “satisfies that test” the words “is incapable of work in accordance with that assessment”;
- (b) in paragraphs (2)(b) and (c) of regulation 27(d) (exceptional circumstances) for the words “all work test” there shall be substituted the words “personal capability assessment”.

Amendment of the Income Support (General) Regulations 1987

5. In paragraph (3) of regulation 22A of the Income Support (General) Regulations 1987(e) (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work), for the words from “made” to “claimant” there shall be substituted the words “the first determination made in accordance with, the all work test before 3rd April 2000 or, after that date, the personal capability assessment, in relation to the claimant”.

Amendment of the Social Security (Medical Evidence) Regulations 1976

6. The Social Security (Medical Evidence) Regulations 1976(f) shall be amended as follows—

- (a) in regulation 2(g)—
 - (i) in paragraph (1), for the words “all work test” there shall be substituted the words “personal capability assessment”, and
 - (ii) in paragraph (1)(c), for the words “where the all work test applies” there shall be substituted the words “where the question of whether a person is capable or incapable of work falls to be determined in accordance with the personal capability assessment”;
- (b) in Part II of Schedule 1B (form of doctor’s statement), for the words “all work assessment” there shall be substituted “personal capability assessment”.

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

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

6th March 2000

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- (a) S.I. 1999/3109.
 - (b) S.I. 1995/311.
 - (c) Regulation 17A was inserted by S.I. 1995/987 and amended by S.I. 1996/1345.
 - (d) Regulation 27 was substituted by S.I. 1996/3207.
 - (e) S.I. 1987/1967. Regulation 22A was inserted by S.I. 1996/206.
 - (f) S.I. 1976/615.
 - (g) Regulation 2 was amended by S.I. 1982/699, 1987/409, 1992/247, 1994/2975, 1995/987 and 1999/3109.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109), and further amend the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. 1995/311), the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (S.I. 1995/310), the Social Security (Medical Evidence) Regulations 1976 (S.I. 1976/615) and the Income Support (General) Regulations 1987 (S.I. 1987/1967) in consequence of the coming into force of section 61 of the Welfare Reform and Pensions Act 1999 so that references to the all work test are changed to the personal capability assessment.

These Regulations do not impose a charge on business.

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