
STATUTORY INSTRUMENTS

2002 No. 2311

SOCIAL SECURITY

**The Social Security (Incapacity) (Miscellaneous
Amendments) (No. 2) Regulations 2002**

<i>Made</i>	- - - -	<i>5th September 2002</i>
<i>Laid before Parliament</i>		<i>10th September 2002</i>
<i>Coming into force</i>		
<i>save for the purposes of regulation 3(2)</i>		<i>1st October 2002</i>
<i>for the purposes of regulation 3(2)</i>		<i>1st January 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 30A(6), 30E, 122(1), 171D(2), 171G(2) and 175(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(1) 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 in respect of 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 (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002 and shall come into force—

- (a) save for the purposes of regulation 3(2), on 1st October 2002; and
- (b) for the purposes of regulation 3(2), on 1st January 2003.

(1) 1992 c. 4. Section 30A was inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) (“the 1994 Act”) and amended by section 64 of the Welfare Reform and Pensions Act 1999 (c. 30). Section 30E was inserted by section 3(1) of the 1994 Act. Sections 171D and 171G were inserted by section 6(1) of the 1994 Act. Section 175(1) and (4) was amended 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 “prescribed”.

(2) See sections 170, 171 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

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

2. In regulation 16 of the Social Security (General Benefit) Regulations 1982⁽³⁾ (earnings level that does not disqualify for unemployability supplement) for the sum “£3,432” there shall be substituted the sum “£3,510”.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

3.—(1) In regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994⁽⁴⁾ (limit of earnings from councillor’s allowance) for the sum “£66.00” there shall be substituted the sum “£67.50”.

(2) In regulation 18(4) of those Regulations (re-claim of incapacity benefit after absence from Great Britain by claimant incapacitated in youth)—

(a) sub-paragraph (c) shall be omitted;

(b) for sub-paragraph (d) there shall be substituted—

“(d) who made his claim for benefit on a day not later than 3 months from the end of the period of 196 days described in sub-paragraph (b).”.

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 sum “£66.00” there shall be substituted the sum “£67.50”.

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

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

5th September 2002

(3) S.I. 1982/1408; the relevant amending instrument is S.I. 2001/2979.

(4) S.I. 1994/2946; regulation 8 was amended by S.I. 2001/2979, and regulation 18 was inserted by S.I. 2000/3120.

(5) S.I. 1995/311; relevant amending instruments are S.I. 2001/2979 and 2002/491.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (General Benefit) Regulations 1982, the Social Security (Incapacity Benefit) Regulations 1994 and the Social Security (Incapacity for Work) (General) Regulations 1995.

Regulation 2 amends regulation 16 of the Social Security (General Benefit) Regulations 1982 by increasing from £3,432 to £3,510 the amount which can be earned before disqualification from unemployability supplement.

Regulation 3 amends regulation 8 of the Social Security (Incapacity Benefit) Regulations 1994 by increasing the earnings limit for councillor's allowance from £66.00 to £67.50. It also amends regulation 18 to allow a person who was previously entitled to incapacity benefit in youth to become entitled again after returning from an unlimited absence abroad.

Regulation 4 amends regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995 by increasing from £66.00 to £67.50 the weekly limit for earnings from work which may be undertaken by a person without his being treated as being capable of work.

These Regulations do not impose any costs on business.