
STATUTORY INSTRUMENTS

1995 No. 311

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

PART II

GENERAL PROVISIONS RELATING TO INCAPACITY FOR WORK

CHAPTER IV

TREATING AS CAPABLE, DISQUALIFICATION ETC.

[^{F1}Person who claims unemployment benefit to be treated as capable of work

17A. [^{F2}Where the question of whether a person is capable or incapable of work falls to be determined in accordance with the personal capability assessment], a person shall be treated as capable of work [^{F3}throughout any period in respect of which he claims a jobseeker's allowance], notwithstanding that it has been determined that he [^{F4}incapable of work in accordance with that assessment] or that he is, or is to be treated as, incapable of work under regulation 10 or 27, if [^{F5}throughout that period]—

- (a) the following conditions are satisfied, namely—
 - (i) that he has done some work or undertaken a course of education or training or similar activity in preparation for work while suffering from the specific disease or bodily or mental disablement which led to that determination; and
 - (ii) that since he did so, that disease or disablement has not worsened, nor is he suffering from any further disease or bodily or mental disablement which might affect his capacity for work; or
- (b) he is able to show that he has a reasonable prospect of obtaining employment.]

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| F1 | Reg. 17A inserted (3.4.1995) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1995 (S.I. 1995/987) , regs. 1(2), 2(6) |
| F2 | Words in reg. 17A substituted (3.4.2000) by The Social Security (Incapacity) Miscellaneous Amendments Regulations 2000 (S.I. 2000/590) , regs. 1(b), 4(a)(i) |
| F3 | Words in reg. 17A substituted (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345) , regs. 1, 20(3) |
| F4 | Words in reg. 17A substituted (3.4.2000) by The Social Security (Incapacity) Miscellaneous Amendments Regulations 2000 (S.I. 2000/590) , regs. 1(b), 4(a)(ii) |
| F5 | Words in reg. 17A substituted (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345) , regs. 1, 20(3) |

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.

[View outstanding changes](#)

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](#)