
STATUTORY INSTRUMENTS

2006 No. 2378

**The Social Security (Miscellaneous
Amendments) (No. 4) Regulations 2006**

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

12.—(1) The Social Security (Incapacity for Work) (General) Regulations 1995(1) are amended in accordance with paragraphs (2) to (4).

(2) For regulation 11 (person with an infectious or contagious disease) substitute—

“**11.**—(1) A person shall be treated as incapable of work on any day in respect of which he is—

(a) excluded or abstains from work pursuant to a request or notice in writing lawfully made under an enactment; or

(b) otherwise prevented from working pursuant to an enactment,

by reason of his being a carrier, or having been in contact with a case, of a relevant disease.

(2) For the purposes of paragraph (1)—

“enactment” means an enactment comprised in, or in an instrument made under—

(a) an Act; or

(b) an Act of the Scottish Parliament; and

“relevant disease” means—

(a) in England and Wales, any disease, food poisoning, infection, infectious disease or notifiable disease—

(i) to which section 20(1) of the Public Health (Control of Disease) Act 1984(2) (stopping of work to prevent spread of disease) applies; or

(ii) to which—

(aa) regulation 3 (public health enactments applied to certain diseases) of, and Schedule 1 to,

(bb) regulation 9(1) (provisions for preventing the spread of typhus and relapsing fever) of, and Schedule 3 to, or

(cc) regulation 9(2) (provisions for preventing the spread of food poisoning and food borne infections) of, and Schedule 4 to,

the Public Health (Infectious Diseases) Regulations 1988(3) apply; or

(1) [S.I. 1995/311](#). Regulation 13A was inserted by regulation 4 of [S.I. 1998/2231](#) and amended by [S.I. 1999/3109](#) and [2006/757](#). Regulation 17 was substituted by [S.I. 2006/757](#).

(2) [1984 c.22](#); section 20 was amended by section 59 of, and Schedule 3 to, the Food Safety Act 1990 (c.16).

(3) [S.I. 1988/1546](#).

- (iii) to which regulations 8 and 9 (examination, etc. of the persons on aircraft and powers in respect of persons leaving aircraft) of the Public Health (Aircraft) Regulations 1979(4) apply; or
 - (iv) to which regulations 9 and 10 (examination, etc. of the persons on ships and powers in respect of certain persons on ships) of the Public Health (Ships) Regulations 1979(5) apply; and
- (b) in Scotland, any food poisoning or infectious disease—
 - (i) to which section 71(1) of the Health Services and Public Health Act 1968(6) (compensation for stopping employment to prevent spread of disease in Scotland) applies;
 - (ii) to which—
 - (aa) regulations 8 and 9 (examination, etc. of persons on aircraft and powers in respect of persons leaving aircraft) of the Public Health (Aircraft) (Scotland) Regulations 1971(7); or
 - (bb) regulations 9 and 10 (examination, etc. of persons on ships and powers in respect of persons on ships) of the Public Health (Ships) (Scotland) Regulations 1971(8),
 apply.”.
- (3) In regulation 13A (welfare to work beneficiary)—
 - (a) at the end of paragraph (1)(b) insert “and”;
 - (b) in paragraph (1)(c) for “one week” substitute “one month”;
 - (c) omit paragraph (1)(d) and the word “and” immediately preceding it;
 - (d) for paragraph (3) substitute—

“(3) A person is not a welfare to work beneficiary under paragraph (1) if his immediate past period of incapacity for work was ended by a determination, other than a determination in the circumstances set out in paragraph (1) or (3A), that he was, or was treated as, capable of work.”;
 - (e) after paragraph (3) insert—

“(3A) The circumstances are that the person had successfully appealed against a determination made in respect of the personal capability assessment or the own occupation test in relation to his immediate past period of incapacity for work.”; and
 - (f) in paragraph (4)—
 - (i) in the definition of “linking term” for “52 weeks” substitute “104 weeks”; and
 - (ii) in the definition of “immediate past period of incapacity for work” after “means” insert “the most recent of”.
- (4) In regulation 17(3) and (4) (exempt work) for “£81.00” substitute “£86.00”.
- (5) In determining whether a person is a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995 as amended by paragraph (3), it shall be immaterial whether that person’s immediate past period of incapacity for work ended before or after the coming into force of that paragraph.

(4) S.I. 1979/1434.

(5) S.I. 1979/1435.

(6) 1968 c.46; section 71 was amended by section 64 of, and Schedule 6 to, the National Health Service (Scotland) Act 1972 (c.58) and section 180 of, and Schedule 14 to, the Local Government etc. (Scotland) Act 1994 (c.39).

(7) S.I. 1971/131.

(8) S.I. 1971/132.

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