

1989 No. 437

SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and
Invalidity Benefit) (Amendment No. 3) Regulations
(Northern Ireland) 1989**

Made 20th November 1989

Coming into operation 10th December 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 17(1)(a)(i) and (2) 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. 3) Regulations (Northern Ireland) 1989 and shall come into operation on 10th December 1989.

(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. In regulation 7 of the principal regulations (days not to be treated as days of unemployment or incapacity for work)—

(a) in paragraph (1) after sub-paragraph (n)(c) there shall be added the following sub-paragraph—

“(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 weekday specified in a written notice last given to him by the Department for the purpose of his claiming unemployment benefit, and

(ii) his earnings in respect of that period are equal to or exceed the current lower earnings limit specified for Class 1 contributions under the Act.”;

(a) 1975 c. 15: section 17(1)(a)(i) and (2) was amended by Article 12(2) and (3) respectively of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(b) S.R. 1984 No. 245: relevant amending regulations are S.R. 1989 No. 364

(c) Added by regulation 2 of S.R. 1987 No. 90

- (b) in paragraph (2) for “Paragraph (1)(e) shall not apply to a person unless” there shall be substituted “Paragraph (1)(e) shall apply to a person if his earnings in the week in which the day falls exceed £12·00 and either”;
- (c) after paragraph (5) there shall be inserted the following paragraph—
“(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 specified at the end of that period.”;
- (d) in paragraph (6) in the definition of “week” after the word “ “week” ” there shall be inserted “, except in paragraphs (1)(e) and (2),”.

Amendment of regulation 9 of the principal regulations

3. In regulation 9 of the principal regulations (persons deemed to be available for employment in employed earner’s employment) for “regulation 7(1)(g)” there shall be substituted “regulation 7(1)(g) and (o)”.

Amendment of regulation 19 of the principal regulations

4. In regulation 19 of the principal regulations (modifications of normal idle day rule)—

- (a) at the end of paragraph (3)(d) there shall be inserted “; or”;
- (b) after sub-paragraph (d) of paragraph (3) there shall be inserted the following sub-paragraph—
“(e) the person’s earnings in that week are £12·00 or less,”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th November 1989.

(L.S.)

A. N. Burns

Assistant Secretary

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 in the following respects—

- (a) they provide, except in the case of lifeboatmen and part-time firemen, for a day not to be treated as a day of unemployment if that day falls within a period of 7 days in which the claimant's earnings are equal to or exceed the current lower earnings limit (£43) for Class 1 contributions (regulations 2(a) and (c) and 3);
- (b) they exclude the application of the full extent normal rule to days falling in a week, and provide for employment to be treated as terminated in any week, in which the claimant's earnings are £12·00 or less (regulations 2(b) and 4); and provide for the purpose of the full extent normal rule for week to have the same meaning as in the Social Security (Northern Ireland) Act 1975 (regulation 2(d)).

Article 12(2) and (3) of the Social Security (Northern Ireland) Order 1989, which amended the enabling provisions under which these regulations are made, came into operation on 9th October 1989 by virtue of Article 2(e) of, and Part I of the Schedule to, the Social Security (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1989 (S.R. 1989 No. 353 (C. 14)).

The regulations 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.