

1983 No. 1598

SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and
Invalidity Benefit) Regulations 1983**

<i>Made</i> - - - -	<i>27th October 1983</i>
<i>Laid before Parliament</i>	<i>7th November 1983</i>
<i>Coming into Operation</i>	<i>28th November 1983</i>

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The Secretary of State for Social Services, in the exercise of powers conferred upon him by sections 15(6), 16(1), 17(1)(a) and (e), (2), (4) and (5), 20(2) and (3), 33(2) and (3), 50A(2), 79(3) and (4) and 131 of the Social Security Act 1975(a) and section 2(1) of, and paragraphs 3 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(b) and section 5(1) and (2) of the Social Security (No. 2) Act 1980(c) and section 39(5) of the Social Security and Housing Benefits Act 1982(d) and of all other powers enabling him in that behalf and for the purposes only of consolidating the regulations hereby revoked, hereby makes the following regulations, which are not subject to the requirement of prior reference to the Social Security Advisory Committee(e):

[In the following S.I. wherever the words “training for work” appear substitute the words “work based training for adults” except in the case of reference to the title or principal order or of the 1993 order. As per S.I. 1998/1426 from 3.7.98].

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 and shall come into operation on 28th November 1983.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“charity” has the meaning assigned to it in the Income Tax Acts;

▶¹“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;◀

“determining authority” means, as the case may require, an ▶²adjudication officer◀, a ▶³the First-tier or the Upper Tribunal;◀

▶¹◀

¹In reg. 1(2) defn. of “the Contributions & Benefits Act” inserted & defn. of “disability appeal tribunal” deleted by reg. 17(2)(a) & (b) of S.I. 1995/829 as from 13.4.95.

²Words substituted (23.4.84) by HASSASSA Act 1983 (c.41), Sch. 8, para. 1(3)(a).

³Words substituted in defn. of “determining authority” by art. 37 of S.I. 2008/2683 as from 3.11.08.

(a) 1975 c. 14; sections 15(6) and 50A were inserted in the Act by the Social Security and Housing Benefits Act 1982 (c. 24), Schedule 4, paragraph 10 and by section 39(4), respectively, and subsections (4) and (5) of section 17 were inserted by the Social Security Act 1981 (c. 33), section 5.

(b) 1975 c. 18.

(c) 1980 c. 39.

(d) 1982 c. 24.

(e) See the Social Security Act 1980 (c. 30), Sch. 3, para. 20 and s. 5(5) of the Social Security (No. 2) Act 1980.

¹Defns. “employment or training programme”, “Outward Bound Course” & “training allowance” inserted into reg. 1(2) by reg. 2(a)-(c) of S.I. 1989/1324 as from 9.10.89.

²Words added to defns. of “employment or training programme” “training allowance & “training course” in reg. 1(2) by art. 6(a)(i)(iii) of S.I. 1991/387 as from 1.4.91.

³Defns. “training course” inserted into reg. 1(2) by reg. 2(2) of S.I. 1989/872 as from 19.6.89.

⁴Defns. of “voluntary body” and “volunteer” inserted into reg. 1(2) by reg. 2 of S.I. 1993/1754 as from 11.8.93.

►¹“employment or training programme” means a course or programme of rehabilitation or training which is established pursuant to arrangements made by the Secretary of State under section 2(1) of the Employment and Training Act 1973(a) ►², or by Scottish Enterprise or Highlands and Islands Enterprise under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,◀ (b) for the purpose of assisting persons to select, train for, obtain or retain employed earner’s employment;◀

“health authority” has the same meaning as in the National Health Service Act 1977(c);

“health board” means a health board constituted under section 2, of and in accordance with Schedule 1 to, the National Health Service (Scotland) Act 1978(d);

“local authority” has the same meaning, for England and Wales, as in section 270(1) of the Local Government Act 1972(e) and, for Scotland, as in section 235(1) of the Local Government (Scotland) Act 1973(f);

►¹“Outward Bound course” means any course or programme for personal development which is made available to persons who are not in employment by the charitable trust known as the Outward Bound Trust Limited;◀

“preserved board” has the same meaning as in the National Health Service Reorganisation Act 1973(g);

►¹“training allowance” means a training allowance paid under the Employment and Training Act 1973 ►²or the Enterprise and New Towns (Scotland) Act 1990◀;◀

►³“training course” includes any arrangements made by the Secretary of State pursuant to section 2(1) of the Employment and Training Act 1973(h) ►², or by Scottish Enterprise or Highlands and Islands Enterprise pursuant to section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,◀ by way of courses of training, instruction or rehabilitation for the purpose of assisting persons to select, train for, obtain and retain employment;◀(i)

“unemployment benefit office” means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit

►⁴“voluntary body” means a body the activities of which are carried out otherwise than for the purpose of profit;

“volunteer” means a person who is engaged in voluntary work with a charity or voluntary body, or who is engaged in voluntary work otherwise than for a member of his family, where the only payment received by him or due to be paid to him by virtue of being so engaged, is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged.◀

(3) Unless the context otherwise requires, any reference in these regulations to—

- (a) a numbered section or Schedule is to the section of, or, as the case may be, the Schedule to, the Act bearing that number;
- (b) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(a) 1973 c. 50.

(b) 1990 c. 35.

(c) 1977 c. 49, section 128(1), as amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, paragraph 77.

(d) 1978 c. 29.

(e) 1972 c. 70.

(f) 1973 c. 65.

(g) 1973 c. 32, section 15(6).

(h) 1973 c. 50; a new subsection (2) was substituted by section 25 of the Employment Act 1988 (c. 19).

(i) The words “training course” appear in regulation 7(1)(f) of these regulations.

Provisions to which Parts I and II of these regulations are subject

[Reg. 2 (provisions to which Parts I and II of these regulations are subject) revoked by Sch. 1996/1345 as from 7.10.96. It is however included among these provisions of S.I. 19983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

PART II

PROVISIONS OF GENERAL APPLICATION

[Reg. 3 (persons deemed to be incapable of work) revoked by reg. 17(4) of S.I. 1995/829 as from 13.4.95, subject to transitional provisions—see reg. 7 of S.I. 1995/310. Reg. 3 is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

In relation to the transitional provision in reg. 7 of S.I. 1995/310 relating to reg. 3(3)(a)(ii) of this S.I., the provisions of reg. 3(3) are reproduced below:-

3.—(3) Subject to paragraph (4), a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work, may be deemed to be so incapable if that work is—

(a) either—

- (i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or
- (ii) work which is not so undertaken and which he has good cause for doing,

and from which, in either case, his earnings do not exceed ►£44.00◄ in the week in which that work is performed; or

(b) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.

Amount £4 in reg. 3(3)(a) substituted for £43 by reg. 6 of S.I. 1995/580 as from 10.4.95.

**Para. (4) relates to members of disability appeal tribunals.*

[Reg. 4 (special provisions relating to day substituted for Sunday), and reg. 5 (night workers), paragraphs (1) and (2), revoked by Sch. to S.I. 1996/1345 as from 7.10.96. They are however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 5(3) revoked by reg. 17(6)(c) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 6 (provisions relating to suspension of employment in employed earner's employment), and reg. 6A (requalification period), and

reg. 7 (days not to be treated as days of unemployment), para (1) (a) and (b), revoked by Sch. to S.I. 1996/1345 as from 7.10.96. They are however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 7(1)(c) revoked by reg. 17(8)(c) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 7(1)(d) and (e) revoked by Sch. to S.I. 1996/1345 as from 7.10.96. These sub-paragraphs are however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 7(1)(f) revoked by reg. 17(8)(c) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 7(1)(g)–(o) and (2)–(6) revoked by Sch. to S.I. 1996/1345 as from 7.10.96. These provisions are however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 7A (days deemed to be days of entitlement to sickness benefit) revoked by reg. 17(9) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex 1 on page 3.8789 et seq.]

[Reg. 7B (restrictions on availability for employment) revoked by Sch. to S.I. 1996/1345 as from 7.10.96. It is however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 1 on page 3.8789 et seq.]

[Reg. 8 (days to be treated as days of incapacity for work for the purposes of invalidity allowance) revoked by reg. 17(9) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 8A (qualifying day for entitlement to invalidity allowance) revoked by reg. 17(9) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 9 (persons deemed to be available for employment in employed earner's employment),

reg. 10 (availability of persons undertaking duties in an emergency),

reg. 11 (availability of persons attending week camps),

reg. 12 (availability of persons requiring notice of job opportunities),

reg. 12A (persons deemed available where a doubt has arisen about availability),

reg. 12B (steps to be taken by persons actively seeking employment),

reg. 12C (meaning of week),

reg. 12D (persons deemed to be actively seeking employment),

reg. 12E (matters to be taken into account in determining good cause),

reg. 12F (permitted period),

reg. 12G (trial periods)

reg. 12H (meaning of employment),

reg. 13 (reckoning of periods of interruption of employment), and

reg. 14 (reckoning of periods of interruption of employment for persons approaching retirement),

revoked by Sch. to S.I. 1996/1345 as from 7.10.96. They are however included among those provisions of S.I. 1993/1958 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 15 (reckoning periods of interruption of employment as a result of certain regular treatment) revoked by reg. 17(11) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex 1 on page 3.8789 et seq.]

[Reg. 16 (special provisions relating to delay or failure in making or prosecuting a claim) revoked by Sch. to S.I. 1996/1345 as from 7.10.96. It is however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

[Reg. 17 (disqualification for sickness or invalidity benefit) revoked by reg. 17(11) of S.I. 1995/829 as from 13.4.95. It is however included among those provisions of S.I. 1983/1598 which, although so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et seq.]

[Reg. 18 (partial satisfaction of contribution conditions and reduced rates of benefit) lapsed on repeal of s.33(1)(a)–(c) of Social Security Act 1975 (c.14) by s.42 of and Sch. 11 to Social Security Act 1986 (c.50) as from 5.10.86. Savings in respect of reg. 18 made by art. 3 of S.I. 1986/1606 expired on 4.10.87.]

[Reg. 19 (modifications of normal idle day rule) revoked by Sch. to S.I. 1996/1345 as from 7.10.96. It is however included among those provisions of S.I. 1983/1598 which will temporarily continue to be reproduced at Annex 2 on page 3.8795 et seq.]

Special provisions for certain persons who have been employed abroad

20.—(1) The following provisions of this regulation shall apply for the purposes of ►¹contribution-based jobseeker's allowance◀►², short-term incapacity benefit and contributory employment and support allowance◀ where a person—

- (a) has been absent from Great Britain;
- (b) has returned to Great Britain;
- (c) throughout the whole period of his absence was ordinarily resident in Great Britain;

and in this regulation “a person” shall mean such a person.

(2) Where a person has paid Class 1 contributions at the standard rate under the Act either—

- (a) to the full extent of his liability under regulation 120 of the Social Security (Contributions) Regulations 1979(a); or
- (b) in respect of the first 52 weeks of his employment abroad by virtue of either—
 - (i) an Order in Council made under section 143 (reciprocity with countries outside the United Kingdom); or
 - (ii) Council Regulation No. 1408/71/EEC(b) (application of social security schemes to employed persons and their families moving within the Community);

and the employment, by reference to his liability mentioned in sub-paragraph (a) or (b), as the case may be, arose, continued throughout the first 52 weeks after the commencement of that liability, he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for any weeks between the end of that liability and the date of his return to Great Britain which are relevant to his claim.

(3) Where—

- (a) a person would have been liable to pay Class 1 contributions at the standard rate under the said regulation 120 but for the provisions of an Order in Council made under section 143;
- (b) in relation to his case that Order does not provide for periods of insurance, employment or residence in the other country to which that Order relates to be taken into account in determining title to benefit; and
- (c) the employment by reference to which he would have been liable under the said regulation 120 continued throughout the first 52 weeks;

¹Words in reg. 20(1) substituted for “unemployment benefit” by reg. 25 of S.I. 1996/1345 as from 7.10.96.

²Words in reg. 20(1) substituted by reg. 21 of S.I. 2008/2428 as from 27.10.08.

(a) S.I. 1979/591

(b) O.J. No. L149, 5.7.71, p.2. (O.J.S.E. 1971(II), p.416).

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he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for each week of his absence.

(4) Where—

- (a) a person would have been liable to pay Class 1 contributions at the standard rate under the said regulation 120 but for the provisions of either an Order in Council made under section 143 or Council Regulation No. 1408/71/EEC;
- (b) the employment by reference to which he would have been liable under the said regulation 120 continued throughout the first 52 weeks from the time that that liability would have commenced; and
- (c) that Order or Council Regulation, as the case may be, provides for aggregation of periods of insurance, employment or residence only if an insurance period has been completed since his return to Great Britain, and an insurance period has not been so completed;

any period of insurance, employment, or, as the case may be, residence in the other country to which that Order or Council Regulation, as the case may be, relates which falls in the relevant tax year and which could be taken into account in determining entitlement to benefit if an insurance period had been completed since his return to Great Britain shall be treated as a period in respect of which Class I contributions on earnings at the lower earnings limit for that tax year had been paid.

(5) Paragraphs (2) (except in a case to which paragraph (2)(a) applies), (3) and

(4) shall not apply in relation to benefit to which this regulation applies for any day in respect of which the person concerned is entitled to a corresponding benefit under the social security scheme of the country in which he was employed.

(6) Where a person satisfies the requirements of paragraph (3)(a) or (4)(a) but the relevant employment did not continue for 52 weeks, he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for each week for which it did continue.

(7) Where a person to whom regulation 3 of the National Insurance (Residence and Persons Abroad) Regulations 1948(a) applies—

- (a) has paid contributions to the full extent of his liability under that regulation; and
- (b) has paid or has had credited to him 45 contributions of any Class under the National Insurance Act 1965(b) during each contribution year from the year in which his liability ceased until the last contribution year relevant to him which ended before 5th April 1975 (inclusive of both these years);

paragraph (2) shall apply to him, notwithstanding paragraph (2)(a), as if the reference to his liability were a reference to his liability under the said regulation 3.

(8) Paragraph (2) shall not apply to any case where the employment, which gave rise to the liability mentioned in sub-paragraph (a) of that paragraph, commenced before 6th April 1975, unless the person concerned paid contributions under the said Act of 1965 to the full extent of his liability under the said regulation 3.

[Regulation 21 (additional condition with respect to the respect of unemployment benefit by seasonal workers) revoked by regulation 8 of S.I. 1989/1324 as from 9.10.89.]

[Regulation 22 (additional condition with respect to the receipt of unemployment benefit by students) revoked by regulation 6(3) of S.I. 1990/1549 as from 1.9.90.]

(a) S.I. 1948/1275; relevant amending instruments are S.I. 1950/1946, 1958/1084, 1960/1210.
(b) 1965 c. 51.

PART III

ABATEMENT OF UNEMPLOYMENT BENEFIT FOR OCCUPA- TIONAL PENSION PAYMENTS

[Reg. 23 (interpretation in respect of Part III),

reg. 24 (maximum sum prescribed for the purposes of section 5(1) of
the 1980 Act,

reg. 25 (disregard of pension payments on account of redundancy),

reg. 26 (disregard of pension payments for less than a whole week),

reg. 27 (calculation of weekly amount of pension payments made other than
weekly), and

reg. 28 (modification of section 18(1) of the 1975 Act,

revoked by Sch. to S.I. 1996/1345 as from 7.10.96. They are however included
among those provisions of S.I. 1983/1598 which will temporarily continue to be
reproduced at Annex 2 on page 3.8795 et seq.]

[Part IV (sickness and invalidity benefit in respect of industrial injury), comprising
regulations 29, 30, 31 and 32, revoked by reg. 17(13) of (and replaced by new
provisions in reg. 17(14) of) S.I. 1995/829 as from 13.4.95. The whole of the former
Part IV is however included among those provisions of S.I. 1983/1598 which, although
so revoked, will temporarily continue to be reproduced at Annex on page 3.8789 et
seq.]

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►PART IV A

TRADITIONAL PROVISIONS FOR INCAPACITY BENEFIT IN
RESPECT OF INDUSTRIAL INJURY

Part IV A (ie regs. 32A
and 32B) substituted for
part IV (former regs.
29–32) by reg. 17(14)
of S.I. 1995/829 as from
13.4.95.

Provision for short-term incapacity in respect of industrial injury—persons over pensionable age

32A. In any case where—

- (a) immediately before the revocation of regulation 30, the provisions of that regulation applied; and
- (b) after 12 April 1995 a person becomes entitled to short-term incapacity benefit in respect of the same industrial injury by virtue of regulation 11 or 14 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which short-term incapacity benefit is payable shall be the rate set out in paragraph 2 of Part I of Schedule 4 to the Contributions and Benefits Act, or, if higher, the rate at which that benefit would have been payable to the person concerned under section 30B(3) of that Act.

Provision for long-term incapacity in respect of industrial injury—persons over pensionable age

32B.—(1) Subject to paragraph (2) in any case where—

- (a) immediately before the revocation of regulation 31 the provisions of that regulation applied; and
- (b) after 12th April 1995 a person becomes entitled to long-term incapacity benefit by virtue of regulation 17, 17A or 21 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which long-term incapacity benefit is payable shall be the rate referred to in regulation 18(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (notwithstanding that the person is over pensionable age), or, if higher, the rate at which that benefit would be payable under regulation 18(7).

(2) Where the contributions conditions for a Category A retirement pension specified in paragraph 5 of Part I of Schedule 3 to the Contributions and Benefits Act are not satisfied, those conditions shall be taken to be satisfied for the purposes of regulation 18(7) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995.◀

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PART V
REVOCATIONS

Revocations

33. The regulations specified in column 1 of the Schedule to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

Signed by authority of the Secretary of State for Social Services.

27th October 1983

Rhodes Boyson
Minister of State,
Department of Health and Social Security

SCHEDULE

Regulation 33

REVOCATIONS

Column 1 <i>Regulations Revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of revocation</i>
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975	S.I. 1975/564	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1976	S.I. 1976/328	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1976	S.I. 1976/677	The whole regulations.
The Social Security (Miscellaneous Amendments) Regulations 1977	S.I. 1977/1509	Regulation 3(2) and, insofar only as they relate to the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975, paragraphs (3) and (4) of regulation 3.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1978	S.I. 1978/394	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1978	S.I. 1978/608	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1978	S.I. 1978/1213	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1979	S.I. 1979/934	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1979	S.I. 1979/940	The whole regulations.

REVOCATIONS—*continued*

Column 1 <i>Regulations Revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of revocation</i>
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1979	S.I. 1979/1299	The whole regulations.
The Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations 1981	S.I. 1981/73	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) Amendment Regulations 1981	S.I. 1981/1501	Regulation 2.
The Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) Amendment Regulations 1982	S.I. 1982/96	Regulations 2, 3 and 4.
The Social Security (Days of Incapacity for Work) Regulations 1982	S.I. 1982/642	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1982	S.I. 1982/1105	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1982	S.I. 1982/1345	The whole regulations.
The Social Security (Abolition of Injury] Benefit) (Consequential) Regulations 1983	S.I. 1983/186	Regulations 14, 15 and 16.
The Social Security Supplementary Benefit (Miscellaneous Provisions) Amendment Regulations 1983	S.I. 1983/463	Regulation 3.
The Social Security (Sickness and Invalidity Benefit and Non- Contributory Invalidity Pension) Amendment Regulations 1983	S.I. 1983/1587	Regulation 2.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purposes only of consolidating the Regulations hereby revoked and accordingly, by virtue of paragraph 20 of Schedule 3 to the Social Security Act 1980, no reference of them has been made to the Social Security Advisory Committee.

The Regulations contain provisions relating to unemployment benefit, sickness benefit and invalidity benefit under the Social Security Act 1975.

The Regulations contain provisions relating to payment of the above benefits. The principal matters dealt with are the provisions relating to persons deemed to be incapable of work; special provisions relating to a day substituted for Sunday; the position of nightworkers; suspension of employment; days which are or are not to be treated as days of unemployment or incapacity for work; days which are treated as days of incapacity for work for the purposes of invalidity allowance; the deeming of lifeboatmen, part-time firemen, persons undertaking duties in an emergency and certain other persons (regulations 9 to 12) as available for employment; reckoning of periods of interruption of employment; provisions relating to delay or failure in claiming benefit; disqualification for sickness or invalidity benefit; partial satisfaction of contribution conditions and reduced rates of benefit; and miscellaneous provisions relating to modification of the normal idle day rule. The regulations include special provisions for persons who have paid Class 1 contributions whilst abroad and additional conditions relating to the receipt of unemployment benefit by seasonal workers in their off-season and by students.

These Regulations also incorporate in regulation 15 the provisions of the Social Security (Days of Incapacity for Work) Regulations 1982, which modified section 17(1)(d) of the Social Security Act 1975, as amended, in relation to treatment by way of haemodialysis or peritoneal dialysis for chronic renal failure, plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy. The Regulations also incorporate in Part III the Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations 1981, which provided for the abatement of unemployment benefit for persons over 60 who are also in receipt of payments by way of occupational pension for the same week. Also the Regulations incorporate in Part IV the provisions of the Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983, insofar as those provisions directly relate to entitlement to sickness benefit or invalidity pension in respect of industrial injury, namely, regulations 14, 15 and 16 of those regulations (sickness benefit and invalidity pension in respect of industrial injury in relation to persons over pensionable age and restriction on entitlement to invalidity pension by virtue of section 50A of the Social Security Act 1975, respectively).

ANNEX 1

PROVISIONS REVOKED FROM 13.4.95

In this Annex, those provisions of S.I. 1983/1598 which were revoked by S.I. 1995/829 as from 13.4.95 (the date when incapacity benefit replaced sickness and invalidity benefits) will, for a temporary transitional period, be reproduced as in force immediately before the change. The provisions so reproduced are:-

- regulation 3;
- regulation 5(3);
- regulation 7(1)(c) and (f);
- regulation 7A;
- regulations 8 and 8A;
- regulation 15;
- regulation 17; and
- regulations 29-32 (ie, Part IV)

.....
Persons deemed to be incapable of work

3.—(1) A person who is not incapable of work may be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which either—

- (a) (i) he is under medical care in respect of a disease or disablement as aforesaid;
- (ii) it is certified by a registered medical practitioner that, for precautionary or convalescent reasons consequential on such disease or disablement, he should abstain from work; and
- (iii) he does not work; or
- (b) he is excluded from work on the certificate or a Medical Officer for Environmental Health and is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

(2) A person who at the commencement of any day is, or thereafter on that day becomes incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed earner or self-employed earner on that day, shall be deemed to be so incapable of work throughout that day.

▶(3) Subject to paragraph (4), a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work, may be deemed to be so incapable if that work is—

- (a) either—
 - (i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or
 - (ii) work which is not so undertaken and which he has good cause for doing, and from which, in either case, his earnings do not exceed ▶£44.00◀ in the week in which that work is performed; or
- (b) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.◀

Reg. 3(3) substitute by reg. 2 of S.I 1994/1101 as from 16.5.94.

Amount £44 in reg. 3(3)(a) substituted for £43 by reg. 6 of S.I. 1995/580 as from 10.4.95.

▶(4) For the purposes of determining entitlement to invalidity benefit, a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he is a member of a disability appeal tribunal, is found not to be incapable of work shall, subject to paragraph (5), be deemed to be incapable of work.

Paras. (4) and (5) added to reg. 3 by reg. 2(3)(b) of S.I. 1992/585 as from 6.4.92.

(5) Where a person serves as a member of a disability appeal tribunal for more than one day in any week, he shall be deemed to be incapable of work by virtue of paragraph (4) only in respect of the first day on which he so serves in that week.◀

Provisions revoked from 13.4.95 (*continued*)

Night workers

5.
- (3) Where a person—
- (a) is, by virtue of paragraph (1), to be treated as having been employed on the second day only of two days; and
 - (b) throughout the day immediately preceding the first of those two days is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;
- that person shall, for the purposes of sickness or invalidity benefit, be deemed to be so

incapable of work throughout the first of those two days.

Days not to be treated as days of unemployment or incapacity for work

7.—(1) For the purposes of unemployment, sickness and invalidity benefit—

-
- ▶(c) a day shall not be treated as a day of incapacity for work in relation to a person if it is a day in respect of which that person—
 - (i) is disqualified for receiving sickness or invalidity benefit; or
 - (ii) has made no claim for sickness or invalidity benefit; or
 - (iii) has made a claim for sickness or invalidity benefit but not within the prescribed time and good cause for the delay is not shown; or
 - (iv) has made a claim for sickness or invalidity benefit but not within the prescribed time and, whether or not the person has shown good cause for the delay, he is not entitled to benefit as a result of section 165A(2) of the Act;◀
 -
 - (f) a day shall not be treated as a day of incapacity for work if on that day a person is attending—
 - (i) a training course provided by or on behalf of ▶Scottish Enterprise, Highlands and Islands Enterprise or◀▶the Secretary of State◀; or
 - (ii) a training course or course of instruction provided in pursuance of arrangements made with ▶Scottish Enterprise, Highlands and Islands Enterprise or◀▶the Secretary of State◀ by any public authority, firm or person; or
 - (iii) a course of training in agricultural occupations provided by, or in pursuance of arrangements made by, the Minister of Agriculture, Fisheries and Food or the Secretary of State;

and payment of training allowance is made by or on behalf of ▶Scottish Enterprise, Highlands and Islands Enterprise,◀▶▶ that Minister or the Secretary of State to the said person for his attendance at the course in question;

Sub-para. (c) of reg.7(1) substituted by reg. 3(3) of S.I. 1988/1674 as from 7.11.88.

Words added to reg. 7(1)(f)(i) by art. 6(b)(i) of S.I. 1991/387 as from 1.4.91.

Words in reg. 7(1)(f)(i) substituted for the Training Commission by virtue of Employment Act 1989 (c.38), Sch. 5, paras. 1 & 4, as from 16.11.89.

Words added to reg. 7(1)(f)(ii) by art. 6(b)(ii) of S.I. 1991/387 as from 1.4.91.

Words in reg. 7(1)(f)(ii) substituted for the Training Commission by virtue of Employment Act 1989 (c.38), Sch. 5, paras. 1 & 4, as from 16.11.89.

Words added to reg. 7(1)(f) by art. 6(b)(iii) of S.I. 1991/387 as from 1.4.91.

Ref. in reg. 7(1)(f) to the Training Commission omitted in consequence of Employment Act 1989 (c.38), Sch. 5, paras. 1 & 4, as from 16.11.89.

Provisions revoked from 13.4.95 (*continued*)

►Days deemed to be days of entitlement to sickness benefit

7A.—(1) This regulation applies for the purposes of entitlement to invalidity pension for a person—

- (a) where a previous period of entitlement as between him and a person who is or was an employer of his has ended; and
- (b) he has a day of incapacity for work which falls within a period of interruption of employment; and

- (c) the first day of that period of interruption of employment—
 - (i) falls within a period of 57 days immediately following the last day upon which an employer was liable to make to him a payment of statutory sick pay in that period of entitlement, or
 - (ii) is a day of unemployment and falls before the commencement of that period of entitlement.◀

Reg. 7A inserted by reg. 2 of S.I. 1986/484 as from 6.4.86.

Reg. 7A(1)(c) substituted by reg. 2(4) of S.I. 1989/872 as from 19.6.89.

(2) A person who in the period of entitlement mentioned in paragraph (1) reached his maximum entitlement to statutory sick pay in accordance with section 5 of the 1982 Act shall be deemed to have been entitled to sickness benefit in respect of those days within the period of entitlement which are specified in paragraph (4).

(3) Where a person—

- (a) is or was entitled to statutory sick pay, but
- (b) the period of entitlement mentioned in paragraph (1) ended otherwise than in accordance with section 3(2)(b) of the 1982 Act,

he shall be deemed to have been entitled to sickness benefit in respect of those days within the period of entitlement which are specified in paragraph (4).

(4) Subject to paragraph (5), for the purposes of paragraphs (2) and (3), the days specified are—

- (a) in any week in which the employer is or was liable to pay that person statutory sick pay at the weekly rate specified in section 7(1) of the 1982 Act, each of the first six days of the week beginning with Monday;
- (b) in any week in which the employer is or was liable to pay that person statutory sick pay at a fraction of the weekly rate, each of the days of the week beginning with Monday which would be comprised in the same fraction of a six-day week, so however that where such a calculation produces a fraction of a day or a number of days with a fraction of a day over, that fraction of a day shall be included in the calculation of days for the next such week and any fraction of a day resulting from that calculation shall be carried forward in like manner; and for any fraction of a day not accounted for at the end of the period of entitlement, one additional day shall be added immediately following the last day otherwise specified under this sub-paragraph.

(5) Where a person does not satisfy the first contribution condition for entitlement to sickness benefit on the first day in respect of which he would, but for this paragraph, be deemed to have been entitled to sickness benefit, paragraph (4) shall not apply to any days falling before the day on which he does satisfy that condition.

(6) In this regulation and in regulation 8A—

- “the 1982 Act” means the Social Security and Housing Benefits Act 1982(a);
- “period of entitlement” has the meaning given by section 3 of the 1982 Act;
- “employer” has the meaning given by section 26(1) of the 1982 Act.◀

Days to be treated as days of incapacity for work for the purposes of invalidity allowance

8.—(1) For the purpose only of ascertaining days of incapacity for work for the purposes of section 16(1) (which relates to invalidity allowance), the days specified in paragraph (2) shall be treated as days of incapacity for work if they are days in respect of which the person concerned would have had a right to sickness or invalidity benefit—

(a) 1982 c.24

Provisions revoked from 13.4.95 (*continued*)

- (a) if he had claimed it; and
 - (b) in a case to which regulation 2 of the Social Security (Benefit) (Members of the Forces) Regulations 1975(a) applies, if that regulation did not apply; and
 - (c) in a case to which paragraph 2(c) applies and in which the widow has not satisfied the contribution conditions set out in paragraph 1 of Schedule 3, if she had satisfied them.
- (2) The said days are—
- (a) in the case of a person who was a serving member of the forces, as defined in regulation 1(2) of the Social Security (Contributions) Regulations 1979(b), days when he was serving as such a member, except days on which he was serving or undergoing training or instruction, in any of the forces mentioned in Part 1 of Schedule 3 to those regulations, except the regular naval, military or air forces of the Crown, for a continuous period not exceeding 72 consecutive hours;
 - (b) in the case of a person who entered into an undertaking with his employer to refrain from claiming sickness, invalidity or injury benefit or a maternity allowance in consideration of his drawing unabated sick pay, days in respect of which such an undertaking is in force, so however that this sub-paragraph shall apply only where the undertaking is approved for the purposes of this regulation by the Secretary of State in his discretion;
 - (c) in the case of a widow who was entitled to a widow's allowance, days during the period between the date of her husband's death and the date on which she ceased to be so entitled; and
 - (d) in the case of a widow entitled to a widow's pension or a widowed mother's allowance, days before 23rd September 1972, being days in respect of which she was so entitled at the rate specified in relation to that pension or allowance, as the case may be, in Schedule 3 to the National Insurance Act 1965(c) and having effect in respect of the day in question.

► **Qualifying day for entitlement to invalidity allowance**

Reg. 8A inserted by reg. 3 of S.I. 1986/484 as from 6.4.86.

8A. For the purposes of section 16 of the Act, "the qualifying date" in relation to a person to whom regulation 7A applies shall be the first day in the period of entitlement mentioned in paragraph (1)(a) of that regulation.◀

.....

Reckoning periods of interruption of employment as a result of certain regular treatment

Reg. 12A inserted by reg. 2 of S.I. 1988/689 as from 2.5.88.

15.—(1) With effect from 14th September 1980 section 17(1)(d)(ii) of the Act(d) (periods of incapacity for work which are to be treated as periods of interruption of employment) shall have effect, in the cases specified in paragraph (2), as if the period of 4 days mentioned there were a period of 2 days, whether consecutive or not, within a period of 6 consecutive days.

- (2) The cases referred to in paragraph (1) are those where the days of incapacity for work in question result from—
- (a) regular weekly treatment by way of haemodialysis for chronic renal failure or peritoneal dialysis for chronic renal failure, or
 - (b) treatment by way of plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy.◀

(a) S.I. 1975/493
 (b) S.I. 1975/591
 (c) 1965 c.51.
 (d) Section 17(1)(d) was substituted by the Social Security (No.2) Act 1980, section 3(1) with effect from 14th September 1980. [S. 17(1)(d) was re-enacted in s. 57(1)(d) of the S. S. Conts. and Bens. Act 1992 (c.4).]

Provisions revoked from 13.4.95 (continued)

Disqualification for sickness or invalidity benefit

17.—(1) A person shall be disqualified for receiving sickness or invalidity benefit for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 if—

- (a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease or, in the case of a woman who is not a wife, or being a wife is separated from her husband, to pregnancy; or
- (b) he fails without good cause to comply with a notice in writing given by or on behalf of the Secretary of State requiring him to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or
- (c) he fails without good cause to attend for, or to submit himself to, medical or other treatment; provided that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character and is unreasonable; or
- (d) he fails without good cause to observe any of the following rules of behaviour, namely:—
 - (i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Secretary of State or his officers directed to ascertain whether he is doing so;
 - (ii) not to be absent from his place of residence without leaving word where he may be found;
 - (iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is work which is described in regulation 3(3) or (4).

Words added to reg 17(1)(d)(iii) by reg. 2(4) of S.I. 1992/585 as from 6.4.92.

(2) In computing the period of notice required to be given by paragraph (1)(b) Sunday shall not be disregarded.

PART IV

SICKNESS AND INVALIDITY BENEFIT IN RESPECT OF INDUSTRIAL INJURY

Interpretation

29. This Part of these regulations shall be read as one with the Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983(a) and in particular with regulations 18 to 20 thereof (transitional provisions).

Sickness benefit in respect of industrial injury – persons over pensionable age

30.—(1) This regulation applies in the case of a person who—

- (a) is entitled, by virtue of section 50A(b), to sickness benefit under section 14(2)(b); and
- (b) is not also entitled to sickness benefit under section 14(2)(c).

(2) In a case to which this regulation applies, the weekly rate at which sickness

(a) S.I. 1983/186.

(b) Section 50A was inserted in the Act by the Social security and Housing Benefits Act 1982 (c.24),39(4).

Annex 1

benefit is payable shall be the rate set out in paragraph 1 of Part I of Schedule 4, or, if higher, the rate at which, apart from this regulation, that benefit would be payable to the person concerned under section 14(6).

Provisions provoked from 13.4.95 (*continued*)

Invalidity pension in respect of industrial injury – persons over pensionable age

31.—(1) In any case where—

- (a) an employed earner is incapable of work as a result of a personal injury of a kind mentioned in section 50(1);
- (b) he has ceased to be entitled to sickness benefit under the provisions of section 15(1)(a);
- (c) he is over ►but not more than 5 years over pensionable age◄; and
- (d) the contribution conditions are not satisfied in respect of him;

those conditions shall be taken to be satisfied for the purposes of section 15(1)(b)(ii) and (2).

(2) In paragraph (1) “contribution conditions” means the contribution conditions for a Category A retirement pension specified in paragraph 5 of Part I of Schedule 3.

(3) In the case of a person who is entitled, by virtue of paragraph (1), to an invalidity pension under section 15(2)(a), and is not also entitled to an invalidity pension under section 15(2)(b), the weekly rate at which the invalidity pension is payable shall be the rate referred to in section 15(3) (notwithstanding that the person is over pensionable age), or, if higher, the rate at which, apart from this regulation, an invalidity pension would be payable to him under section 15(4).

Invalidity pension – restriction on entitlement

32. Where a person has been entitled to sickness benefit in respect of any day in a period of interruption of employment and would not have been so entitled but for the provisions of section 50A, he shall not be entitled to an invalidity pension in respect of any day in the same period of interruption of employment unless he is incapable of work on the last-mentioned day as a result of a personal injury of a kind mentioned in section

Words substituted in reg. 31(1)(c) by reg. 10 of S.I. 1989/1642 as from 1.10.89.

Words added to reg. 32 by reg. 4 of S.I. 1988/1674 as from 7.11.88.

ANNEX 2

PROVISIONS REVOKED FROM 7.10.96

In this Annex, those provisions of S.I. 1983/1598 which were revoked by S.I. 1996/1345 as from 7.10.96 (the date when jobseeker's allowance replaced unemployment benefit) will, for a temporary transitional period, be reproduced as in force immediately before the change.

The provisions so reproduced are:-

- regulation 2;
- regulation 4;
- regulation 5(1) and (2);
- regulations 6 and 6A;
- regulation 7(1)(a), (b); (d), (e); (g)-(o); and (2)-(6);
- regulation 7B;
- regulations 9-14;
- regulation 16;
- regulation 19;
- regulations 23-28;

Provisions to which Parts I and II of these regulations are subject

2. The provisions of Parts I and II of these regulations are subject to the provisions of Parts III < of the regulations.

Words "and IV" deleted from reg. 2 by reg. 17(3) of S.I. 1995/829 as from 13.4.95.

Special provisions relating to day substituted for Sunday

4.-(1) In the case of a person who-

- (a) in any week in which, in the normal course, he would work as an employed earner on not more than 6 days, including the Sunday, is unemployed on that Sunday; and
- (b) claims unemployment benefit for that Sunday;

the day of that week on which, in the normal course, he would not work as an employed earner, or, if that week contains more than one day on which, in the normal course, he would not so work, the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of section 17(1)(e), is not to be treated as a day of unemployment > < for the purposes of any provision of the Act relating to unemployment > < benefit, and for those purposes is to be disregarded in computing any period of consecutive days.

Refs. in reg. 4(1) to incapacity for work and to sickness or invalidity benefits deleted by reg. 17(5)(a) of S.I. 1995/829 as from 13.4.95.

(2) In the application to a person of paragraph (1)(a), no account shall be taken of any period of short-time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed earner on not more than 6 days, including the Sunday.

(3) In the case of a person who-

- (a) in any week, in the normal course, would not work as an employed m earner on the Sunday;
- (b) objects on religious grounds to working on a specific day in each week other than Sunday, but does not so object to working on Sunday; and
- (c) in respect of that week in unemployed on an claims unemployment benefit for Sunday;

that specific day shall, in that week, be substituted for Sunday as a day which, by virtue of section 17(1)(e), is not be treated as a day of unemployment > < for the purposes of any provision of the Act relating to unemployment > < benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

Refs. in reg. 4(3) to incapacity for work and to sickness or invalidity benefit deleted by reg. 17(5)(b) of S.I. 1995/829 as from 13.4.95.

Provisions revoked from 7.10.96 (continued)

Night Workers

Words "sickness benefit and invalidity benefit" in reg. 5(1) deleted by 17(6)(a) of S.I. 1988/1674 as from 7.11.88.

5.-(1) For the purposes of employment benefit, where a period of employment commencing on any day extends over midnight into the following day, the person employed shall, in respect of such period—

- (a) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or
- (b) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person

- (a) is, by virtue of paragraph (1), to be treated as having been employed on one day only of two days; and
- (b) throughout that part of the other of those two days, during which he is not employed, is, or is deemed in accordance with regulations to be, available to be employed in employed earner's employment ;

Words "or incapable of work by reason of some specific disease or bodily or mental disablement" in reg. 2(2)(b) deleted by reg. 17(6)(b) of S.I. 1995/829 as from 13.4.95.

that person shall be deemed to be so available or, as the case may be, to be so incapable of work throughout that other of those two days.

Provisions relating to suspension of employment in employed earner's employment

6.-(1) Where an employed earner's employment has not been terminated but a person's employment therein has been suspended, that employment shall, for the purpose of section 17(1)(b) as substituted by section 17(3)(a), be treated as having been terminated if the occupation in that employment is one which falls to be disregarded under regulation 7 (1)(g)

(2) For the purpose of section 17(1)(b) as substituted by section 17(3)(a), a person's employment in an employed earner's employment shall be treated as having been suspended, notwithstanding that he is or was incapable of work on any day, if it would have been so treated had that person not been incapable of work on that day, and any such day of incapacity shall be treated as the first or a later day in a continuous period of suspension, if it would have been so treated had that person not been incapable of work on that day.

(3) For the purpose of determining the seventh or a later day in a continuous period of days in which an employed earner's employment has been suspended by the employer, there shall be disregarded the last day on which work in that employment was available to the employer earner and any days before that day.

Reg. 6A inserted by reg. 3 of S.I. 1989/1324 as from 9.10.89.

E Requalification period

6A.-(1) Where paragraph (2) applies to a person during one or more of the 26 weeks referred to in subsection (2) of section 18(a) which applies in his case, for the reference to 26 weeks in that subsection there shall be substituted a reference to the period prescribed under paragraph (3).

(2) This paragraph applies to a person in respect of any week if he does not work in employed earner's employment for 16 hours or more and on at least one day in that week—

- (a) he was a person entitled to receive maternity allowance, invalid care allowance or severe disablement allowance; or
- (b) he was incapable of work for the purposes of sections 171A to 171G of the Contributions and Benefits Act ; or
- (c) he was a person entitled to receive statutory sick pay within the meaning of section 1(1) of the Social Security and Housing Benefits Act 1982 or statutory maternity pay within the meaning of section 46(1) of the Social Security Act 1986; or

Words "sickness benefit, invalidity pension" deleted from reg. 6A(2)(a) by reg. 17(7)(a) of S.I. 1995/829 as from 13.4.95.

Words substituted in reg., 6A(2)(b) by reg. 17(7)(b) of S.I. 1995/829 as from 13.4.95.

(a) Section 18(2) was substituted by section 11 of the Social Security act 1989.

Provisions revoked from 7.10.96 (*continued*)

- (d) he was a person undergoing any employment or training programme for which a training allowance is payable.
- (3) For the purposes of paragraph (1), the period shall be either—
 - (a) the period immediately preceding the day mentioned in section 18(2)(a) or (b) (as the case may be)—
 - (i) which includes the last 26 weeks (whether consecutive or not) in respect of which paragraph (2) did not apply to the person, and
 - (ii) which begins on the first day of those 26 weeks; or
 - (b) 78 weeks,

whichever is the shorter. ◀

Days not to be treated as days of unemployment▶ ◀

7.-(1) For the purposes of unemployment E F benefit—

- (a) ▶ ◀
- ▶ (b) a day shall not be treated as a day of unemployment in relation to a person if it is a day in respect of which that person—
 - (i) is disqualified for receiving unemployment benefit; or
 - (ii) has made not claim for unemployment benefit; or
 - (iii) has made a claim for unemployment benefit but not within the prescribed time and good cause for the delay is not shown; or
 - (iv) has made a claim for unemployment benefit but not within the prescribed time and, whether or not the person has shown good cause for the delay, he is not entitled to benefit as a result of section 165A(2) of the Act (no entitlement to benefit in respect of any period more than 12 months before the date on which a claim is made);◀
- ▶ (d) where in any case the employment of a person is terminated and he receives compensation, a day shall not be treated as a day of unemployment if it is a day—
 - (i) which falls within the ineligible period as defined in paragraph (5), and
 - (ii) which falls within the period of 52 weeks beginning with the day following the termination of the employment; ◀
- (e) subject to paragraph (2), a day shall not be treated as a day of unemployment if on that day a person does no work and is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted for it by regulation 4) but who is, in the week in which the said day occurs, employed to the full extent normal in his case, and in the application of this sub-paragraph to any person no account shall be taken, in determining either the number of days in a week on which he ordinarily works or the full extent of employment in a week which is normal in his case, of any period of short-time working due to adverse industrial conditions;

Words deleted from heading to, and from para. 1 of, reg. 17(8)(a) and (b) of S.I. 1995/829 as from 13.4.95.

Sub-para. 9a) of reg. 7(1) deleted by reg. 4(a)(i) of S.I. 1989/1324 as from 9.10.89.

Sup-para. (b) of reg. 7(1) deleted by reg. 3(2) of S.I. 1988/1674 as from 7.11.88.

Sup-para. (b) of reg. 7(1) deleted by reg. 4(a)(ii) of S.I. 1989/1324 as from 9.10.89.

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- (g) subject to regulations 9, 10, 11 and 12, a day shall not be treated as a day of unemployment if on that day a person is engaged in any employment unless—
 - (i) the earnings derived from that employment, in respect of that day, do not exceed £2.00, or, where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount; and
 - (ii) he is available on that day to be employed full-time in some employed earner's employment; and
 - (iii) if the employment in which he is engaged is employed earner's employment, it is not in his usual main occupation or it is done for, or organised through, a local authority, health authority, preserved board or health board in providing a service which is capable of being provided by a charity, or it is done for, or organised through, a charity;

Provisions revoked from 7.10.96 (*continued*)

- (h) subject to heads (i) and (ii) of this sub-paragraph, where in the case of any person an employed earner's employment has not been terminated, a day shall not be treated as a day of unemployment if it is a day of recognised or customary holiday in connection with that employment, unless that person's employment therein has been indefinitely suspended and the day in question is the seventh or later day, ascertained in accordance with the provisions of section 17(1)(b) as substituted by section 17(3)(a), in a continuous period of days on which that suspension has lasted:
- (i) for the purposes of this sub-paragraph and of section 17(1)(b) as substituted by section 17(3)(a), where a person is engaged in Great Britain under a contract of service (hereafter in this head of this sub-paragraph referred to as "the subsisting contract"), any day of recognised or customary holiday in connection with his employment under the subsisting contract (hereinafter in this head of this sub-paragraph referred to as "the relevant day") which occurs during the currency of that contract shall not be deemed to be such a day of holiday if, in the period beginning on the 1st March next preceding the relevant day and ending immediately before the relevant day, the number of days of recognised or customary holiday in connection with his employment under the subsisting contract in the period of twelve months beginning on the first day of his employment under the subsisting contract or on the 1st March next preceding the relevant day, whichever is the later;
- (ii) in computing any number of days of recognised or customary holiday for the purpose of the application of head(i) of this sub-paragraph in relation to any person there shall be disregarded any day for which he has been paid unemployment benefit and any day which is a Bank Holiday or other public holiday applying in his case, or any other day of holiday granted in lieu thereof;

▶ (i) where a person—

- (i) has failed to comply with a written notice given or sent to him by or on behalf of the Secretary of State ▶ ◀ requesting him to report to an officer of the ▶ Department of Social Security ◀, the Department of Employment, the ▶ Training Commission*◀ or a local education authority 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 Secretary of State ▶◀ 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;

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 ▶ place specified in that further notice and there attends an interview in connection with his prospects of employment,◀ or before a day on which the Secretary of State ▶ ◀ rescinds the further notices (whichever event first occurs) shall not be treated as a day of unemployment;▶

**Reference to the Training Commission in reg. 7(1)(i)(i) to have effect, as from 16.11.89, as a reference to the Secretary of State by virtue of Employment Act 1989 (c.38), Sch.5, paras. 1 & 4.*

(j) where a person—

- (i) has failed to comply with a written notice given or sent to him by the Secretary of State requesting him to report to an officer of the Department of Employment at a time and place and on a day specified in notice in order that he may make a written declaration in connection with the satisfaction by him of the condition for receipt of unemployment benefit; and
- (ii) within 14 days of the date on which that person fails to comply with the requirements of the said notice the Secretary of State gives or sends him a further notice directing him to report to an officer of the Department of Employment at a time and place and on a day specified in the further notice in order that he may make such a written declaration; and

Para. (1)(i) substituted by reg. 2 of S.I. 1986/1375 as from 1.9.86.

Ref. in reg. 7(1)(i)(i) to the Training Commission omitted in consequence of Employment Act 1989 (c.38), Sch. 5, paras 1 & 4, as from 16.11.89.

Words in reg. 7(1)(i)(i) substituted by virtue of art. 3(4) of S.I. 1988/1843 as from 28.11.88.

Words in reg. 7(1)(i)(i) substituted by Employment Act 1988 (c.10, s.24(3)) as from 26.5.88.

Reg. in reg. 7(1)(i)(i) to the Training Commission omitted in consequence of Employment Act 1989 (c.38), sch. 5, paras. 1 & 4, as from 16.11.89.

Words substituted in reg. 7(1)(i) to the Training Commission omitted in consequence of Employment Act 1989 (c.38), Sch. 5, paras 1 & 4, as from 16.11.89.

Ref. in reg. 7(1)(i) to the Training Commission omitted in consequence of Employment Act 1989 (c.38), Sch. 5 paras 1 & 4, as from 16.11.89.

Provisions revoked from 7.10.96 (continued)

(iii) that person fails to comply with the requirements of the said further notice; then the day specified in the said further notice and any subsequent day falling before a day on which that person reports to an officer of the Department of Employment at a place specified in the further notice in order to make such a written declaration or before the Secretary of State rescinds the further notice (whichever event first occurs) shall not be treated as a day of unemployment unless, throughout the period beginning with the day specified in the further notice and ending, as the case may be, with the day on which that person so reports or with the day on which the Secretary of State rescinds the further notice, he shows good cause for his failure to report;

(k) a day shall not be treated as a day of unemployment in relation to any person if it is a day in respect of which there is payable to that person—

- (i) a guarantee payment under section 12 of the Employment Protection (Consolidation) Act 1978(a) or under a collective agreement or a wages order having regard to which the appropriate Minister has made an exemption order under section 18 of that Act, or a guarantee payment under a collective agreement or under a wages order referred to in the said section 18 where that person has an obligation in connection with such agreement or order to place his services at the disposal of an employer on that day; or
- (ii) remuneration under section 19 of the Employment Protection (Consolidation) Act 1978 while he is suspended from work on medical grounds; or
- (iii) ►subject to paragraph (4)◄ an amount specified by an industrial tribunal, on making an order under section 69 or 77 of the Employment Protection (Consolidation) Act 1978 for reinstatement or re-engagement, as payable to that person or an amount awarded to that person under section ►68(2),◄ 71 or 79 of that Act as compensation for unfair dismissal or for non-compliance with an order under section 77(7), (8) or (9) of that Act, where either or those amounts includes a sum representing remuneration which the industrial tribunal considers he might reasonably be expected to have had for that day but for the dismissal, so however that this provision shall not apply to any day which does not fall within the period of one year from the date on which the employment of that person terminated; or
- (iv) an amount specified by an industrial tribunal, on making an order under section 77 or 79 of the Employment Protection (Consolidation) Act 1978 for interim relief pending determination of a claim for unfair dismissal, as payable to that person by way of pay in respect of a pay period which includes that day; or
- (v) remuneration under a protective award made under section 101 of the Employment Protection Act 1975(b) or an amount ordered to be paid under section 103 of that Act;

and in this sub-paragraph any reference to an industrial tribunal shall be construed as including also a reference to the Employment Appeal Tribunal;

- (l) a day shall not be treated as a day of unemployment if it is a day in respect of which a person whose employment as such has not been terminated receives a payment by virtue of any scheme for making payments to employers set up by the Secretary of State under section 1 of the Employment subsidies Act 1978(c) (schemes for financing employment);
- (m) a day shall not be treated as a day of unemployment if on that day a person is a student; ◄
- (n) a day shall not be treated as a day of unemployment in relation to any person if it falls in a week during any part of which that person is employed in employment under arrangements made by the Secretary of State under section 5 of the Employment and Training Act 1973(d); but this sub-paragraph does not apply to any day before the first day of employment i the first week in which he is employed under such arrangements or after the last day of employment in the last week in which he is so employed.◄

Words inserted into reg. 7(1)(k)(iii) by reg. 3(4) of S.I. 1988/1674 as from 7.11.88.

Ref. inserted into reg. 7(1)(k)(iii) by reg. 2 of S.I. 1984/551 as from 10.5.84.

Regulation 7(1)(m) substituted by reg. 6(2)(a) of S.I. 1990/1549 as from 1.9.90.

Para. (1)(n) inserted by reg. 2 of S.I. 1987/317 as from 4.3.87.

(a) 1978 c.44.

(b) 1975 c.71.

(c) 1978 c.6.

(d) 1973 c.50. Section 5 was amended by the employment Protection Act 1975 (c.71), Schedule 14, paragraph 2 and the Employment Subsidies Act 1978 (c.6), section 3(7).

Annex 2

Provisions revoked from 7.10.96 (continued)

Para. (1)(o) added to reg. 7 by reg. 2(a) of S.I. 1989/2122 as from 10.12.89.

- (o) subject to regulation 9, a day shall not be treated as a day of unemployment in relation to any person, if—
- (i) it falls within a period of 7 days (including Sundays) ending on the weekday corresponding to the particular week-day specified in a written notice last given to him by the Secretary of State for the purpose of his claiming unemployment benefit; and
 - (ii) his earnings in respect of that period are equal to or exceed the weekly lower earnings limit for the time being specified for Class 1 contributions under the Act. ◀

Words substituted in reg. 7(2) by reg. 2(b) of S.I. 1989/2122 as from 10.12.89.

- (2) ►Paragraph (1)(e) shall apply to a person if his earnings in the week in which the day falls exceed £12.00 and either ◀—
- (a) there is a recognised or customary working week in connection with his employment; or
 - (b) he regularly works for the same number of days in a week for the same employer or group of employers.

Reg. 7(3) substituted by reg. 6(2)(b) of S.I. 1990/1549 as from 1.9.90.
Words “throughout any period of term or vacation within it” deleted from reg. 7(3)(a) by reg. 2(f) of S.I. 1995/1742 as from 1.8.95.

- (3) In paragraph (1)(m) “student” means a person who is attending a full-time course of study at an educational establishment; and for the purposes of this definition—
- (a) a person who has started on such a course shall be treated as attending it►◀, until the end of the course or such earlier date as he abandons it or is dismissed from it;
 - (b) a person on a sandwich course shall be treated as attending a full-time course of study;
 - (c) “course of study” means any course of study whether or not a grant is made for attending it; and any period of attendance at the educational establishment in connection with the course which is outside the period of the course shall be treated as a part of the course of study; and
 - (d) “sandwich course” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the Education (Mandatory Awards) Regulations 1989(a).◀

Reg. 7(4) added by reg. 3(5) of S.I. 1988/1674 as from 7.11.88.

- (4) Head (iii) of paragraph (1)(k) shall not apply to any person in respect of a day for which a compensatory award within the meaning of section 72(b) of the Employment Protection (Consolidation) Act 1978(b) is payable to him Eso long as such an award remains unpaid and the employer is, or subsequently becomes, insolvent within the meaning of section 127(c) of that Act.◀◀

Words in reg. 7(4) substituted by reg. 2(3) of S.I. 1989/872 as from 19.6.89.

- (5) For the purposes of paragraph (1)(d), “the ineligible period” is the period which begins on the day following the termination of the employment and ends—

Paras. (5) and (6) added to reg. 7 by reg. 4(b) of S.I. 1989/1324 as from 9.10.89.

- (a) in a case where the person who paid the compensation represents that it, or part of it, was paid in lieu of notice of termination of employment or on account of the early termination of a contract of employment for a term certain—
 - (i) on the due date, unless sub-paragraph (b) of this paragraph also applies; or
 - (ii) if that sub-paragraph does apply, on the date determined under it;
- (b) in a case where the person who paid the compensation represents that it, or part of it, was paid in lieu of consultation under section 99 of the Employment Protection Act 1975(d), on the later of—
 - (i) the day on which the consultation period under that section would have ended; and
 - (ii) where sub-paragraph (a) of this paragraph also applies, the due date or, where that sub-paragraph does not apply, the standard date; or
- (c) in any other case, the standard date.

- (5A)For the purposes of paragraph (1)(o), where during a period of 7 days the lower earnings limit changes reference shall be made to the lower earnings limit

Para. (5A) inserted into reg. 7 by reg. 2(c) of S.I. 1989/2133 as from 10.12.89.

- (a) S.I. 1989/1458. [Para. 1(1) of Sch. 5 to this S.I., as later re-enacted with modifications, is reproduced in volume 6 of this work, at Annex 2 to S.I. 1987/1967.]
- (b) 1978 c.44.
- (c) section 127 of the Employment Protection (Consolidation) Act 1978 (c.44) was amended by section 235 of and Schedule 8 to the Insolvency Act 1985 (c.65) and section 438 of and Schedule 14 to the Insolvency Act 1986 (c.45).
- (d) 1975 c.71.

specified at the end of that period. ◀

Provisions revoked from 7.10.96 (continued)

►(5B)For the purposes of head (i) of sub-paragraph (g) and head (ii) of sub-paragraph (o) of paragraph (1) earnings shall not include any payment in the form of a retaining fee paid to a person under an agreement under which he is or may be required to engage in any of the task specified in paragraphs (a) or (b) of regulation 9. ◀

Para. (5B) inserted into reg. 7 by reg. 2 of S.I. 1995/2192 as from 25.9.95.

(6) In this regulation—

“compensation” means any payment made to or for a person in respect of the termination of the employment other than—

- (a) any remuneration paid in respect of the period before the termination;
- (b) any holiday pay;
- (c) any payment not falling within paragraph (a) or (b) of this definition which is paid in respect of an emolument of the employment (whether in money or in kind) and which has accrued before the termination of the employment;
- (d) any redundancy payment within the meaning of section 81(1) of the Employment Protection (Consolidation) Act 1978; and
- (e) any refund of contributions to which he was entitled under an occupational pension scheme within the meaning of section 66(1) of the Pensions Act;

►(f) any compensation payable by virtue of section 173 or section 178(3) or (4) of the Education Reform Act 1988; ◀

Sub-para. (f) added to defn. in reg. 7(6) by art.2 of S.I. 1990/774 as from 1.4.90.

“due date”, in relation to the termination of a person’s employment, means whichever of the following dates is applicable in his case, that is to say—

- (a) the date on which any period of notice applicable to the person was due to expire or would have been due to expire if it had not been waived;
- (b) where he had a contract of employment for a term certain, the date on which it was due to expire;

and for the purpose of paragraph (a) of this definition “period of notice” means the period of notice of termination of employment to which a person is entitled by statute or by contract, whichever is the longer, or, if he is not entitled to such notice, that period of notices which is customary in the employment in question;

“the standard date” means the earlier of—

- (a) the due date; and
- (b) the last day of the period determined by—
 - (i) dividing the amount of the composition by the maximum weekly amount which, on the day following the day of termination of employment, is specified in paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978(a), and
 - (ii) treating the result (less any fraction of a whole number) as a number of weeks;

Words inserted into defn. of “week” in reg. 7(6) by reg. 2(d) of S.I. 1989/2122 as from 10.12.89.

“week” ►, except in paragraphs (1)(e) and (2), ◀means any period of 7 days (including a Sunday). ◀

.....
►Restrictions on availability for employment

7B.—(1) Subject to paragraphs (2) to (5), a day shall not be treated as a day of unemployment in relation to a person if it falls within a week which includes one or more days in respect of which he imposes restrictions on the nature, hours, rate of remuneration, locality or other conditions of employment which he is prepared to accept.

Reg. 7(b) inserted by reg. 5 of S.I. 1989/1324 as from 9.10.89.

(2) Paragraph (1) shall not apply if the person shows that he has a reasonable prospect of securing employment notwithstanding those restrictions.

(3) For the purposes of paragraph (2), in deciding whether a person has a reasonable prospect of securing employment regard shall be had, in particular, to the length of the period during which the person has been unemployed.

(4) Paragraph (1) shall not apply in relation to a day—

(a) 1978 c.44; the relevant amending instrument is S.I. 1989/526.

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- (a) where the restrictions would not prevent the person from having reasonable prospects of securing employment but for the existence of adverse industrial conditions, in the locality or localities concerned, which may reasonably be regarded as temporary, or

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- (b) where the restrictions are reasonable in view of the person's physical or mental condition; or
- (c) subject to paragraph (5), where the person who has imposed the restrictions has a usual occupation and those restrictions relate to it and are consistent with conditions which are usual in that condition.

(5) Paragraph (4)(c) applies in relation to a person only for such period as may be determined in his case in accordance with paragraph (6); and any such period—

- (a) shall begin on the first day for which he makes a claim for unemployment benefit since the last day on which he was in employment, or in vocational training in his usual occupation, or incapable of work; and
- (b) shall end not more than 13 weeks after it begins.

(6) In determining the length of any period for the purposes of paragraph (5) regard shall be had to—

- (a) the person's usual occupation and any relevant skills and qualifications which he had acquired;
- (b) the length of the periods during which the person has undergone training relevant to his usual occupation;
- (c) the length of the periods during which the person has been employed in his usual occupation and the period since he was last so employed; and
- (d) the availability and location of employment in his usual occupation.

Persons deemed to be available for employment in employed earner's employment

Words substituted in reg., 9(b) by reg. 3 of S.I. 1995/2192 as from 10.12.89.
Reference substituted in reg. 9 by reg. 3 of S.I. 1989/2122 as from 10.12.89.

9. A person engaged in—

- (a) the manning or launching of a lifeboat; or
- (b) the performance of duty as a part-time member of a fire brigade maintained in pursuance of the Fire Services Acts 1947 to 1959;

shall be deemed to be available to be employed in employed earner's employment, and regulation 7(1)(g) shall apply to him as if head (ii) were omitted.

(2) For the purposes of this regulation a person is engaged in duties for the benefit of others while—

- (a) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired;
- (b) protecting property of substantial value from imminent risk of serious damage or destruction; or
- (c) assisting in measures being taken to prevent a serious threat to the health of the people;

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection.

(3) For the purposes of paragraph (1), events which may give rise to an emergency include—

- (a) a fire, a flood or an explosion;
- (b) a natural catastrophe;
- (c) a railway or other accident;

- (d) a cave or mountain accident;
- (e) a person being reported missing and the organisation of a search for that person

Provisions revoked from 7.10.96 (*continued*)

Availability of person attending work camps

11.—(1) Subject to paragraph (2), where a person who has given notice in accordance with paragraph (3) attends a work camp situated in Great Britain and this necessitates his residing at a place other than his usual place of residence, he shall be deemed to be available to be employed in employed earner's employment on each day, subject to a maximum of 14 days (excluding Sundays or the day substituted for it by regulation 4(1)), on which he attends the camp, and on those days regulation 7(1)(g) shall apply to him as if head (ii) were omitted.

Para. 1(A) inserted in reg. 11 by reg. 2(2)(a) of S.I. 1995/3152 as from 1.1.96.

▶(1A) Subject to paragraph (2), where a person who has given notice in accordance with paragraph (3) attends a programme of training and activities known as the 28 days Venture Trust Project in the residential accommodation situated at Applecross in Scotland in pursuance of arrangements made by the Secretary of State, he shall be deemed to be available to be employed in employed earner's employment on each day of his attendance; and on those days regulation 7(1)(g) shall apply to him as if head (ii) were omitted.◀

Words inserted in reg. 11(2) by reg. 2(2)(b) of S.I. 1995/3152 as from 1.1.96.

(2) This regulation shall apply to one period only of attendance at a work camp, or of attendance on the 28 days Venture Trust Project, as the case may be, in any calendar year.

(3) for the purposes of paragraph (1) ▶or (1A), as the case may be, notice is given when it is sent or delivered, before the person concerned attends the work camp to which it relates ▶or before the person concerned arrives at Applecross in Scotland ◀, to the unemployment benefit office at which that person last made a written declaration as to his unemployment and his availability for employment.

(4) in this regulation, "work camp" means any place where people come together under the auspices of a charity or a local authority to provide a service of benefit to the community.

Heading to reg. 12 substituted by reg. 3(a) of S.I. 1993/1754 as from 11.8.93.

Availability of persons requiring notice of job opportunities

12.—▶(1) Subject to paragraph (1A), where on any day a person is engaged, whether by contract or otherwise, in providing a service with or without remuneration and the circumstances are such that it would not be reasonable to require him, as a condition of qualifying for unemployment benefit, to make himself available at less than 24 hours' notice—

Reg. 12(1) and (1A) substituted for reg. 12(1) by reg. 3(b) of S.I. 1993/1754 as from 11.8.93.

- (a) for employment in employed earner's employment;
- (b) for interview in connection with any such employment for which an opportunity arises; or
- (c) for interview by an officer of the Department of Employment, a local education authority or the Department of Social Security in connection with his availability for employment generally or in a particular case;

he shall be deemed on that day to be available for employment in employed earner's employment if ready on being given not less than 24 hours' notice to undertake employment or attend for interview, as the case may require.

(1A) Where on any day a person is engaged in providing a service as a volunteer and the circumstances are such that it would not be reasonable to require him, as a condition of qualifying for unemployment benefit, to make himself available at less than 48 hours' notice—

- (a) for employment in employed earner's employment;
- (b) for interview in connection with any such employment for which an opportunity arises; or
- (c) for interview by an officer of the Department of Employment, a local education authority or the Department of Social Security in connection with his availability for employment generally or in a particular case;

he shall be deemed on that day to be available for employment in employed earner's employment if ready on being given not less than 48 hours' notice to undertake employment or attend for interview, as the case may require.◀

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(2) On any day on which a person is engaged as aforesaid regulation 7(1)(g) shall apply to him as if head (ii) were omitted.

Provisions revoked from 7.10.96 (*continued*)

Reg. 12A inserted by
reg. 2 of S.I. 1988/689
as from 2.5.88.

► **Persons deemed available where a doubt has arisen about availability**

12A.—(1) Subject to paragraph 4, a person shall be deemed to be available to be employed in employment for a period determined in accordance with paragraphs (2) and (3) where—

- (a) he has been in receipt of unemployment benefit during a spell of unemployment; and
- (b) a doubt has arisen during that spell of unemployment as to his availability for employment,

and regulation 7(1)(g) shall apply to a person deemed to be available for employment under this regulation as if head (ii) were omitted.

(2) The period under paragraph (1) shall begin on the day on which the doubt about a person's availability for employment arises.

(3) the period under paragraph (1) shall end—

- (a) where a person has failed to furnish such certificates, documents, information and evidence within the period of one month, or such longer period as the Secretary of State made under regulation 7(1) of the Social Security (Claims and Payments) Regulations 1987(a), at the expiry of that period; or
- (b) where a determining authority makes a determination on review as to whether the person is available for work, at the end of the day on which the determination is made,

whichever first occurs.

(4) This regulation shall not apply—

- (a) to a person in respect of any day on which he is deemed to be available for employment by virtue of regulation 9 (lifeboatmen and part-time firemen), 10 (persons undertaking duties in an emergency), 11 (persons attending work camps) or 12 (person requiring 24 hours notice of job opportunities); or
- (b) a person in any case where he gives notice at an office of the ►Department of Social Security◄ or the Department of Employment that he is not, or will not be, available for employment and where such notice is given after the period in paragraph (1) has begun that period shall end on the first day mentioned in that notice as a day in respect of which he will not be available for employment or, where no day is mentioned in that notice, the day following the day on which the notice is received in an office of the Department of Social Security or the Department of Employment.

(5) For the purposes of this regulation—

- (a) "employment" means employed earner's employment; and
- (b) "spell of unemployment" means any period of one or more days on which a person is unemployed and any two or more such period, not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment, shall be treated as one spell of unemployment and for the purposes of this paragraph in computing any period of time Sunday shall not be disregarded.◄

Words in reg. 12A(4)(b)
substituted by virtue of
art. 3(4) of S.I. 1988/
1843 as from 28.11.88.

Regs. 12B to 12H
inserted by reg. 6 of S.I.
1989/1324 as from
9.10.89.

Steps to be taken by persons actively seeking employment

12B.—(1) Subject to the following paragraphs of this regulation, the steps which a person is required to take in any week if he is to be regarded as actively seeking employment in that week shall be such of the steps which are reasonable in his case as offer him his best prospects of receiving offers of receiving employment.

(2) In determining for the purposes of this regulation whether in any week a person has taken the steps which are reasonable in his case regard shall be had to all the circumstances of the case, including, in particular—

- (a) his skills, qualifications, abilities, and physical or mental limitations;
- (b) the time which has elapsed since he was last in employment and his work experience;
- ~~(c) the steps which he has taken in previous weeks to seek employment,~~

(a) S.I. 1987/1968, to which there are amendments not relevant to these Regulations.

- (d) the availability and location of vacancies in employment;
- (e) any time during which he was—

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- (i) engaged in activities mentioned in regulation 9 (lifeboatmen and firemen);
 - (ii) engaged, during an emergency, in the duties mentioned in regulation 10 (persons undertaking duties in an emergency);
 - (iii) undertaking voluntary work;
 - (iv) attending an Outward Bound course;
 - (v) participating in an employment or training programme for which a training allowance is not payable;
 - (vi) participating in any course of vocational training or study;
 - (vii) in the case of a blind person, participating in a course of training in the use of guide dogs;
- (f) whether he has applied for, or accepted a place on, or participated in a course or programme the cost of which is met in whole or in part out of central funds or by the European Economic Community and the purpose of which is to assist persons to select, train for, obtain and retain employment or self-employed earner's employment; and
 - (g) where he had no living accommodation in that week the fact that he had no such accommodation and the steps which he needed to take and has in fact taken to seek such accommodation.

(3) For the purposes of this regulation the taking of one step on a single occasion during a week shall not be sufficient unless taking that step on that occasion is all that it is reasonable for the person in question to do in that week.

(4) For the purposes of this regulation "steps" include—

- (a) oral or written applications (or both) for employment made to persons—
 - (i) who have advertised the availability of employment; or
 - (ii) persons who have placed advertisements which indicate the availability of employment;
 - (iii) employment agencies and employment businesses;
 - (iv) employers;
- (c) registration with an employment agency or employment business;
- (d) appointment of a third party to assist the person in question in finding employment.

(5) In this regulation—

"employment" means employed earner's employment except in the expressions "self-employed earner's employment", "employment agency" and "employment business"

"employment agency" and "employment business" mean an employment agency or (as the case may be) employment business, within the meaning of the Employment Agencies Act 1973(a), in respect of which a person holds a current licence within the meaning of that Act.

Meaning of week

12C.—(1) For the purposes of section 17(1)(a)(i) (requirement to seek work actively "week", in the case of any person, means—

- (a) except where sub-paragraph (b) of this paragraph applies, each of the successive periods which begin immediately after a relevant day and end with the next relevant day in the period of interruption of employment in question;
- (b) where the Secretary of State has directed the person to attend at an unemployment

(a) 1973 c.35.

benefit office on more than one day in any period of 7 days for the purpose of claiming unemployment benefit, each of the periods of 7 days (whether overlapping or not) which end with the last day to which each successive claim relates.

Provisions revoked from 7.10.96 (*continued*)

- (2) Subject to paragraph (4), for the purposes of paragraph (1)(a)–
- (a) the first relevant day in relation to a period of interruption of employment shall be the day immediately preceding the first day in that period for which the person in question claims unemployment benefit; and
 - (b) the last relevant day in relation to a period of interruption of employment shall be the last day of that period.
- (3) Subject to paragraph (4), for the purposes of paragraph (1)(a)–
- (a) if the Secretary of State has given written notice to the person in question to attend at an unemployment benefit office for the purpose of claiming unemployment benefit on a day which falls after the last day to which that claim relates, that last day shall be a relevant day in his case;
 - (b) if the Secretary of State has directed the person in question to attend at an unemployment benefit office for the purpose of claiming unemployment benefit on a day which falls after the last day to which that claim relates, that last day shall be a relevant day in his case;
 - (c) in any case not falling within sub-paragraph (a) or (b) of this paragraph, in each period of 7 days the week-day which corresponds to the preceding relevant day shall be a relevant day in his case.
- (4) Where, in the application of paragraph (2) or (3), two or more relevant days would fall within any period of 7 days during the period of interruption of employment, all but the later or latest of those days shall be disregarded.

(5) For the purposes of paragraphs (1)(b) and (3)(b) “directed” means directed by a direction to which regulation 8 (attendance in person at an unemployment benefit office) of the Social Security (Claims and Payments) Regulations 1987 (a) refers and for the purposes of paragraph (3)(a), “written notice” means any notice in writing to which paragraph 1 of Schedule 5 (variation of prescribed times for claiming unemployment benefit) to those Regulations refers.

Persons deemed to be actively seeking employment

- ~~12D~~–(1) A person shall be deemed to be actively seeking employment in respect of–
- (a) the week which includes the first day for which a claim for unemployment benefit is made since that person was last–
 - (i) in employment, or
 - (ii) participating in an employment or training programme for which a training allowance is payable,
 for a period of not less than 6 consecutive days (disregarding Sundays);
 - (b) the week which includes the last day of unemployment in any spell of unemployment;
 - (c) subject to paragraph (2), weeks in respect of which he has given written notice to the Secretary of State that–
 - (i) he does not intend to be actively seeking employment, but
 - (ii) he does intend to reside at a place other than his usual place of residence for at least one day;
 - (d) any week during which he is deemed available for employed earner’s employment for not less than 3 days under either regulation 9 (lifeboatmen and firemen) or regulation 10 (persons undertaking duties in an emergency);
 - (e) any week during which he is participating for not less than 3 days in an employment or training programme for which a training allowance is not payable unless that week falls immediately after a period of 5 consecutive weeks during which he has been participating in such a programme;
 - (f) any week in a single period not exceeding 8 weeks during which a person is taking active steps to establish himself in employment as a self-employed earner under any scheme for
- (a) S.I. 1987/1968.
 (b) 1973 c.50; section 2 was substituted by the Employment act 1998 (c.19), section 25(1).
 (c) 1990 c.35.

Words added to reg.
12D(1)(f) by art. 6(c)
of S.I. 1991/387 as from
1.4.91.

assisting claimants to become self-employed earners established pursuant to arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(b)►, or by the Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,◀ (c); and, where the scheme

Provisions revoked from 7.10.96 (*continued*)

requires claimants to attend a meeting before they can apply to participate under it, the period shall begin with the week in which he attends such a meeting.

(2) In any period of 12 months a person shall be deemed to be actively seeking employment under paragraph (1)(c) only for the number of weeks specified in one of the following sub-paragraphs—

- (a) a maximum of 2 weeks, whether consecutive or not, or
- (b) a maximum of 3 weeks, whether consecutive or not, during which he is attending for at least 3 days in each such week an Outward Bound course; or
- (c) if he is a blind person, a maximum of 6 weeks, whether consecutive or not, during which, apart from a period of no more than 2 weeks, he participates for a maximum period of 4 weeks in a course of training in the use of guide dogs of which at least 3 days in each such week is aspect in that training; or
- (d) a maximum of 5 consecutive weeks during which he is, for at least 3 days in each such week, under going a programme of training and activities known as the 28 days Venture Trust Project in the residential accommodation situated at Applecross in Scotland in pursuance of arrangements made by the Secretary of State.◀

Reg. 12D(2)(c) substituted by reg. 2 of S.I. 1992/2913 as from 17.12.92.
Word “or” and reg. 12D(2)(d) added by reg. 2(3) of S.I. 1995/3152 as from 1.1.96.

(3) In this regulation—

“spell of unemployment” means any period of one or more days on which a person is unemployed; and any two or more such periods not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment shall be treated as one spell of unemployment;

“week” shall have the same meaning as in regulation 12C.

Matters to be taken into account in determining good cause

12E— (1) This regulation shall have effect for the purposes of section 20(1) (disqualification for unemployment benefit).

(2) Subject to paragraphs 930 to (5), in determining whether a person does or does not have good cause for any act or omission for the purposes of subsection (1)(b) to (g) of that section the matters which are to be taken into account shall include the following—

- (a) any condition or personal circumstance of that person which indicates that a particular employment, official recommendation or course of training would be likely to or did—
 - (i) cause serious harm to his health; or
 - (ii) subject him to excessive physical or mental stress;
- (b) any religious or conscientious objection, sincerely held by the person, to his undertaking a particular employment, or following a particular official recommendation or participating in a particular course of training;
- (c) any responsibility for the care of another member of his household which would, or did, make it unreasonable for the person to undertake a particular employment, follow a particular official recommendation or participate in a particular course of training;
- (d) the time it took, or would normally take, for the person to travel from his home to the place of the employment or training and back to his home by a route and means appropriate to his circumstances and to the employment or training;
- (e) the expenses which were, or would be, necessarily and exclusively, incurred by the person for the purposes of the employment or training, together with any expenses of travelling to and from the place of the employment or training by a route and means appropriate to his circumstances, if those expenses did, or would, represent an unreasonably high proportion of—
 - (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or
 - (ii) in the case of training, the income which he received, or would receive, from participation in that training.

(3) For the purposes of paragraph (2)(e), in considering whether expenses did, or would,

represent an unreasonably high proportion of remuneration or income, the principle shall apply that the greater the level of remuneration or income the higher the proportion thereof which it is reasonable should be represented by expenses.

Provisions revoked from 7.10.96 (*continued*)

(4) Subject to paragraphs (5) and (6), a person is not be regarded as having good cause for any act or omission for the purposes of subsection (1)(b) to (g) of section 20 if, and to the extent that, the reason for that act or omission relates to—

- (a) his income or outgoings or the income or outgoings of any other member of his household, or the income or outgoings which he or any other member of his household would have if he were to become employed or to participate in training, or did have whilst participating in training; but for the purposes of this sub-paragraph a person's outgoings shall not include any expenses taken into account under paragraph (2)(e);
- (b) the time it took, or would normally take, for the person to travel from his home to the place of the employment, or the place of the training, and back to his home where that time was or is normally less than one hour either way by a route and means appropriate to his circumstances and to the employment, or training, unless, in view of the health of the person or any responsibility for the care of another member of his household, that time was or is unreasonable.

(5) Where a person has undergone training for a particular kind of employment for a period of not less than 2 months, for the purposes of subsection (1)(b) to (d) of section 20, a person is to be regarded as having good cause for a period of 4 weeks following the last day of the week in which the training ends for—

- (a) refusing or failing to apply for, or refusing to accept, employment of any other kind when offered to him;
- (b) neglecting to avail himself of a reasonable opportunity of employment of any other kind;
- (c) refusing or failing to carry out an official recommendation given to him with a view to assisting him to find employment of any other kind.

(6) Where a person has been notified by an agency, or by or on behalf of an employer, of a situation in any employment which is or is about to become vacant, that person shall be regarded—

- (a) for the purposes of paragraph (b) of section 20(1) as having good cause for refusing or failing to apply for, or for refusing to accept, that situation, and
- (b) accordingly, for the purposes of paragraph (c) of that provision, as having good cause for neglecting to avail himself of that opportunity of employment,

unless one of the conditions specified in paragraph (7) is satisfied.

(7) The conditions referred to in paragraph (6) are—

- (a) that the situation has also been notified to the person in question by the Secretary of State;
- (b) that the situation is a qualifying former employment of that person.

(8) For the purposes of paragraph (7)(b) a situation is a qualifying former employment of any person if—

- (a) it is a situation offered by an employer for whom he has previously worked or by an employer who has succeeded that employer,
- (b) he has a right to return to work for the former employer (or any successor of his);
- (c) not more than one year has elapsed between—
 - (i) the date when he last worked for that employer; and
 - (ii) the date when the question under section 20(1)(b) or (c) arises; and
- (d) the terms and conditions of employment in the situation are not less favourable than those in the situation which he held when he last worked for that employer.

(9) In this regulation—

- (a) “agency” means any agency referred to in the definition of “properly notified” in section 20(5), other than the Secretary of State;
- (b) except in paragraph (5), “training” means training under an approved training scheme.

Permitted period

12F.—(1) For the purposes of section 20A(3) (exemptions from disqualification for unemployment benefit), the permitted period shall not be less than a period of 7 days (including a Sunday) and any such period—

Provisions revoked from 7.10.96 (*continued*)

- (a) shall begin on the first day for which a person makes a claim for unemployment benefit since the last day on which he was in employment, or in vocational training in his usual occupation, or incapable of work; and
 - (b) shall end not more than 13 weeks after it begins.
- (2) In determining the permitted period in any case, regard shall be had to—
- (7) The conditions referred to in paragraph (6) are—
- (a) the person's usual occupation and any relevant skills and qualifications which he has acquired;
 - (b) the length of the periods during which the person has undergone training relevant to his usual occupation;
 - (c) the length of the periods during which the person has been employed in his usual occupation and the period since he was last so employed;
 - (d) the consideration that the more skilled the usual occupation and the greater the extent to which the skills in that occupation have been exercised recently, the longer the permitted period;
 - (e) the availability and location of employment in his usual occupation;
 - (f) any determination made under regulation 7B (restrictions on availability for employment).

Words inserted in reg. 12G(1) by reg. 3(a) of S.I. 1990/1487 as from 20.8.90.

Trial periods

12G.—(1) ▶ Subject to paragraph (1A), ◀ a person shall be of a prescribed description for the purposes of section 20A(2) (exemption from disqualification for unemployment benefit(a) and shall not be disqualified under the provisions mentioned in that subsection if he has neither worked in employed earner's employment, nor has been a self-employed earner, nor been in full-time education, during the period of 26 weeks preceding the day of the commencement of the employment.

Para. (1A) added to reg. 12G by reg.3(b) of S.I. 1990/1487 as from 20.8.90

- ▶(1A) For the purposes of paragraph (1), a person shall not be regarded as having—
- (a) worked in employed earner's employment;
 - (b) been a self-employed earner, or
 - (c) been in full time education;

by reason only of any engagement in an activity mentioned in regulation 9 or 10 (lifeboat and part-time fire brigade duties, and duties undertaken in an emergency) or by his attendance for a period of up to 14 days at a work camp within the meaning of regulation 11 (availability of persons attending work camps).◀

- (2) For the purposes of the definition of "trial period" in section 20A(3)—
- (a) the day on which the person's employment is to be regarded as commencing shall be the Sunday of the week in which the person enters the employment;
 - (b) in determining the time at which the sixth or twelfth weeks of a trial period ends any week in which a person has not worked in the employment for at least 16 hours shall be disregarded.

Meaning of employment

12H. For the purposes of section 20(1)(b) and (c) "employment" means employment in which a person is employed for 24 or more hours per week.◀

Reg. 13(1) substituted by reg. 4(a) of S.I. 1990/1487 as from 20.8.90

Reckoning of periods of interruption of employment

13.—▶(1) For the purpose of reckoning periods of interruption of employment, and for that purpose only—

- (a) a person shall be deemed to be available to be employed in employed earner's employment on any day specified in paragraph (2);

(a) Section 20A was inserted by the Social Security Act 1989, section 12(4).

Annex 2

Sub-para.(a) of reg. 13(2) substituted for former sub-para. (a) "any day to which reg. 7(1)(f) applies" by reg. 17(10) of S.I. 1995/829 as from 13.4.95.

Reg. 13(2)(b) substituted by ref. 3 of S.I. 1988/689 as from 2.5.88.

Reg. 13(3) added by reg. 4(b) of S.I. 1990/1487 as from 20.8.90.

Reg. 14(2) substituted by reg. 5(a) of S.I. 1990/1487 as from 20.8.90.

Words inserted in reg. 14(3)(c)(iii) by reg. 5(b) of S.I. 1990/1487 as from 20.8.90.

- (b) a person shall be deemed to be actively seeking employed earner's employment in any week which includes such a day;

and any such day shall be treated as a day of unemployment. ◀

- (2) The days specified for the purpose of paragraph (1) are—

Provisions revoked from 7.10.96 (continued)

- ▶ (a) any day on which a person is attending—
- (i) a training course provided by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State; or
 - (ii) a training course or course of instruction provided in pursuance of arrangements made with Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State by any public authority, firm or person; or
 - (iii) a course of training in agricultural occupations provided by, or in pursuance of arrangements made by, the Minister of Agriculture, Fisheries and Food or the Secretary of State;
- and payment of training allowance is made by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise, that Minister or the Secretary of State to the said person for his attendance at the course in question; ◀
- ▶ (b) any day in respect of which the person concerned is entitled to income support under Part II of the Social Security Act 1986(a) or to any personal expenses addition, special transitional addition or transitional addition under the income Support (Transitional) Regulations 1987(b) if on that day paragraph 14 of Schedule 1 to the income Support (General) Regulations 1987(c) applies to him (persons of 60 and over who for the purposes of entitlement to income support, are not subject to the condition of availability). ◀
- ▶ (3) for the purpose of paragraph (1) "week" shall mean any period of 7 days. ◀

Reckoning periods of interruption of employment for persons approaching retirement

14.—(1) Following provisions of this regulation apply only to days falling within the tax year in which a person attains the age of 60 and to any day thereafter on which that person is below the age of 70 in the case of a man or 65 in the case of a woman.

- ▶ (2) For the purpose of reckoning periods of interruption of employment, and for that purpose only—
- (a) a person shall be deemed to be available to be employed in employed earner's employment on any day specified in paragraph (3);
 - (b) a person shall be deemed to be actively seeking employed earner's employment in any week which includes such a day;

and any such day shall be treated as a day of unemployment. ◀

- (3) Where—

- (a) a person makes a claim for unemployment benefit for a day such as is referred to in paragraph (1); and
- (b) that day forms part of a period of interruption of employment; and
- (c) the decision of the determining authority is that benefit is not payable because—
 - (i) the claimant has exhausted his right to unemployment benefit; or
 - (ii) he fails to satisfy one or both of the contribution conditions for entitlement to that benefit; or
 - (iii) the rate at which he would otherwise be entitled to unemployment benefit is reduced to nil by virtue of section 5 of the Social Security (No. 2) Act 1980 (d) (abatement of unemployment benefit on account of payment of occupational ▶ or personal ◀ pension);

(a) 1986 c.50

(b) S.I. 1987/1969, the relevant amending regulations are S.I. 1988/521 and 670

(c) S.I. 1987/1967, to which there are amendments not relevant to these Regulations.

(d) 1980 c.39; subsection (1A) of section 5 was inserted and subsection (2)(b) of that section was amended by the Social Security and Housing Benefits Act 1982 (c.24), section 48(5) and Schedule 4, paragraph 34(2) and (3).

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all days which are subsequent to that day, other than days referred to in section 17(1)IeO of the Act, shall, subject to paragraph (1) and the following provisions of this regulation, be days specified for the purposes of paragraph (2).

(4) Any day of incapacity for work which forms part of a period of interruption of employment shall not be a day specified for the purposes of paragraph (2).

Words inserted and deleted in reg. 14(5) by reg. 5(c) of S.I. 1990/1487 as from 20.8.90.

Provisions revoked from 7.10.96 (continued)

(5) Where a person who is deemed to be available to be employed in employed earner's employment ►or actively seeking such employment◄ in accordance with paragraph (2) is employed as an employed earner or a self-employed earner for a period of more than 8 weeks_{SEF}, then no day which falls within or follows that period shall be a day specified for the purposes of paragraph (2), so however that this paragraph shall not prevent paragraph (2) from again applying to a person who makes a claim for unemployment benefit for a day following such a period.

Para.(7) added to reg. 14 by reg. 5(d) of S.I. 1990/1487 as from 20.8.90.

(6) This regulation shall not apply to any day falling within a tax year commencing before 6th April 1983.

►(7) For the purposes of paragraphs (2) and (5) "week" shall mean any period of 7 days.◄

.....
Special provisions relating to delay or failure in making or prosecuting a claim

Words in reg. 16 substituted by reg. 7 of S.I. 1989/1324 as from 9.10.89.

16. Notwithstanding anything contained in regulation 7(1), a person who, in respect of any period of interruption of employment, would have been entitled to unemployment benefit for any day but for any delay or failure to make or prosecute a claim shall, for the purposes of section 18 (duration of unemployment benefit), ►be treated as having been entitled to benefit for that day except where he satisfies the adjudication officer that he did not intend, by that delay or failure, to avoid the necessity of requalifying for benefit.◄

.....
Modifications of normal idle day rule

19.–(1) This regulation shall apply for the purposes of section 17(1)(b) (normal idle day rule).

(2) Where a person is employed in an employed earner's employment which has not been terminated but has been indefinitely suspended, that employment shall be treated as if it had been terminated on the date on which it was suspended if the period of the suspension consists of not less than 6 consecutive days in a continuous period of days on which the suspension has lasted ascertained in accordance with section 17(1)(b) as substituted by section 17(3)(a).

(3) Where in any week a person is employed in an employed earner's employment which has not been terminated, if–

- (a) in relation to that person, that employment is casual employment; or
- (b) in the normal course, that person would not work for the employer by whom he is employed in that employment, or
- (c) it has been treated as having been terminated for the purpose of section 17(1)(b) as substituted by section 17(3)(a); or
- (d) account falls to be taken, in determining the person's normal course of work, of any period of short-time working due to adverse industrial conditions; ►or
- (e) the person's earnings in that week are £12.00 or less, ◄

Word and sub-para. (e) inserted into reg. 19(3) by reg. 4 of S.I. 1989/2122 as from 10.12.89.

that employment shall be treated, as respects that week, as if it had been terminated immediately after its commencement.

(4) If, as respects any day, a person satisfies the following conditions, that is to say–

- (a) in the normal course, he would work on that day in an employed earner's employment which has not been, and does not fall to be treated as if it had been, terminated but has been suspended; and
- (b) on that day, he works either–
 - (i) in some other employed earner's employment which, by virtue of paragraph (3)(a), (b) or (c), falls to be treated, as respects the week in which that day occurs, as if it had been terminated; or

- (ii) in an employment which, if it were an employed earner's employment, would be such an employment as is described in head (i) of this subparagraph;

that day shall be treated as a day of interruption of employment if, but for his having so worked on that day, it would have been so treated.

Provisions revoked from 7.10.96 (continued)

- (5) A day shall not be treated as a day of unemployment if—
 - (a) were no account taken, in determining a person's normal course of work, of any period of short-time working due to adverse industrial conditions, it would have been treated as not being a day of unemployment by virtue of section 17(1)(b); but
 - (b) it is excluded from the operation of that section by the provisions of paragraph (3)(d).
- (6) The employment of a person shall be treated as if it had been terminated immediately after its commencement, unless—
 - (a) there is a recognised or customary working week in connection with his employment; or
 - (b) he regularly works for the same number of days in a week for the same employer or group of employers.

PART III

ABATEMENT OF UNEMPLOYMENT BENEFIT FOR OCCUPATIONAL PENSION PAYMENTS

Words substituted in reg. 23 by reg. 9 of S.I. 1989/1324 as from 9.10.89. [1980 Act defn. re-enacted in s.122(1) of S.S. conts. & Bens. Act 1992 (c.4).]

Interpretation

- 23. In this Part of these regulations, unless the context otherwise requires—
 - “the 1980 Act” means the Social Security (No. 2) Act 1980(a);
 - “the 1975 Act” means the Social Security Act 1975(b),
 - “pension payments” means payments by way of ►occupational or personal pension◄ as defined in section 5(3) of the 1980 Act;

and other expressions have the same meanings as in the 1980 Act.

Maximum sum prescribed for the purposes of section 5(1) of the 1980 Act

Figure substituted for age 60 by reg. 2 of S.I. 1988/2119 as from 1.1.89.

- 24. For the purposes of section 5(1) of the 1980 Act (abatement of unemployment benefit on account of pension payments in excess of the maximum sum) the sum of £35 is hereby prescribed as the maximum sum.

Disregard of pension payments on account of redundancy

Words in reg. 25(1)(b) inseted by reg. 10(a) of S.I. 1989/1324 as from 9.10.89.

- 25.—(1) For the purposes of section 5 of the 1980 Act there shall be disregarded such pension payments for any week to any person who has attained ►the age of 55◄ as are sums paid to him—
 - (a) solely by way of compensation for an employment of his coming to an end by reasons of redundancy; and
 - (b) otherwise than under the rules of an occupational pension scheme►or personal pension scheme◄ of which he is or was a member.

Para. (3) inserted into reg. by 25 by reg. 10(b) of S.I. 1989/1324 as from 9.10.89.

- (2) In this regulation “occupational pension scheme” means any scheme or arrangement which was comprised in one or more instruments of agreements and which has effect in relation to one or more descriptions or categories of employments so as to provided benefits, in the form of pensions or otherwise, payable on termination of service to earners with qualifying service in an employment of any such description or category, where those benefits include benefits payable by reason of retirement which is at the normal age

- (a) 1980 c.39.
- (b) 1975 c.14.
- (c) 1980 c.39; section 5 has been amended by the Social Security and Housing Benefits act 1982 (c.24), section 48(5) and Schedule 4, paragraph 34(2) and (3); the Social Security act 1986 (c.50), section 86(2) and Schedule 11; the Social Security 1988 (c.7), section 7 and the Social Security Act 1989 (c.24), section 9. [The said 1980 Act defn. was re-enacted in s.122 (1) of S.S. conts. & Bens. Act 1992 (c.4).]

for retirement which is at the normal age for retirement under the rules of such scheme or arrangement.

►(3) In this regulation “personal pension scheme” means any personal pension scheme within the meaning of paragraph (c) or (e) of the definition of “payments by way of occupational or personal pension” in section 5(3) of the 1980 Act (c) and any contract or trust, other than an occupational pension scheme, which falls within paragraph (d) of that definition.◄

Provisions revoked from 7.10.96 (continued)

Disregard of pension payments for less than a whole week

26.—(1) for the purpose of calculating a pension payment or the aggregate of such payments, as the case may be, for any week under section 5 of the 1980 Act, the following provisions of this regulation shall apply.

(2) Where pension payments first begin to be made to any person for a period starting other than at the beginning of the first week for which they are made, any such payments for that week shall be disregarded.

(3) Where pension payments are already in payment to any person and any change in the rate of such payments takes effect in a week other than from the beginning of that week, the amount of any increase in the pension payments for that week arising from that change shall be disregarded.

Figure substituted for age 60 by reg. 2 of s.I. 1988/2119 as from 1.1.89.

Calculation of weekly amount of pension payments made other than weekly

27. Subject to the provisions of regulation 26, where a pension payment, or an aggregate of such payments, as the case may be, is paid to a person who has attained ►the age of 55◄ for a period other than a week, the amount of any such payment for any week in that period shall be determined for the purposes of section 5 of the 1980 Act—

- (a) where payment is made for a year, by dividing the total by 52;
- (b) where payment is made for three months, by dividing the total by 13;
- (c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
- (d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
- (e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

Modification of section 18(1) of the 1975 Act

28. In a case where the rate at which any person would otherwise be entitled to unemployment benefit is reduced to nil for any period by virtue of section 5(1) of the 1980 Act, section 18(1) of the 1975 Act (duration of entitlement to unemployment benefit) shall have effect so that any day in that period for which that person would have been entitled to unemployment benefit but for the said section 5(1) shall count as a day for which he has been so entitled for the purpose of calculating whether he has been so entitled for 312 days in a period of interruption of employment.

