
STATUTORY INSTRUMENTS

1996 No. 3207

The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996

Amendment of the Incapacity Transitional Regulations

3.—(1) The Incapacity Transitional Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 11 (transitional awards of short-term incapacity benefit)—

(a) in paragraph (4), for the word “Where” there shall be substituted “Subject to paragraph (5), where”; and

(b) after paragraph (4) there shall be inserted—

“(5) Where paragraph (4) applies to a person whose transitional award of short-term incapacity benefit was in respect of a personal injury of a kind mentioned in section 94(1) of the 1992 Act, he shall be entitled to the long-term incapacity benefit only if his incapacity for work continues to result from that personal injury.”

(3) In regulation 17(3) (transitional awards of long-term incapacity benefit) after the word “age”, where it appears in the second place, there shall be inserted “or until the first day on which he is entitled to retirement pension, whichever date is the earlier”

(4) In regulation 18(1) (rate of long-term incapacity benefit in transitional cases)—

(a) in paragraph (1)(c), for the words “by virtue of section 34” there shall be substituted “pursuant to subsection (3) of section 34”;

(b) in paragraph (4) there shall be omitted the words from “and he shall” to the end; and

(c) in paragraph (7), after the word “age”, where it appears for the third time, there shall be inserted the words “or until the first day on which he is entitled to retirement pension, whichever date is the earlier,”

(5) In regulation 31(2) (application of the new tests of incapacity for work)—

(a) in paragraph (1), for the words from “and on” to “to him,” there shall be substituted the words “and he continues to be incapable of work on or after the appointed day, the all work test shall apply to him, but”;

(b) in paragraph (5)—

(i) in sub-paragraph (h), for the words “a doctor approved by the Secretary of State has certified that person is suffering from any of the following conditions—” there shall be substituted the words “a person is suffering from any of the following conditions, and there exists medical evidence that he is suffering from any of them—”; and

(ii) for head (viii) of sub-paragraph (h) there shall be substituted—

“(viii) a severe mental illness, involving the presence of mental disease, which severely and adversely affects a person’s mood or behaviour, and which

(1) Regulation 18 was amended by S.I.1995/987 and 1996/599.

(2) Regulation 31 was amended by S.I. 1995/987.

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severely restricts his social functioning, or his awareness of his immediate environment.”; and

(c) after paragraph (5) there shall be inserted—

“(6) In sub-paragraph (h) of paragraph (5), “medical evidence” means—

(a) evidence from a doctor approved by the Secretary of State; and

(b) evidence (if any) from any other doctor, or a hospital or similar institution,

or such part of such evidence as constitutes the most reliable evidence available in the circumstances.”