

1988 No. 355

SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and
Invalidity Benefit) (Amendment No. 2)
Regulations (Northern Ireland) 1988**

Made 4th October 1988

Coming into operation 7th November 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 15(6) and 17(2)(a) 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 No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 7th November 1988.

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

Amendment of regulation 7 of the principal regulations

2.—(1) Regulation 7 of the principal regulations (days not to be treated as days of unemployment or incapacity for work) shall be amended in accordance with paragraphs (2) to (4).

(2) For sub-paragraphs (b) and (c) of paragraph (1) there shall be substituted the following sub-paragraphs —

“(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 no 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 154A(2)(c) (no entitlement to benefit in respect of any

(a) 1975 c.15; section 15(6) was added by paragraph 6 of Schedule 4 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I.16))

(b) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1986 No. 275

(c) Section 154A was substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

period more than 12 months before the date on which a claim is made);

- (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 154A(2);”.

(3) In head (iii) of paragraph (1)(k), before “an amount specified” there shall be inserted “subject to paragraph (4)”.

(4) After paragraph (3) there shall be added the following paragraph —

“(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 Article 33(b) of the Industrial Relations (Northern Ireland) Order 1976(a) is payable to him where such award is not actually paid to him and his former employer is insolvent within the meaning of Article 47(1) of that Order.”.

Amendment of regulation 32 of the principal regulations

3. At the end of regulation 32 of the principal regulations (invalidity pension — restriction on entitlement) there shall be added “or has, since the beginning of that period, satisfied the conditions for entitlement to sickness benefit otherwise than by virtue of the provisions of section 50A(b).”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th October 1988.

(L.S.)

P. A. Conliffe

Assistant Secretary

(a) S.I. 1976/1043 (N.I. 16); Article 33 was substituted by Article 7(2) of the Industrial Relations (Northern Ireland) Order 1987 (S.I. 1987/936 (N.I.9))

(b) Section 50A was inserted by Article 32(4) of the Social Security (Northern Ireland) Order 1982

EXPLANATORY NOTE

(This note is not part of the Regulations.)

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

Regulation 2(2) extends the provisions of the former regulation 7(1)(b) and (c) of the principal regulations by re-enacting those provisions together with additions. These additional provisions provide for specified days not to be treated as days of unemployment or incapacity for work where—

- (1) no claim for unemployment, sickness or invalidity benefit, as the case may be, has been made, or
- (2) a claim is made but not within the prescribed time and good cause for the delay is not shown, or
- (3) a claim is made but not within the prescribed time and, whether or not good cause for the delay is shown, there is no entitlement to benefit because the claim is in respect of a period more than twelve months before the date on which the claim is made.

Regulation 2(3) and (4) disappplies part of regulation 7(1)(k) of the principal regulations (head (iii)) in the case of an insolvent employer who fails to pay to a person a compensatory award within the meaning of Article 33(b) of the Industrial Relations (Northern Ireland) Order 1976. In any such case, a day which otherwise would not be treated as a day of unemployment in relation to that person for the purposes of unemployment benefit (because such an award was payable), shall for that purpose be a day of unemployment.

Regulation 3 amends regulation 32 of the principal regulations which restricts a claimant's entitlement to invalidity pension in cases where at the start of the period of incapacity for work he only satisfies the contribution conditions for entitlement to sickness benefit by virtue of section 50A of the Social Security (Northern Ireland) Act 1975 (sickness benefit in respect of industrial injury). The amended regulation will not now prevent such claimants from becoming entitled to invalidity pension if in the course of the period of incapacity for work they become able to satisfy the contribution conditions to sickness benefit otherwise than under the said section 50A.