

## 1986 No. 266

## SOCIAL SECURITY

**The Social Security (Unemployment Benefit) and Supplementary Benefit (Amendment) Regulations (Northern Ireland) 1986**

Made . . . . . 11th August 1986

Coming into operation . . . . . 1st September 1986

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 17(2)(a) of the Social Security (Northern Ireland) Act 1975(a) and Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Unemployment Benefit) and Supplementary Benefit (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 1st September 1986.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984*

2. In regulation 7(1) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(d) (days not to be treated as days of unemployment or incapacity for work) for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) where a person—

- (i) has failed to comply with a written notice given or sent to him by or on behalf of the Department or the Department of Economic Development requesting him to report to an officer of the Department or the Department of Economic Development at a time and place and on a day specified in the notice for an interview in connection with his prospects of employment; and
- (ii) within 14 days of the date on which that person fails to comply with the requirements of that notice a further notice is given or sent to him by or on behalf of the Department or, as the case may be, the Department of Economic Development requesting him to report to such an officer at a time and place and on a day specified in the further notice for the purpose of such an interview; and
- (iii) that person fails without good cause to comply with the requirements of that further notice,

(a) 1975 c. 15

(b) S.I. 1977/2156 (N.I. 27); Article 7 was substituted by Article 31(1) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

(c) 1954 c. 33 (N.I.)

(d) S.R. 1984 No. 245; to which there are amendments not relevant to these regulations

then the day specified in the further notice and any subsequent day falling before a day on which that person reports to such an officer at the specified place for such an interview, or before a day on which the Department or, as the case may be, the Department of Economic Development rescinds the further notice (whichever event first occurs) shall not be treated as a day of unemployment;”.

*Amendment of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981*

3.—(1) The Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions.

(2) In regulation 6 (persons not required to be available for employment) for “regulation 8” there shall be substituted “regulation 8(1)(a)”.

(3) In regulation 8 (circumstances in which persons are not to be treated as available for employment)—

(a) for sub-paragraph (d) of paragraph (1) there shall be substituted the following sub-paragraph—

“(d) having failed to comply with a written notice given or sent to him by or on behalf of the Department or the Department of Economic Development(b) requesting him to report at a specified time, place and date to an officer of the Department or the Department of Economic Development for an interview in connection with his prospects of employment, he fails without good cause to comply with the requirements of a further notice given or sent to him within 14 days of the date specified in the first notice by or on behalf of the Department or, as the case may be, the Department of Economic Development requesting him to report as aforesaid at a time, place and date specified in the further notice for the purpose of such an interview;”;

(b) in paragraph (2)(b) after “prospects of employment” there shall be inserted “or before the day on which the Department or, as the case may be, the Department of Economic Development(b) rescinds the further notice (whichever event first occurs)”.

*Revocation*

4. Regulation 5(4)(a)(i) of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1982(c) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th August 1986.

(L.S.)

C. Davie

Assistant Secretary

(a) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 Nos. 240 and 295  
 (b) Formerly the Department of Manpower Services. See S.I. 1982/846 (N.I. 11) Article 3  
 (c) S.R. 1982 No. 240

## EXPLANATORY NOTE

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

These regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 and the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981. They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 amends regulation 7(1) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 so that days following a second failure without good cause to attend an employment interview are not, for the purposes of unemployment benefit, to be treated as days of unemployment. The new provision differs from the previous one in requiring two failures rather than one and in enabling the request to attend for interview to be made either by the Department, as before, or by the Department of Economic Development.

Regulation 3 makes comparable provisions in relation to supplementary benefit. It amends regulation 8(1) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 so that a person who fails twice without good cause to attend an employment interview is not, for the purposes of supplementary benefit, to be treated as available for employment (regulation 3(3)). The new provision differs from the previous one in requiring two failures rather than one in all cases (previously one failure had been sufficient in the case of a claimant who was disqualified for receiving unemployment benefit by reference to conduct resulting in unemployment) and in enabling the request to attend to be made, as for unemployment benefit, not only by the Department but also by the Department of Economic Development. The new provision also enables the request to attend for interview to be rescinded. In addition, this provision and the rest of regulation 8(1), except sub-paragraph (a), will no longer apply to persons not required to be available for employment (regulation 3(2)).

Regulation 4 revokes regulation 5(4)(a)(i) of the Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1982.