

## STATUTORY INSTRUMENTS

# 1995 No. 311

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

### PART III

#### [<sup>F1</sup>PERSONAL CAPABILITY ASSESSMENT]

##### Exceptional circumstances

[<sup>F1</sup>27.—(1) A person who [<sup>F2</sup>is not incapable of work in accordance with the personal capability assessment] shall be treated as incapable of work if any of the circumstances set out in paragraph (2) apply to him

(2) The circumstances are that—

- (a) he is suffering from a severe life threatening disease in relation to which—
  - (i) there is medical evidence that the disease is uncontrollable, or uncontrolled, by a recognised therapeutic procedure, and
  - (ii) in the case of a disease which is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure;
- (b) he suffers from a previously undiagnosed potentially life threatening condition which has been discovered during the course of a medical examination carried out for the purposes of the [<sup>F3</sup>personal capability assessment] by a [<sup>F4</sup>health care professional] approved by the Secretary of State;
- (c) there exists medical evidence that he requires a major surgical operation or other major therapeutic procedure and it is likely that that operation or procedure will be carried out within three months of the date of a medical examination carried out for the purposes of the [<sup>F3</sup>personal capability assessment].]

**F1** Reg. 27 substituted (6.1.1997) by [The Social Security \(Incapacity for Work and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/3207\)](#), regs. 1(1), **2(9)**

**F2** Words in reg. 27 substituted (3.4.2000) by [The Social Security \(Incapacity for Work\) Miscellaneous Amendments Regulations 1999 \(S.I. 1999/3109\)](#), regs. 1(1), **3(4)**

**F3** Words in reg. 27(2)(b)(c) substituted (3.4.2000) by [The Social Security \(Incapacity\) Miscellaneous Amendments Regulations 2000 \(S.I. 2000/590\)](#), regs. 1(b), **4(b)**

**F4** Words in reg. 27(2)(b) substituted (3.7.2007) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2007 \(S.I. 2007/1626\)](#), regs. 1, **3(4)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Incapacity for Work) (General) Regulations 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**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](#)