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## EXPLANATORY NOTE

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

These Regulations further amend the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 in consequence of the coming into force of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (“the Order”). Those Regulations are amended so that as well as requesting information about a person’s incapacity for work the Department can request information, in the form of a questionnaire or additional information, capable of being used to assist or encourage a person to obtain work or enhance his prospects of doing so; and to change references to the all work test to references to the personal capability assessment (regulation 2).

The Regulations also amend the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976, the Income Support (General) Regulations (Northern Ireland) 1987 and the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995 to change references to the all work test to references to the personal capability assessment (regulations 3 to 5).

The Regulations make transitional provision where the all work test has been satisfied or treated as satisfied before 3rd April 2000 (regulation 6).

These Regulations are made in consequence of Article 58 of, and paragraph 22(2) of Schedule 8 to, the Order, which respectively substitute section 167C of, and insert section 167A(2A) into, the Social Security Contributions and Benefits (Northern Ireland) Act 1992. Article 58 of, and paragraph 22(2) of Schedule 8 to, the Order came into operation for the purpose only of making regulations on 1st December 1999 by virtue of Article 1(5) of the Order. In so far as not already in operation, Article 58 comes into operation on 3rd April 2000 and paragraph 22(2) of Schedule 8 came into operation on 16th December 1999 by virtue of the Welfare Reform and Pensions (1999 Order) (Commencement No. 1) Order (Northern Ireland) 1999 (S.R. 1999 No. 494 (C. 38)). Since the Regulations are made before the end of the period of 6 months from the commencement of those provisions of the Order, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 from reference to the Social Security Advisory Committee.