
STATUTORY INSTRUMENTS

2006 No. 757

The Social Security (Incapacity for Work) Amendment Regulations 2006

Amendment of regulation 17 of the principal Regulations

4. For regulation 17 of the principal Regulations (exempt work) substitute—

“**17.**—(1) The categories of work referred to in regulation 16(3)(e) are set out in the following paragraphs.

(2) Work for which the earnings in any week do not exceed £20.00.

(3) Work for which the earnings in any week do not exceed £81.00 and which—

(a) is part of a treatment programme and is done under medical supervision while the person doing it is an in-patient, or is regularly attending as an out-patient, of a hospital or similar institution, or

(b) is supervised by a person employed by a public or local authority or voluntary organisation engaged in the provision or procurement of work for persons who have disabilities.

(4) Work which is done for less than 16 hours a week, for which earnings in any week do not exceed £81.00 and which—

(a) is done during a 52 week period beginning on the first day on which the work is done, provided that—

(i) the person has not previously done specified work,

(ii) since the beginning of the last period of specified work, he has ceased to be entitled to a relevant benefit for a continuous period exceeding 8 weeks, or

(iii) not less than 52 weeks have elapsed since he previously did specified work;
or

(b) is done by a person who is treated as incapable of work under—

(i) regulation 10 (persons with a severe condition treated as incapable of work),
or

(ii) regulation 31(3) and (5)(c) to (k) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995⁽¹⁾ (persons treated as incapable of work).

(5) Work done in the course of receiving assistance in pursuing self-employed earner’s employment whilst participating in a programme provided or other arrangements made under section 2 of the Employment and Training Act 1973⁽²⁾ (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽³⁾ (functions in relation to training for employment etc).

(1) S.I.1995/310. Relevant amending instruments are S.I. 1995/987, 1996/3207, 1998/22311999/3109.

(2) 1973 c. 50; section 2 was amended by section 25(1) of the Employment Act 1988 (C.19); section 29(4) and Schedule 7; Part I of the Employment Act 1989 (c. 38) and section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(3) 1990 c.35; section 2 was amended by sections 47 and 51 of, and Schedule 10 to, the Trade Union Reform and Reform and Employment Rights Act 1993 and by S.I. 1999/1820.

- (6) Work done as a volunteer.
- (7) Duties undertaken on not more than one day a week as—
- (a) a member of the Disability Living Allowance Advisory Board, or
 - (b) a panel member with a disability qualification, as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽⁴⁾, acting as a member of an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998⁽⁵⁾.
- (8) In this regulation—
- “less than 16 hours a week” means—
- (a) subject to paragraph (b) or (c), a combined total of less than 16 hours a week,
 - (b) subject to paragraph (c), an average of less than 16 hours a week in the period which comprises that week and the 4 weeks preceding it, or
 - (c) an average of less than 16 hours a week in the period of the cycle in which that week falls, where it is established that the work falls into a recognised cycle;
- “relevant benefit” means—
- (a) incapacity benefit, severe disablement allowance, income support, housing benefit or council tax benefit under the Contributions and Benefits Act, or
 - (b) credits under regulations under section 22(5) of that Act,
- in connection with the entitlement to which the question of the person’s capacity or incapacity for work arises under that Act;
- “specified work” means—
- (a) work done in accordance with paragraph (4)(a), or
 - (b) work done in accordance with regulation 17(1A)⁽⁶⁾ as then in force;
- “voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.”.

⁽⁴⁾ S.I. 1999/991, to which there are amendments not relevant to these Regulations.

⁽⁵⁾ 1998 c. 14.

⁽⁶⁾ Regulation 17(1A) was in force from 8th April 2002 to 9th April 2006.