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STATUTORY INSTRUMENTS

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**1992 No. 585**

**SOCIAL SECURITY**

**The Social Security (Invalidity Benefit and Severe Disablement Allowance) Miscellaneous Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 17(1)(a)(ii), 20(2)(b), 36(7)(d)(ii) and 166(2) of, and Schedule 20 to, the Social Security Act 1975(1) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee 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 (Invalidity Benefit and Severe Disablement Allowance) Miscellaneous Amendment Regulations 1992 and shall come into force on 6th April 1992.

**Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**

2.—(1) The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(3) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2) of regulation 1 (interpretation), after the definition of “determining authority” there shall be inserted the following definition—

“disability appeal tribunal” means a tribunal constituted in accordance with Schedule 10A to the Act(4);

(3) In regulation 3 (persons deemed to be incapable of work)—

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(1) 1975 c. 14. Schedule 20 is cited for the meaning it ascribes to the word “regulations”.  
(2) See section 61(1)(b) and (10) of the Social Security Act 1986 (c. 50); the definition of “regulations” was added to section 61(10) by the Social Security Act 1989 (c. 24) Schedule 8, paragraph 12(4).  
(3) S.I. 1983/1598, to which there are amendments not relevant to these Regulations.  
(4) Schedule 10A was inserted by paragraph 16 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

- (a) in paragraph (3) at the beginning there shall be inserted the words “Subject to paragraph (4)”; and
- (b) after paragraph (3) there shall be added the following paragraphs—
  - “(4) For the purposes of determining entitlement to invalidity benefit, a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he is a member of a disability appeal tribunal, is found not to be incapable of work shall, subject to paragraph (5), be deemed to be incapable of work.
  - (5) Where a person serves as a member of a disability appeal tribunal for more than one day in any week, he shall be deemed to be incapable of work by virtue of paragraph (4) only in respect of the first day on which he so serves in that week.”.
- (4) In regulation 17 (disqualification for sickness or invalidity benefit), at the end of paragraph (1)(d)(iii) there shall be added the words “or (4)”.

#### **Amendment of the Social Security (Severe Disablement Allowance) Regulations 1984**

- 3.—(1) The Social Security (Severe Disablement Allowance) Regulations 1984(5) shall be amended in accordance with the following paragraphs of this regulation.
  - (2) In regulation 2 (interpretation) there shall be inserted after paragraph (1A) the following paragraph—
    - “(1B) In these Regulations “disability appeal tribunal” means a tribunal constituted in accordance with Schedule 10A to the Act.”.
  - (3) In regulation 9 (disqualification for severe disablement allowance), in paragraph (d)(iii)—
    - (a) at the end of head (bb) there shall be inserted the word “or”;
    - (b) after head (bb) there shall be inserted the following head—
      - “(cc) service as a member of a disability appeal tribunal on a day on which he would be deemed to be incapable of work by virtue of regulation 3(4) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983,”; and
    - (c) for the words “of either description” there shall be substituted the words “described in head (aa) or (bb)”.

Signed by authority of the Secretary of State for Social Security.

10th March 1992

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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(5) S.I. 1984/1303; relevant amending instruments are S.I. 1986/1933 and S.I. 1989/1687.

## EXPLANATORY NOTE

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

These Regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 and the Social Security (Severe Disablement Allowance) Regulations 1984 by making special provision for members of disability appeal tribunals who suffer from a specific disease or bodily or mental disablement.

Regulation 2 provides for such members to be deemed incapable of work for the purpose of invalidity benefit. This only applies in respect of the first day in any week on which a member serves on a tribunal. The Regulations provide for such service to be excluded from the provisions relating to disqualification from receiving invalidity benefit and severe disablement allowance (regulations 2(4) and 3).