
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 4

The Social Security (Incapacity for Work) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000

Part III

Consequential Amendments

Amendment of the Social Security (Medical Evidence) Regulations

3.—(1) The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976⁽¹⁾ shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(a) the definition of “the all work test”⁽²⁾ shall be omitted; and

(b) after the definition of “doctor” there shall be inserted the following definition—

““personal capability assessment” means the assessment provided for in section 167C of the Contributions and Benefits Act;”.

(3) In regulation 2 (evidence of incapacity for work and confinement)—

(a) in paragraph (1)⁽³⁾ for “all work test” there shall be substituted “personal capability assessment”;

(b) in paragraph (1)(c) for “where the all work test applies” there shall be substituted “where the question of whether a person is capable or incapable of work falls to be determined in accordance with the personal capability assessment”; and

(c) in paragraph (2)⁽⁴⁾ for “all work test” there shall be substituted “personal capability assessment”.

(4) In Schedule 1B⁽⁵⁾—

(a) in Part I in paragraphs 1, 2 and 3 for “all work test statement” there shall be substituted “personal capability assessment statement”; and

(b) in Part II—

(i) for “all work test” in both places where it occurs there shall be substituted “personal capability assessment”; and

(ii) for “the all work assessment” there shall be substituted “the assessment”.

(1) S.R. 1976 No. 175; relevant amending regulations are S.R. 1982 No. 153, S.R. 1992 No. 83, S.R. 1994 No. 468 and S.R. 1995 No. 149

(2) The definition of “the all work test” was inserted by regulation 2(2) of S.R. 1994 No. 468

(3) Paragraph (1) was amended by regulation 2(1) of S.R. 1982 No. 153, regulation 2(2) of S.R. 1992 No. 83, regulation 2(3)(a) of S.R. 1994 No. 468 and regulation 2(2) of S.R. 1995 No. 149

(4) Paragraph (2) was amended by regulation 2(3)(b) of S.R. 1994 No. 468

(5) Schedule 1B was inserted by regulation 2(5) of S.R. 1994 No. 468 and amended by regulation 2(3) of S.R. 1995 No. 149

Amendment of the Income Support (General) Regulations

4.—(1) The Income Support (General) Regulations (Northern Ireland) 1987⁽⁶⁾ shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 22A⁽⁷⁾ (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work)—

(a) in paragraphs (1) and (3) for “all work test” there shall be substituted “personal capability assessment”; and

(b) in paragraph (3) for “application of the test to” there shall be substituted “assessment of”.

(3) In Schedule 1B⁽⁸⁾ (prescribed categories of person) in paragraph 25 for “all work test” there shall be substituted “personal capability assessment”.

Amendment of the Social Security (Incapacity Benefit) (Transitional) Regulations

5.—(1) The Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995⁽⁹⁾ shall be amended in accordance with paragraphs (2) and (3).

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

(a) in paragraph (1)⁽¹⁰⁾—

(i) for “the all work test shall apply to him” there shall be substituted “the question of whether he is capable or incapable of work shall fall to be determined in accordance with the personal capability assessment”;

(ii) for “that test” there shall be substituted “that assessment”; and

(iii) for “(the all work test)” there shall be substituted “(the personal capability assessment)”;

(b) in paragraphs (3) and (4)⁽¹¹⁾ for “shall be treated as having satisfied the incapacity for work test in accordance with regulations made under section 167C” there shall be substituted “shall be treated as being incapable of work in accordance with regulations made under section 167C”.

(3) In regulation 32 (treatment of days of incapacity arising before the appointed day) the words “(period after which the all work test applies)” shall be omitted.

⁽⁶⁾ S.R. 1987 No. 459; relevant amending regulations are S.R. 1996 No. 199

⁽⁷⁾ Regulation 22A was inserted by regulation 13 of S.R. 1996 No. 199

⁽⁸⁾ Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199

⁽⁹⁾ S.R. 1995 No. 35; relevant amending regulations are S.R. 1995 No. 149 and S.R. 1996 No. 601

⁽¹⁰⁾ Paragraph (1) was amended by regulation 3(5)(a) of S.R. 1996 No. 601

⁽¹¹⁾ Paragraph (4) was amended by regulation 3(8)(a) of S.R. 1995 No. 149