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STATUTORY INSTRUMENTS

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**2001 No. 2979**

**SOCIAL SECURITY**

**The Social Security (Incapacity)  
(Miscellaneous Amendments) Regulations 2001**

<i>Made</i>	- - - -	<i>30th August 2001</i>
<i>Laid before Parliament</i>		<i>6th September 2001</i>
<i>Coming into force</i>	- -	<i>1st October 2001</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 30E, 122(1), 171D, 171G(2) and 175(1) to (4) of, and paragraphs 2(8) of Schedule 3 and 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(1), and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee and the Industrial Injuries Advisory Council that proposals to make these Regulations should not be referred to it(2), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Incapacity) (Miscellaneous Amendments) Regulations 2001 and shall come into force on 1st October 2001.

**Amendment of the Social Security (General Benefit) Regulations 1982**

2. In regulation 16 of the Social Security (General Benefit) Regulations 1982(3) (earnings level for the purpose of unemployability supplement), for the sum of “£3,146” substitute the sum of “£3,432”.

**Amendment of the Social Security (Incapacity Benefit) Regulations 1994**

3. The Social Security (Incapacity Benefit) Regulations 1994(4) shall be amended in accordance with the following paragraphs—

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- (1) 1992 c. 4; sections 30E, 171D and 171G were inserted by sections 3(1) and 6(1) respectively of the Social Security (Incapacity for Work) Act 1994 (c. 18), paragraph 2(8) of Schedule 3 was added by section 62(4) of the Welfare Reform and Pensions Act 1999 (c. 30). Section 175(4) was amended by Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Sections 122(1) and 171G(2) are cited because of the meaning assigned to the word “prescribe”.
- (2) See sections 170, 171 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
- (3) S.I.1982/1408; the relevant amending instrument is S.I. 2001/910.
- (4) S.I. 1994/2946; regulation 2B was inserted by S.I. 2000/3120 and amended by S.I. 2001/1305 and regulation 8 was amended by S.I. 2001/910.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) in paragraph (2)(a) of regulation 2B (relaxation of the first contribution condition in certain cases)—
  - (i) delete the word “before” and insert the words “immediately preceding the relevant benefit year in which”; and
  - (ii) after the words “for work” insert the word “occurred”;
- (b) in regulation 8 (limit of earnings from councillor’s allowance), for the sum of “£60.50” substitute the sum of “£66.00”.

**Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995**

4. In paragraph (2)(a) of regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995(5) (exempt work), for the sum of “£60.50” substitute the sum of “£66.00”.

Signed by authority of the Secretary of State for Work and Pensions.

30th August 2001

*Maria Eagle*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (General Benefit) Regulations 1982 (S.I. [1982/1408](#)), the Social Security (Incapacity Benefit) Regulations 1994 (S.I. [1994/2946](#)) and the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. [1995/311](#)). Increases in amounts are consequent upon the increase in the national minimum wage which takes effect on 1st October 2001.

Regulation 2 raises from £3,146 to £3,432 per year the earnings limit which applies to industrial injuries unemployability supplement.

Regulation 3 further amends the Social Security (Incapacity Benefit) Regulations 1994. The amendments clarify the position relating to the relaxation of the first contribution condition for incapacity benefit and raise from £60.50 to £66.00 per week the limit of earnings from a councillor's allowance in relation to incapacity benefit. This figure is also relevant for the purposes of those who remain entitled to severe disablement allowance by virtue of regulation 8A of the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. [1984/1303](#)).

Regulation 4 raises from £60.50 to £66.00 per week the earnings limit for exempt work, generally known as the "therapeutic earnings limit", which applies to incapacity for work.

These Regulations do not impose any costs on business.