
STATUTORY INSTRUMENTS

1995 No. 311

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

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity for Work) (General) Regulations 1995 and shall come into force on 13th April 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“activity” means an activity specified in column (1) of Parts I and II of the Schedule;

^{F1} ...

“the Administration Act” means the Social Security Administration Act 1992;

^{F2} ...

“benefit” does not include statutory sick pay or industrial injuries benefit;

“confinement” has the meaning given to it by section 171(1) of the Contributions and Benefits Act;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, [^{F3}or if any of the preceding persons is one member of a couple, the other member of that couple];

[^{F4}“couple” means—

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;]

“descriptor” means, in relation to an activity, the descriptor in column (2) of the Schedule which describes a person’s ability to perform that activity;

^{F5} ...

^{F6} ...

“doctor” means a registered medical practitioner^{F7}, or in the case of a medical practitioner practising outside the United Kingdom of whom the Secretary of State may request a medical

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opinion, a person registered or recognised as such in the country in which he pursues his medical practice];

[^{F8}“health care professional” means—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Care Act 1999, or
- (d) a member of such other profession, regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, prescribed by the Secretary of State in accordance with powers under section 39(1) of the Social Security Act 1998.]

[^{F9}“medical evidence”^{F10}, except in regulation 16A,] means—

- (a) evidence from a [^{F11}health care professional] approved by the Secretary of State, and
- (b) evidence (if any) from any other [^{F12}health care professional], or a hospital or similar institution,

or such part of such evidence as constitutes the most reliable evidence available in the circumstances;]

“the own occupation test” means the test defined in section 171B of the Contributions and Benefits Act;

[^{F13}“personal capability assessment” means the assessment defined in Part III of these Regulations;]

^{F1} ...

[^{F14}“relative” means a close relative, [^{F15}the other member of a couple], grandparent, grandchild, uncle, aunt, nephew or niece;]

^{F16} ...

“[^{F17}spell of incapacity]” has the meaning given to it by section 171B(3) of the Contributions and Benefits Act;

^{F18} ...

[^{F19}“volunteer” means a person who is engaged in voluntary work, otherwise than for a close relative, where the only payment received by him or due to be paid to him by virtue of being so engaged is in respect of any expenses reasonably incurred by him in connection with that work;]

“week” means any period of 7 days.

(2) In these Regulations, unless the context otherwise requires, any reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) to the Schedule is to the Schedule to these Regulations.

F1 Words in reg. 2(1) omitted (6.9.1999) by virtue of [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#) , reg. 1 , Sch. 10 para. 1

F2 Words in reg. 2(1) omitted (3.4.2000) by virtue of [The Social Security \(Incapacity for Work\) Miscellaneous Amendments Regulations 1999 \(S.I. 1999/3109\)](#), regs. 1(1), **2(1)**

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- F3** Words in reg. 2(1) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 25(a)** (with art. 3)
- F4** Words in reg. 2(1) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 45**
- F5** Words in reg. 2(1) omitted (18.10.1999) by virtue of The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 1, **Sch. 11 para. 1**
- F6** Words in reg. 2(1) 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**
- F7** Words in reg. 2(1) inserted (6.1.1997) by The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(a)**
- F8** Words in reg. 2(1) inserted (3.7.2007) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2007 (S.I. 2007/1626), regs. 1, **3(2)**
- F9** Words in reg. 2(1) inserted (6.1.1997) by The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(b)**
- F10** Words in reg. 2(1) inserted (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **6(2)**
- F11** Words in reg. 2 substituted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **6(2)**
- F12** Words in reg. 2 substituted (28.6.2010) by The Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), **regs. 1, 6(2)**
- F13** Words in reg. 2(1) inserted (3.4.2000) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109), regs. 1(1), **2(1)**
- F14** Words in reg. 2(1) inserted (6.1.1997) by The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(c)**
- F15** Words in reg. 2(1) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 25(c)** (with art. 3)
- F16** Words in reg. 2(1) omitted (6.9.1999) by virtue of The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), reg. 1, **Sch. 10 para. 1**
- F17** Words in reg. 2(1) substituted (6.1.1997) by The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(d)**
- F18** Words in reg. 2(1) omitted (6.1.1997) by virtue of The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(e)**
- F19** Words in reg. 2(1) substituted (6.1.1997) by The Social Security (Incapacity for Work and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/3207), regs. 1(1), **2(2)(f)**

Application

3. These Regulations do not apply for the purposes of Part V (benefit for industrial injuries) or Part XI (statutory sick pay) of the Contributions and Benefits Act.

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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](#)