STATUTORY RULES OF NORTHERN IRELAND

2005 No. 15

SOCIAL SECURITY

The Social Security (Incapacity for Work) (General) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*13th January 2005*
Coming into operation	*10th February 2005*

The Department for Social Development, in exercise of the powers conferred by sections 167D(1) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity for Work) (General) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 10th February 2005.

Amendment of the Social Security (Incapacity for Work) (General) Regulations

2. For regulation 27 of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**4**) (exceptional circumstances) there shall be substituted the following regulation –

"**27.** A person who is not incapable of work in accordance with the personal capability assessment shall be treated as incapable of work if –

(a) he suffers from a previously undiagnosed potentially life-threatening condition;

(b) he suffers from some specific disease or bodily or mental disablement and, by reason of such disease or disablement, there would be a substantial risk to the mental or physical health of any person if he were found capable of work;

(c) he suffers from a severe uncontrolled or uncontrollable disease; or

(**1**) 1992 c. 7; section 167D was inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(**4**) S.R. 1995 No. 41; relevant amending regulations are S.R. 1996 No. 601 and S.R. 2000 No. 4