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STATUTORY INSTRUMENTS

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**1994 No. 1101**

**SOCIAL SECURITY**

**The Social Security (Sickness and Invalidity  
Benefit and Severe Disablement Allowance)  
Miscellaneous Amendments Regulations 1994**

<i>Made</i>	- - - -	<i>18th April 1994</i>
<i>Laid before Parliament</i>		<i>22nd April 1994</i>
<i>Coming into force</i>	- -	<i>16th May 1994</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 57(1)(a)(ii), 68(11)(e)(ii) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Sickness and Invalidity Benefit and Severe Disablement Allowance) Miscellaneous Amendments Regulations 1994 and shall come into force on 16th May 1994.

**Amendment of Regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**

2. In regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983<sup>(3)</sup> (persons deemed to be incapable of work) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to paragraph (4), a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work, may be deemed to be so incapable if that work is—

(a) either—

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(1) 1992 c. 4.

(2) See the Social Security Administration Act 1992 (c. 5.), section 172(1).

(3) S.I. 1983/1598; relevant amending instruments are S.I. 1987/688, S.I. 1992/585 and S.I. 1994/559.

- (i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or
  - (ii) work which is not so undertaken and which he has good cause for doing, and from which, in either case, his earnings do not exceed £43.00 in the week in which that work is performed; or
- (b) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.”.

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

**3.—(1)** The Social Security (Severe Disablement Allowance) Regulations 1984(4) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) after paragraph (1B) there shall be inserted—

“(1C) In these Regulations—

“voluntary body” means a body the activities of which are carried out otherwise than for the purpose of profit; and

“volunteer” means a person who is engaged in voluntary work with a charity or voluntary body, or who is engaged in voluntary work otherwise than for a member of his family, where the only payment received by him or due to be paid to him by virtue of being so engaged, is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged.”.

(3) In regulation 9(d)(iii) (disqualification for severe disablement allowance) at the end of head (cc) there shall be inserted the word “or” and after that head there shall be inserted—

“(dd) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.”.

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

18th April 1994

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

## **EXPLANATORY NOTE**

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

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 and the Social Security (Severe Disablement Allowance) Regulations 1984 by providing for persons who undertake voluntary work for less than 16 hours a week.

Regulation 2 (relating to invalidity and sickness benefit) provides for such persons to be deemed incapable of work.

Regulation 3 provides that work undertaken as a volunteer for less than 16 hours a week shall be excluded from behaviour which disqualifies a person for receiving severe disablement allowance.

These Regulations do not impose any costs on business.