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STATUTORY INSTRUMENTS

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**2005 No. 2446**

**SOCIAL SECURITY**

**The Social Security (Incapacity)  
(Miscellaneous Amendments) Regulations 2005**

*Made* - - - - *31st August 2005*  
*Laid before Parliament* *8th September 2005*  
*Coming into force* - - *1st October 2005*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 30E, 122(1), 171D(2), 171G(2) and 175(1) and (3) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, 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 them<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Incapacity) (Miscellaneous Amendments) Regulations 2005 and shall come into force on 1st October 2005.

**Amendment of regulation 16 of the Social Security (General Benefit) Regulations 1982**

2. In regulation 16 of the Social Security (General Benefit) Regulations 1982<sup>(3)</sup> (earnings level for the purposes of unemployability supplement) for the amount “£4,056” there shall be substituted the amount “£4,212”.

**Amendment of regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994**

3. In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994<sup>(4)</sup> (limit of earnings from councillor’s allowance) for the amount “£78.00” there shall be substituted the amount “£81.00”.

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(1) 1992 c. 4. Section 30E was inserted by section 3(1), and sections 171D and 171G were inserted by section 6(1), of the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 175(1) was amended by, and section 175(1A) was inserted by, paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Sections 122(1) and 171G(2) are cited for the definitions of “prescribe” and “prescribed” respectively.  
(2) See sections 170, 171, 172(1) 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. 2004/2301.  
(4) S.I.1994/2946; the relevant amending instrument is S.I. 2004/2301.

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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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**Amendment of regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995**

4. In regulation 17(2)(a) of the Social Security (Incapacity for Work) (General) Regulations 1995(5) (exempt work) for the amount “£78.00” there shall be substituted the amount “£81.00”.

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

31st August 2005

*Stephen C. Timms*  
Minister of State,  
Department for Work and Pensions

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(5) [S.I.1995/311](#); the relevant amending instruments are [S.I. 2002/491](#) and [2004/2301](#).

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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).

Regulation 2 amends regulation 16 of the Social Security (General Benefit) Regulations 1982 by increasing from £4,056 to £4,212 the amount which can be earned in a year before a person is disqualified from receiving unemployability supplement to disablement pension.

Regulation 3 amends regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994 by increasing the weekly earnings limit for councillor's allowance from £78.00 to £81.00.

Regulation 4 amends regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995 by increasing from £78.00 to £81.00 the weekly limit for earnings from work which may be undertaken by a person without his being treated as being capable of work.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.