

## 1986 No. 82

## SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and Invalidity Benefit)  
(Amendment) Regulations (Northern Ireland) 1986**

*Made* . . . . . 27th March 1986

*Coming into operation* . . . . . 6th April 1986

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 15A and 16(1) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 6th April 1986.

(2) In these regulations “the principal regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(b).

*Days deemed to be days of entitlement to sickness benefit*

2. After regulation 7 of the principal regulations there shall be inserted the following regulation—

*“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 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.

(2) A person who in the period of entitlement mentioned in paragraph (1) reached his maximum entitlement to statutory sick pay in accordance with Article 7 of the 1982 Order 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 Article 5(2)(b) of the 1982 Order,

(a) 1975 c. 15; section 15A was inserted by Article 18(3) of, and section 16(1) was amended by Article 11(1)(a) of, the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(b) S.R. 1984 No. 245; to which there are amendments not relevant to the subject-matter of these regulations

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 Article 9(1) of the 1982 Order, 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 Order” means the Social Security (Northern Ireland) Order 1982(a);

“period of entitlement” has the meaning given by Article 5 of the 1982 Order;

“employer” has the meaning given by Article 28(1) of the 1982 Order(b).”

*Qualifying day for entitlement to invalidity allowance*

3. After regulation 8 of the principal regulations there shall be inserted the following regulation—

*“Qualifying day for entitlement to invalidity allowance*

8A. For the purposes of section 16(1) (invalidity allowance), “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.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 27th March 1986.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.I. 1982/1084 (N.I. 16)

(b) The definition of employer was substituted by paragraph 6 of Schedule 4 to the Social Security (Northern Ireland) Order 1985

## EXPLANATORY NOTE

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

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

Section 15A of the Social Security (Northern Ireland) Act 1975 is one of the enabling provisions under which these regulations are made. It is inserted by Article 18(3) of the Social Security (Northern Ireland) Order 1985 and brought into force on 6th April 1986 by Article 1(7) of that Order.

Regulation 2 provides for the purpose of entitlement to invalidity pension that certain days falling within a period of entitlement to statutory sick pay may in specified circumstances be treated as days of entitlement to sickness benefit.

Regulation 3 provides that the qualifying date for entitlement to invalidity allowance shall, in the case of a person to whom regulation 2 applies, be the first day in a previous period of entitlement to statutory sick pay.