

1981 No. 371

SUPPLEMENTARY BENEFITS**The Supplementary Benefit (Conditions of Entitlement) Regulations
(Northern Ireland) 1981***Made 11th November 1981**Coming into operation 21st December 1981***ARRANGEMENT OF REGULATIONS**

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(1B), 7, 8, 9 and 14 of the Supplementary Benefits (Northern Ireland) Order 1977(a) and of all other powers enabling it in that behalf, and for the purpose only of consolidating regulations hereby revoked, hereby makes the following regulations:

(a) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 and shall come into operation on 21st December 1981.

Interpretation

2. In these regulations—

“the Order” means the Supplementary Benefits (Northern Ireland) Order 1977;

“the Act” means the Social Security (Northern Ireland) Act 1975(a);

“Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(b);

“Requirements Regulations” means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(c);

“Resources Regulations” means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(d);

“allowance” means a supplementary allowance under Article 3(1)(b) of the Order;

“benefit week” has the meaning assigned to it in regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances);

“claimant” means a claimant for supplementary benefit;

“close relative” means a spouse, partner, parent, child, step-parent, step-child, brother or sister;

“the Department” means the Department of Health and Social Services;

“dependant” means a person whose requirements and resources are, by virtue of paragraph 3(2) of Schedule 1 to the Order, aggregated with and treated as those of the claimant;

“partner” means one of a married or unmarried couple;

“pension” means a supplementary pension under Article 3(1)(a) of the Order;

“person affected by a trade dispute” means a person whose requirements fall to be disregarded to any extent by virtue of Article 12 of the Order;

“self-employed person” means a person engaged in any work otherwise than under a contract of service;

“student” means a person under pensionable age who has ceased relevant education and is attending a course of full-time education, but he shall not be deemed to be a student during periods when he is not attending his course and is not engaged on a programme of studies;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable out of public funds by a Government department to a person for his maintenance, or in respect of any dependant of his, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him; but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher.

(a) 1975 c. 15

(b) S.R. 1980 No. 423

(c) S.R. 1980 No. 347

(d) S.R. 1981 No. 370

Persons temporarily absent from Northern Ireland whose entitlement is to continue

3.—(1) Where a claimant for a pension, or a claimant for an allowance who satisfies the condition in paragraph (2), is temporarily absent from Northern Ireland and—

(a) in the period immediately preceding the commencement of that absence was entitled to a pension or, as the case may be, an allowance; and

(b) would, but for his absence, be entitled to such pension or allowance, his entitlement to that pension or allowance shall continue during his absence from Northern Ireland for a period not exceeding the end of the fourth benefit week which falls during that absence.

(2) The condition mentioned in paragraph (1) is that in the period mentioned in paragraph (1)(a) he was not required to register and be available for employment either—

(a) by virtue of regulation 6(c) (incapacity for work) and the Department has certified that it is consistent with the proper administration of the Order that, subject to the satisfaction of one of the conditions in heads (i) and (ii) below, paragraph (1) should apply, and either—

(i) the absence is for the specific purpose of being treated for incapacity which commenced before he left Northern Ireland; or

(ii) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work or incapable of working within the meaning of regulation 6(c) and continues to be so incapable on each day of his absence to which paragraph (1) applies; or

(b) by virtue of any other paragraph of regulation 6 (except paragraph (r), (s) or (t)) and that paragraph continues to apply to him on each day of his absence to which paragraph (1) applies.

Meaning of employment for the purposes of Article 7 of the Order

4. For the purposes of Article 7 of the Order (requirement to register and to be available for employment) “employment” means work in employed earner’s employment within the meaning of the Act—

(a) which the claimant can reasonably be expected to do;

(b) for which payment is made; and

(c) for which he would normally be engaged for not less than 30 hours a week or, if he is mentally or physically disabled, such lesser number of hours as, having regard to his disability, he is usually capable of working.

Manner of registration

5. A claimant required to register for employment pursuant to Article 7 of the Order shall, except where the Department decides otherwise, be so registered by registering in accordance with regulations having effect for the purposes of the Employment and Training Act (Northern Ireland) 1950(a).

Persons not subject to condition of registration and availability for employment

6. A claimant shall not be required to register and to be available for employment under Article 7 of the Order in any week in which one or more of the following paragraphs apply and regulation 8 does not apply to him—

(a) he is not a partner and either—

(i) he has a dependant living with him who is a child, or

- (ii) a child is boarded out with him by a Health and Social Services Board or voluntary organisation within the meaning of the Children and Young Persons Act (Northern Ireland) 1968(a) and has been so boarded out with him for at least 6 months before the week in which the claimant would, but for this paragraph, have been required to register and to be available for employment;
- (b) he is regularly and substantially engaged in caring for a severely disabled person and—
 - (i) either attendance allowance under the Act is payable in respect of that person or paragraph 9 of Schedule 3 to the Requirements Regulations (attendance needs) applies in respect of that person or would apply to him if he made a claim for pension or allowance, and
 - (ii) there are no alternative means by which that person could be cared for, except that, if in any case to which head (i) applies alternative means of care are available, this paragraph shall apply, but only for the period before alternative arrangements are made or for a period of 6 months, whichever is the shorter;
- (c) he is a person to whom regulation 9(2)(b) applies or, by reason of some specific disease or bodily or mental disablement, he is either incapable of work or is incapable of working for the number of hours which would apply in his case by virtue of regulation 4(c);
- (d) he is so blind as to be unable to perform any work for which eyesight is essential and he has been unused to working outside his home in the 12 months immediately preceding the claim;
- (e) by reason of physical or mental disablement he has no further prospect of employment and in the 12 months immediately preceding has—
 - (i) on average worked for less than 4 hours a week,
 - (ii) been registered and available for employment under Article 7 of the Order for not less than 39 weeks,
 - (iii) made reasonable efforts to find employment and not refused any suitable employment,and it is unlikely that there will be a vacancy for suitable employment for him in the locality in the near future;
- (f) he has no prospect of future employment and lacks the training or experience to be able to enter or re-enter employment and—
 - (i) he is within 10 years of attaining pensionable age,
 - (ii) he has not been in employment in the 10 years immediately preceding the claim, and
 - (iii) during that period the requirement in Article 7 of the Order has not applied and would not have applied to him had a claim been made for an allowance by or in respect of him;
- (g) she is pregnant and either she is incapable of work by reason of that pregnancy or she has reached a stage in her pregnancy which is either—
 - (i) not more than 11 weeks before the expected week of confinement, or
 - (ii) more than 11 weeks but less than 15 weeks before the expected week of confinement, and the benefit officer is satisfied that there is no vacancy in a suitable employment;
- (h) he is a member of the household of a close relative and is caring for a child of that relative because the parent who usually looks after the child is absent or ill;

- (i) he is a student who by reason of a disability would, in comparison with other students, be unlikely to be able to obtain employment within a reasonable period of time;
- (j) he is a student who is one of an unmarried couple, his partner is not a student and either—
 - (i) his partner is the parent of a child who is a dependant of the claimant but of whom the claimant is not a parent, or
 - (ii) his partner is, and has in the preceding 8 weeks been, unable to work for a reason specified in paragraph (c);
- (k) he is a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(a) as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(b), and—
 - (i) he is attending for more than 15 hours a week a course for the purpose of learning English so that he may obtain employment, and
 - (ii) on the day on which that course commenced he had been in Northern Ireland for not more than 12 months,
so however that this paragraph shall apply only for a period not exceeding 6 months, except that where a period of further tuition in English is necessary for the purpose of obtaining employment it may apply for a further period not exceeding 3 months;
- (l) he is in receipt of a training allowance;
- (m) he is following an Open University course and is attending, as a requirement for that course, a residential course;
- (n) he is in receipt of an allowance paid under the Job Release Act 1977(c);
- (o) his employment as such has not been terminated and he is in receipt of a payment by virtue of any scheme for making payments to employers set up by the Department of Manpower Services under section 1 of the Employment Subsidies Act 1978(d) (schemes for financing employment);
- (p) he is a person aged not less than 60 who is not registered for employment in accordance with regulations having effect for the purposes of the Employment and Training Act (Northern Ireland) 1950 and who, if not required to register and to be available for employment under Article 7 of the Order, would satisfy the conditions of regulation 7(1) of the Requirements Regulations (conditions for long-term rates for normal requirements of persons under pensionable age);
- (q) he is required to attend a court for any period exceeding 2 days as a justice of the peace or as party to any proceedings, witness or juror;
- (r) he has been discharged from detention in a prison, remand centre or young offenders centre and—
 - (i) no payment has been made for his benefit under section 41 of the Prison Act (Northern Ireland) 1953(e) (payments for discharged prisoners), and
 - (ii) in the opinion of the benefit officer it would be unreasonable to require him to register and to be available for employment for a period not exceeding 7 days from and including the day on which he first claims pension or allowance after his discharge;

(a) Cmnd. 9171

(b) Cmnd. 3906

(c) 1977 c. 8

(d) 1978 c. 6

(e) 1953 c. 18 (N.I.); as amended by section 27 of the Treatment of Offenders Act (Northern Ireland) 1968 c. 29 (N.I.).

- (s) he is a person to whom one of the following applies—
- (i) regulation 9(2)(a) (first 15 days of employment),
 - (ii) regulation 11(a), (c) or (d) (person receiving relevant education who is a parent, or has no, or is estranged from his, parents or guardian), but only during his term-time,
 - (iii) regulation 11(b) (person receiving relevant education who is severely handicapped);
- (t) he is either a person affected by a trade dispute or Article 13 of the Order (person returning to full-time employment following a trade dispute) applies to him;
- (u) the preceding paragraphs do not apply to him, but the circumstances are analogous to any circumstances mentioned in one or more of those paragraphs and in the opinion of the benefit officer it would be unreasonable to require him to register and to be available for employment.

Circumstances in which persons are to be treated as available for employment

7.—(1) Subject to regulation 8, a claimant shall be treated as available for employment if he is available to be employed within the meaning of section 17(1)(a)(i) of the Act (available to be employed for purposes of unemployment benefit) or regulations made under it, or if he is a person to whom paragraph (2) applies:

(2) A claimant who is attending for not more than 21 hours a week a course of education at an establishment recognised by the Department as being, or as comparable to, a college or school or a course of training or instruction analogous to a course for which a training allowance would be payable shall be treated as available for employment, notwithstanding the said section 17(1)(a)(i), if—

- (a) he is prepared to terminate the course immediately a suitable vacancy becomes available to him;
- (b) he has not terminated an employment or a course of education which was for more than 21 hours a week for the purpose of attending the course; and
- (c) either he is aged less than 21 or, in the period immediately preceding the commencement of the course, he was in receipt of an allowance and had been registered and available for employment for not less than 12 months pursuant to Article 7 of the Order.

Circumstances in which persons are not to be treated as available for employment

8.—(1) A claimant shall not be treated as available for employment if he is a person to whom one or more of the following sub-paragraphs apply—

- (a) he is a student and regulation 6(a), (i) or (j) does not apply to him;
- (b) he is a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(a) who is not entitled to unemployment benefit under the Act because he has failed to satisfy the additional condition for receipt of that benefit in paragraph (5) or (8) of regulation 8 of those regulations (that he performed no work as a sea-going or on-shore share fisherman and did not neglect to avail himself of a reasonable opportunity of employment as a fisherman);
- (c) after a situation in any suitable employment has been properly notified to him as vacant or about to become vacant he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him, and that situation is still vacant or open to application;

- (d) he has failed to comply with a written notice given or sent to him by the Department requesting him to report to an officer of the Department or of the Department of Manpower Services at a time and place and on a day specified in the notice for an interview in connection with his prospects of employment, and—
- (i) within 14 days of the date on which he failed to comply with the requirements of that notice, the Department gives or sends him a further notice directing him to report to such an officer at a time and place and on a day specified in that further notice in order that he may attend such an interview, and
 - (ii) he fails without good cause to comply with the requirements of that further notice;
- (e) he has failed to avail himself of a reasonable opportunity of short-term work which is available in the area in which he lives, and—
- (i) he is aged 18 or over but less than 45,
 - (ii) his partner, if any, is aged less than 45 and not pregnant,
 - (iii) he has no dependants,
 - (iv) in the opinion of the benefit officer, having regard to all the circumstances in his case, in particular to the health of the claimant and his partner, if any, the refusal or withdrawal of allowance in consequence of a determination that he is not to be treated as available for employment would not be inappropriate.
- (2) A determination that a claimant is not to be treated as available for employment—
- (a) pursuant to paragraph (1)(c), shall apply for a period not exceeding—
 - (i) the period during which the situation in question remains vacant, and
 - (ii) in any case, 6 weeks;
 - (b) pursuant to paragraph (1)(d), shall apply on the day specified in the further notice and any subsequent day falling before the claimant reports to an officer of the Department or of the Department of Manpower Services at the place specified in the notice and there attends an interview in connection with his prospects of employment;
 - (c) pursuant to paragraph (1)(e)—
 - (i) shall not apply until the claimant has been given 14 days' notice in writing and that period has expired, and then
 - (ii) shall apply for a period not exceeding 6 weeks.
- (3) In this regulation—
- (a) employment shall not be deemed to be employment suitable in the case of any claimant if it is employment to which sub-section (4) of section 20 of the Act (employment not to be deemed suitable for purposes of that section) applies;
 - (b) "properly notified" means notified by an officer acting on behalf of the Department, or by the Department of Manpower Services, or some other recognised agency, or by or on behalf of an employer.

Circumstances in which persons are to be treated as engaged in remunerative full-time work

9.—(1) For the purposes of Article 9(1) of the Order (exclusion from supplementary benefit of certain employed persons) a claimant shall be treated as engaged in remunerative full-time work only where—

- (a) subject to paragraph (2), he is engaged in work for which payment is made, or which is done in expectation of payment, on average for not less than—

- (i) in the case of a claimant who is mentally or physically disabled and whose earning capacity is by reason of that disablement reduced to 75 per cent. or less of what he would, but for that disablement, be reasonably expected to earn, 35 hours a week,
 - (ii) in any other case, 30 hours a week,
- or he is absent from such work without good cause or by reason of a recognised or customary holiday;
- (b) he was engaged in remunerative full-time work within the meaning of sub-paragraph (a), but not as a self-employed person, and—
 - (i) either his employment has terminated or he is a person affected by a trade dispute, and
 - (ii) he has received in respect of the employment in which he was so engaged earnings calculated in accordance with Part III of the Resources Regulations (calculation of income resources) which, by virtue of regulation 9(2) of those regulations as modified by paragraph (3) of this regulation, fall to be taken into account for a period subsequent to the termination of the employment or as the case may be, during which he is a person affected by a trade dispute,

and in a case to which this sub-paragraph applies the claimant shall be treated as engaged in remunerative full-time work for the period in respect of which those earnings fall to be taken into account pursuant to the said regulation 9(2) as modified by paragraph (3) of this regulation;

- (c) he was engaged in remunerative full-time work within the meaning of sub-paragraph (a) as a self-employed person but he—
 - (i) has ceased to be engaged in remunerative work, and
 - (ii) has not retired from regular employment,

and in a case to which this sub-paragraph applies the claimant shall be treated as engaged in remunerative full-time work for a period of 14 days beginning on the first day on which he ceased to be so engaged.

- (2) Paragraph (1)(a) shall not apply to a claimant—

- (a) until the expiration of a period of 15 days from the beginning of an engagement in remunerative full-time work within the meaning of paragraph (1)(a), except that—

- (i) this sub-paragraph shall not apply where the beginning of the engagement immediately follows the termination of a previous engagement,
- (ii) if in the period immediately preceding the beginning of the engagement the claimant was treated as being engaged in such work by virtue of sub-paragraph (b) or (c) of paragraph (1), the period of 15 days shall be reduced by any part of the period during which he was so treated under that sub-paragraph which has not expired at the beginning of the new engagement;

- (b) who is engaged in remunerative full-time work within the meaning of paragraph (1)(a) as a self-employed person and his earning power is, by reason of disability, substantially reduced in comparison with that of other persons similarly occupied;
- (c) who is engaged in minding children in the home and performs normal household duties;
- (d) who is engaged on a scheme for which a training allowance is being paid;
- (e) who is a person affected by a trade dispute.

(3) For the purposes of paragraph (1)(b), regulation 9(2) of the Resources Regulations shall be modified to the extent that where the claimant receives—

- (a) as part of the earnings to which paragraph (1)(b) applies a payment of bonus or commission in respect of a period different from that in respect of which the other earnings are paid, that payment shall be treated as earnings in addition to the other earnings for a period estimated by reference to a five-day week on the basis of periodical earnings normally paid to him;
- (b) earnings in respect of part of a day, those earnings shall be treated as earnings in respect of a whole day.

Circumstances in which persons are to be treated as receiving relevant education

10. For the purposes of Article 9(2) of the Order (persons under 19 receiving relevant education not to be entitled to supplementary benefit) a person shall be treated as receiving relevant education for any period during which child benefit is or would, if a claim were made for it, be payable in respect of him under Part II of the Child Benefit (Northern Ireland) Order 1975(a), or would, but for either—

- (a) failure to satisfy conditions as to residence and presence pursuant to Article 15(2) and (3) of that Order; or
 - (b) paragraph 1(f)(i) or (ii) of Schedule 1 to that Order (children in care),
- be so payable.

Circumstances in which persons receiving relevant education are to be entitled to supplementary benefit

11. A claimant who is receiving relevant education whose resources are insufficient to meet his requirements shall be entitled to supplementary benefit if he is a person to whom one or more of the following paragraphs apply—

- (a) he is the parent of a child for whom he is responsible and who is a member of the same household;
- (b) he is severely mentally or physically handicapped and by reason of that handicap would be unlikely, if he were available for employment and not receiving relevant education, to obtain employment within the next 12 months;
- (c) he has no parent and there is no person acting in the place of his parent;
- (d) he is living away from and is estranged from his parents or a person acting in the place of his parents;
- (e) he is attending a course of education to which, and in circumstances in which, paragraph (2) of regulation 7 (part-time courses) applies and he satisfies the conditions in that paragraph.

Directions to attend courses of instruction or training

12.—(1) This regulation shall apply for the purposes of any direction made by a benefit officer under Article 14(1) of the Order (directions to attend courses of instruction or training in respect of persons who refuse or neglect to maintain themselves or their dependants), in this regulation referred to as “the direction”.

(2) Any direction shall be made by a benefit officer in the form set out in Schedule 1 and shall be delivered or sent to the claimant to whom it is made.

(3) Where after the coming into force of the direction either—

- (a) the claimant to whom it is made appeals in accordance with the Supplementary Benefit and Family Income Supplements (Appeals) Rules (Northern Ireland) 1980(b); or

(a) S.I. 1975/1504 (N.I. 16)

(b) S.R. 1980 No. 381

(b) pursuant to regulation 4 of the Determination of Questions Regulations, the benefit officer reviews the direction, and the direction is cancelled in consequence of that appeal or review, the claimant shall be entitled to an allowance for any period during which the direction was in force and in respect of which he would have been so entitled but for Article 14(4) of the Order (disentitlement during failure to comply with direction).

Modification of condition requiring residence in the United Kingdom for qualifying period

13.—(1) It shall be an exception to the requirement of Article 8 of the Order that a person who has not been resident in the United Kingdom for a period of 5 years immediately preceding the date on which his claim for a pension or allowance was made shall be treated for the purposes of that Article as if that person had been resident in the United Kingdom—

- (a) during any period during which that person was—
- (i) employed as a member of any of Her Majesty's Forces,
 - (ii) employed on board any ship, vessel, hovercraft or aircraft in an employment which for the purposes of the Act has been treated as an employed earner's employment,
 - (iii) employed under a contract of service by an employer having a place of business in the United Kingdom, having been resident in the United Kingdom immediately before becoming so employed,
 - (iv) resident in a country with which a convention or agreement (being a convention or agreement under which in relation to a pension or allowance under the Order residence in that other country is treated as if it were residence in the United Kingdom) has been made providing for reciprocity in the matter of a pension or allowance under the Order and of comparable benefit under the legislation of that other country for persons whose resources are insufficient to meet their requirements, being a person to whom the convention or agreement applies, or
 - (v) not resident in the United Kingdom, having been resident therein before the commencement of that period, for any cause which was in all the circumstances reasonable;

or

- (b) being a man who is married and whose requirements are taken under paragraph 3 of Schedule 1 to the Order to include those of his wife or of a person who is or was a child of hers, during any period, whether before or after the date of the marriage, during which the said wife was—
- (i) resident in the United Kingdom, or
 - (ii) a person to whom sub-paragraph (a) would have applied if she had made an application for benefit;

or

- (c) being a woman who is or has been married, during any period, whether before or after the date of her marriage but before its termination, during which her husband was—
- (i) resident in the United Kingdom, or
 - (ii) a person to whom sub-paragraph (a) would have applied if he had made an application for benefit;

or

- (d) if he is a refugee within the meaning of regulation 6(k).

(2) Paragraph (1)(b) shall apply similarly as regards the man who is or has been one of an unmarried couple and paragraph (1)(c) shall apply similarly as regards the woman who is or has been one of an unmarried couple but has ceased to be so and whose requirements are taken under paragraph 3 of Schedule 1 to the Order to include those of a person who is or was a child of the unmarried couple; and in either case the references in those provisions to a wife and to a husband shall be construed accordingly and the references to the date of marriage and to its termination shall be construed respectively as references to the date on which they became an unmarried couple and the date on which they ceased to be so.

(3) In this regulation the expression "wife" in relation to a man who has been married more than once and the expression "husband" in relation to a woman who has been married more than once refer respectively only to his last wife and to her last husband.

Revocations

14. The regulations specified in column 1 of Schedule 2 are hereby revoked to the extent mentioned in column 3 of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th November 1981.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

Direction pursuant to Article 14 of the Order

1. It appears to me that you are refusing or neglecting to maintain yourself/your wife/husband/and your dependant(s). In particular you have failed to obtain, start or retain a job. Your employment record has been put to you. You have been advised that a course of instruction/training might help you, but you have been unwilling to attend as a volunteer.

2. In accordance with Article 14 of the Supplementary Benefits (Northern Ireland) Order 1977, I hereby direct you to attend a course of instruction/training at

3. You will be given notice of the days on which you should attend. While attending the course you will be expected to co-operate with the staff administering the course and to perform the duties assigned to you as part of the course.

4. Once this direction is in force and you remain unemployed you will not be entitled to supplementary allowance unless you comply with it. If you are unavoidably unable to attend, e.g. because of sickness, job interview or valid domestic reasons, it is in your own interest to inform the Course Manager as soon as possible.

5. You have a right to appeal to an independent Appeal Tribunal against this direction. If you wish to appeal you should write to this office within a period of 28 days of the day on which this direction is sent to you.

6. This direction will not come into force until the end of that period or, if you appeal, until the appeal is withdrawn or this direction is confirmed by the Appeal Tribunal.

SCHEDULE 2

Regulation 14

Revocations

<i>Regulations Revoked</i> 1	<i>Reference</i> 2	<i>Extent of Revocation</i> 3
The Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980	S.R. 1980 No. 416	The whole of the regulations
The Supplementary Benefit (Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 28	The whole of the regulations
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1981	S.R. 1981 No. 215	Regulation 7
The Supplementary Benefit (Requirements and Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 282	Regulation 3

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 with subsequent amending regulations. They contain provisions relating to the conditions upon which a person is to be entitled to supplementary benefit under the Supplementary Benefits (Northern Ireland) Order 1977 as amended by the Social Security (Northern Ireland) Order 1980.

Regulations 1 and 2 relate to citation, commencement and interpretation.

Regulation 3 provides that the entitlement to supplementary pension or allowance of claimants (other than those required to register and to be available for employment) who satisfy conditions shall continue during the first 4 weeks of temporary absence from Northern Ireland.

Regulation 4 defines the meaning of "employment" for the purposes of the condition of registration and availability, and regulation 5 prescribes the manner in which that registration is to be made. Regulation 6 exempts from the condition claimants who (1) are not capable of working, or (2) are prevented from working (for example by caring for children or a severely disabled person or by attendance at a course or at a court), or (3) are nearing pensionable age and either qualify for the long-term rate for normal requirements or who have no prospect of future employment, or (4) to whom a scheme under the Employment Subsidies Act 1978 applies, or (5) have very recently been discharged from prison, or (6) but for the provisions of these regulations would be treated as in employment or relevant education, or (7) are affected by, or returning to work after, a trade dispute. Regulation 7 provides that "available for employment" is to have the same meaning as in the Social Security (Northern Ireland) Act 1975, except that claimants on certain part-time courses are to be treated as so available, while regulation 8 provides that certain students, share fishermen and claimants who are voluntarily unemployed are to be treated as not available (when they are not entitled to supplementary allowance).

Regulation 9 provides that a claimant is to be treated as "engaged in remunerative full-time work" (when he is not entitled to supplementary benefit) if he is engaged in work for which payment is made for 30 hours a week (35 hours if disabled) (even if he is absent from such work without good cause or on holiday) and during certain periods immediately following termination of such work, except in so far as it provides that a claimant is not so engaged, for example during the first 15 days in that work or if he is self-employed and his earning power is substantially reduced by a disability.

Regulation 10 provides that a person under age 19 is to be treated as receiving relevant education (when, subject to regulation 11, he is not entitled to supplementary benefit) for any period for which child benefit, which is only payable for persons aged less than 19 but not less than 16 who are receiving non-advanced education, is payable in respect of him. Regulation 11 provides that the exclusion from supplementary benefit of such a person will not apply if he is the parent of, and responsible for, a child, or if he is an orphan without a guardian or estranged from his parents or guardian or if he is not likely to get employment in the next year because of handicap or if he is attending certain part-time courses.

Regulation 12 relates to cases in which claimants who refuse or neglect to maintain themselves or their dependants are directed to attend courses (and not entitled to supplementary allowance if they do not comply with the direction). The form of the direction is set out in Schedule 1 to the regulations.

Regulation 13 provides for exceptions to the requirement of residence in the United Kingdom for a qualifying period.

Regulation 14, with Schedule 2, specifies regulations which are revoked.