



# Social Security (Incapacity for Work) Act 1994

## 1994 CHAPTER 18

### *General*

#### **11 Consequential amendments and repeals.**

(1) The enactments mentioned in Schedule 1 have effect subject to the amendments specified there which are consequential on the provisions of this Act.

Part I contains amendments of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992; and

Part II contains amendments of the <sup>M2</sup>Social Security Administration Act 1992 and certain other enactments.

(2) The enactments mentioned in Schedule 2 are repealed to the extent specified.

#### **Modifications etc. (not altering text)**

C1 S. 11 restricted (13.4.1995) by [S.I. 1995/310, reg. 23](#)

#### **Marginal Citations**

M1 1992 c. 4.

M2 1992 c. 5.

#### **12 General power to make transitional and consequential provision.**

(1) The Secretary of State may by regulations make such transitional provision, and such consequential provision or savings, as appear to him to be necessary or expedient in preparation for or in connection with the coming into force of any provision of this Act or the operation of any enactment repealed or amended by any such provision during any period when the repeal or amendment is not wholly in force.

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

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- (2) The power conferred by subsection (1) above is not exercisable in respect of any matter for which provision may be made under section 4 (power to provide for transition to incapacity benefit) or section 7 (power to provide for the transition to new test of incapacity for work).
- (3) Section 175(2) to (4) of the <sup>M3</sup>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.
- (4) 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.

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**Marginal Citations**

**M3** 1992 c. 4.

**13 Saving for existing enactments.**

- (1) The amendments of the <sup>M4</sup>Social Security Contributions and Benefits Act 1992 made by this Act shall be treated as repealing and re-enacting with modifications the provisions of that Act relating to incapacity for work, so that, subject to any amendment, repeal or revocation—
- (a) any reference in any enactment to any such provision shall be construed as a reference to the corresponding new provision or, as the case may be, to the provision as amended by this Act; and
  - (b) subordinate legislation made under any such provision—
    - (i) shall continue in force and have effect as if made under the corresponding new provision or, as the case may be, the provision as amended by this Act, and
    - (ii) shall be construed as if originally so made.
- (2) In any enactment, subject to any amendment—
- (a) any reference to sickness benefit shall be construed as a reference to short-term incapacity benefit at the lower rate, and
  - (b) any reference to invalidity benefit or invalidity pension shall be construed as a reference to short-term incapacity benefit at the higher rate or long-term incapacity benefit.
- (3) In this section “enactment” includes an enactment contained in subordinate legislation, and “subordinate legislation” has the meaning given by section 21(1) of the <sup>M5</sup>Interpretation Act 1978.

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**Modifications etc. (not altering text)**

**C2** S. 13(2) excluded (13.4.1995) by S.I. 1995/829, reg. 25

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**Marginal Citations**

- M4** 1992 c. 4.  
**M5** 1978 c. 30.

**14 Corresponding provision for Northern Ireland.**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M6</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

- M6** 1974 c. 28.

**15 Expenses.**

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by a Minister of the Crown in consequence of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

**16 Short title, commencement and extent.**

- (1) This Act may be cited as the Social Security (Incapacity for Work) Act 1994.
- (2) The following provisions of this Act come into force on Royal Assent—  
section 14 (corresponding provision for Northern Ireland),  
section 15 (expenses), and  
this section.
- (3) The other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions and for different purposes.
- (4) Section 14 above, subsections (1) and (2) above and this subsection extend to Northern Ireland, but otherwise this Act does not extend there.

**Extent Information**

- E1** S. 16(1)(2)(4) extend to Northern Ireland; s. 16(3) does not extend there: see s. 16(4).

**Subordinate Legislation Made**

- P1** S. 16(3) power partly exercised (17.11.1994): different dates appointed for specified provisions by S.I. 1994/2926, art. 2

**Changes to legislation:**

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