
STATUTORY INSTRUMENTS

1995 No. 311

The Social Security (Incapacity for Work) (General) Regulations 1995

PART II

GENERAL PROVISIONS RELATING TO INCAPACITY FOR WORK

CHAPTER IV

TREATING AS CAPABLE, DISQUALIFICATION ETC.

Exempt work

[^{F1}17.—(1) The categories of work referred to in regulation 16(3)(e) are set out in the following paragraphs.

(2) Work for which the earnings in any week do not exceed £20.00.

(3) Work for which the earnings in any week do not exceed [^{F2}16 x National Minimum Wage, subject to paragraph (10),] and which—

(a) is part of a treatment programme and is done under medical supervision while the person doing it is an in-patient, or is regularly attending as an out-patient, of a hospital or similar institution, or

(b) is supervised by a person employed by a public or local authority or [^{F3}by a] voluntary organisation [^{F3}or community interest company] engaged in the provision or procurement of work for persons who have disabilities.

(4) Work which is done for less than 16 hours a week, for which earnings in any week do not exceed [^{F4}16 x National Minimum Wage, subject to paragraph (10),]^{F5}...

(5) Work done in the course of receiving assistance in pursuing self-employed earner's employment whilst participating in a programme provided or other arrangements made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment etc).

(6) Work done as a volunteer.

(7) [^{F6}Duties undertaken on either one full day or two half days a week] as—

^{F7}(a)

[^{F8}(b) a member of the First-tier Tribunal where the member is eligible for appointment to be such a member in accordance with article 2(3) of the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008.]

(8) In this regulation—

“less than 16 hours a week” means—

(a) subject to paragraph (b) or (c), a combined total of less than 16 hours a week,

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- (b) subject to paragraph (c), an average of less than 16 hours a week in the period which comprises that week and the 4 weeks preceding it, or
- (c) an average of less than 16 hours a week in the period of the cycle in which that week falls, where it is established that the work falls into a recognised cycle;

[^{F9}“National Minimum Wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999 (rate of the national minimum wage);]

^{F10} ...

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.]

^{F11}(9)

[^{F12}(10) Where the amount determined by the calculation in paragraphs (3) and (4) would, but for this paragraph, include an amount of–

- (a) less than 50p, that amount shall be rounded up to the nearest 50p; or
- (b) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.]

Textual Amendments

- F1** Reg. 17 substituted (10.4.2006) by Social Security (Incapacity for Work) Amendment Regulations 2006 (S.I. 2006/757), regs. 1(1), **4** (with reg. 5)
- F2** Words in reg. 17(3) substituted (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **6(4)(a)**
- F3** Words in reg. 17(3)(b) inserted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **6(4)(a)**
- F4** Words in reg. 17(4) substituted (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **6(4)(a)**
- F5** Words in reg. 17(4) omitted (3.4.2017) by virtue of The Employment and Support Allowance (Exempt Work Hardship Amounts) (Amendment) Regulations 2017 (S.I. 2017/205), regs. 1, **2(a)**
- F6** Words in reg. 17(7) substituted (1.10.2008) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2008 (S.I. 2008/2365), regs. 1, **4(2)(b)**
- F7** Reg. 17(7)(a) omitted (7.2.2013) by virtue of The Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order 2013 (S.I. 2013/252), art. 1(2), **Sch. Pt. 2**
- F8** Reg. 17(7)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 66**
- F9** Words in reg. 17(8) inserted (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **6(4)(b)**
- F10** Words in reg. 17(8) omitted (3.4.2017) by virtue of The Employment and Support Allowance (Exempt Work Hardship Amounts) (Amendment) Regulations 2017 (S.I. 2017/205), regs. 1, **2(b)**
- F11** Reg. 17(9) omitted (3.4.2017) by virtue of The Employment and Support Allowance (Exempt Work Hardship Amounts) (Amendment) Regulations 2017 (S.I. 2017/205), regs. 1, **2(c)**
- F12** Reg. 17(10) added (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **6(4)(c)**

Changes to legislation:

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Changes and effects yet to be applied to :

- reg.17(2)(a) amended by [S.I. 1996/484 reg.2](#)
- reg.17(2)(a) amended by [S.I. 1997/546 reg.2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Act modified by [S.I. 1999/1088 regs.3.4-67](#)