
STATUTORY INSTRUMENTS

1995 No. 310

**The Social Security (Incapacity Benefit)
(Transitional) Regulations 1995**

PART II

**PROVISIONS COMMON TO THE TRANSITION TO INCAPACITY
BENEFIT FROM SICKNESS BENEFIT AND INVALIDITY BENEFIT**

Persons deemed to be incapable of work

7.—(1) A person who immediately before the appointed day is deemed to be incapable of work by virtue of regulation 3(3)(a)(ii) of the Unemployment, Sickness and Invalidity Benefit Regulations (persons deemed to be incapable of work)⁽¹⁾ shall continue to be so deemed on or after the appointed day notwithstanding that the work referred to in regulation 3(3)(a)(ii) is undertaken for 16 hours or more in the week in which it is performed.

(2) Paragraph (1) shall cease to apply—

- (a) when the period of incapacity for work comes to an end on or after the appointed day; or
- (b) when no work is undertaken for a period of not less than 57 continuous days in a period of incapacity for work.

(1) S.I.1983/1598; regulation 3 was amended by S.I. 1987/688, 1992/585, 1994/559 and 1994/1101.