



# Social Security (Incapacity for Work) Act 1994

## 1994 CHAPTER 18

### *Test of incapacity for work*

#### **7 Power to provide for the transition to the new test of incapacity for work.**

- (1) The Secretary of State may by regulations make such provision as appears to him to be necessary or expedient for the purposes of, or in connection with, the transition to the test of incapacity for work provided for by sections 5 and 6 above.

Nothing in the following provisions of this section shall be construed as restricting the generality of that power.

- (2) In this section—

“commencement” means the commencement of those sections; and

“prescribed” means prescribed by regulations under this section.

- (3) Regulations under this section may provide—

- (a) that days of incapacity for work before commencement, and such other days as may be prescribed, shall be taken into account for the purposes of section 171B(3) of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 (period after which the all work test applies);
- (b) that a person’s continued enjoyment after commencement of any allowance or other advantage under any provision for the purposes of which Part XIIA of the Social Security Contributions and Benefits Act 1992 applies shall, except as may be prescribed, be subject to satisfying the test of incapacity for work under that Part; and
- (c) for the determination in accordance with that Part of the question whether the person is incapable of work.

- (4) Section 175(2) to (4) of the Social Security Contributions and Benefits Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by subsection (1) above as they apply in relation to a power conferred by that Act to make regulations.

---

*Changes to legislation:* There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, Section 7. (See end of Document for details)

---

- (5) For the period of four years from Royal Assent a statutory instrument which contains (whether alone or with other provisions) any regulations under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.
- (6) A statutory instrument—
- (a) which contains (whether alone or with other provisions) any regulations made under this section, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

---

**Marginal Citations**

**M1** 1992 c. 4.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security (Incapacity for Work) Act 1994, Section 7.