



# Social Security Act 1975

## 1975 CHAPTER 14

### PART II

#### BENEFIT AND ITS ADMINISTRATION

### CHAPTER I

#### CONTRIBUTORY BENEFITS

##### *Benefits for unemployment, sickness and invalidity*

#### **14 Unemployment benefit and sickness benefit**

- (1) Subject to the provisions of this section, a person who satisfies any of the three conditions of subsection (2) below shall be entitled—
- (a) to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment; and
  - (b) to sickness benefit in respect of any day of incapacity for work which forms part of such a period.
- (2) The conditions of this subsection are that—
- (a) the person is under pensionable age on the day in question and satisfies the contribution conditions specified for unemployment or, as the case may be, sickness benefit in Schedule 3, Part I, paragraph 1; or
  - (b) the person would on that day have been entitled to a Category A retirement pension (section 28) if he had retired from regular employment on attaining pensionable age; or
  - (c) the person is a woman and—
    - (i) she would on that day have been entitled to a Category B retirement pension (section 29) and the husband by virtue of whose contributions she would have been so entitled is dead, but

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- (ii) she has made an election for the purposes of section 30(3) of this Act (return to work after retirement) and has not revoked her election.
- (3) A person shall not be entitled either to unemployment benefit or to sickness benefit for the first 3 days of any period of interruption of employment.
- (4) In the case of a person entitled under subsection (2)(a) above, unemployment or sickness benefit shall be payable—
- (a) at the higher rate specified in relation thereto in Schedule 4, Part I, paragraph 1—
    - (i) in the case of a married woman, during any period falling within subsection (5) below, and
    - (ii) in the case of a person other than a married woman ; and
  - (b) at the lower rate so specified in the case of a married woman during any period not falling within that subsection.
- (5) The periods during which unemployment or sickness benefit is payable to a married woman at the higher rate are—
- (a) any period during which she is entitled to an increase of benefit in respect of her husband under section 44(2) of this Act (dependent husband incapable of self-support) ; and
  - (b) any period during which she is residing with her husband and he is entitled to—
    - (i) an invalidity pension (section 15), or
    - (ii) a Category A retirement pension (section 28), or
    - (iii) a Category C or Category D retirement pension (Chapter II, section 39), or
    - (iv) any unemployability supplement or allowance (which expression is defined in Schedule 5); and
  - (c) any period during which she is not residing with her husband nor is he contributing to her maintenance at a weekly rate not less than the difference between the higher rate and the lower rate of the benefit.
- (6) In the case of a person entitled under subsection (2) (b) or (c) above (being over pensionable age), unemployment benefit or sickness benefit shall be payable at the weekly rate at which, apart from any increase to be disregarded for the purposes of this subsection, the retirement pension referred to in the applicable paragraph of subsection (2) would have been payable; and the increases to be so disregarded are—
- (a) any increase (for days of increment between pension able age and retirement) under section 28(4) or (5) or 29(10) of this Act;
  - (b) any increase (for dependants) under section 41, 45 or 46; and
  - (c) where the claim is for unemployment benefit, any increase (for invalidity) under section 28(7);
- and, in determining for the purposes of this subsection the rate at which a retirement pension would have been payable, section 30(1) of this Act (earnings rule) shall be taken not to apply.
- (7) Where a person is entitled to unemployment or sickness benefit, he shall also be entitled to earnings-related supplement of the benefit, at a weekly rate ascertained in accordance with Schedule 6, Part I, for any day of unemployment or incapacity for work, being a day—
- (a) on which he is under pensionable age; and

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- (b) which forms part of a period of interruption of employment and is not earlier than the 13th day of that period;

but where he has been entitled to the supplement in respect of an aggregate of 156 days in the same period of interruption of employment (including for this purpose, in the case of a woman, any days in that period in respect of which she has been entitled to earnings-related supplement of a maternity allowance), he shall not be entitled thereto in respect of any further day in that period.

This subsection is subject to Schedule 6, Part II.

- (8) The amount payable by way of benefit under this section for any day of unemployment or of incapacity for work shall be  $\frac{1}{6}$ th of the appropriate weekly rate.

## 15 Invalidity pension

- (1) Subject to the following provisions of this section, where in respect of any period of interruption of employment a person has been entitled to sickness benefit for 168 days (including, in the case of a woman, any day for which she was entitled to a maternity allowance), then—

- (a) he shall cease to be entitled to that benefit for any subsequent day of incapacity for work falling within that period; and
- (b) he shall be entitled to an invalidity pension for any day of incapacity for work in that period for which, by virtue only of paragraph (a) above, he is not entitled to sickness benefit if on that day either—
- (i) he is under pensionable age, or
- (ii) being over that age and not having retired from regular employment, he satisfies either of the conditions of subsection (2) below;

and any day in the first 3 days of a period of interruption of employment which was a day of incapacity for work shall be treated for the purposes of this subsection as a day on which he was so entitled.

- (2) The conditions of this subsection are that—
- (a) the person would on that day have been entitled to a Category A retirement pension (section 28) if he had retired from regular employment on attaining pensionable age; or
- (b) the person is a woman and—
- (i) she would on that day have been entitled to a Category B retirement pension (section 29) and the husband by virtue of whose contributions she would have been so entitled is dead, but
- (ii) she has made an election for the purposes of section 30(3) of this Act (return to work after retirement) and has not revoked her election.

- (3) Subject to subsection (4) below, an invalidity pension shall be payable at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 2.

- (4) In the case of a person entitled to an invalidity pension under subsection (2) (a) or (b) above (being over pensionable age), the pension shall be payable at the weekly rate at which, apart from any increase to be disregarded for the purposes of this subsection, the retirement pension referred to in the applicable paragraph of subsection (2) would have been payable; and the increases to be so disregarded are—

- (a) any increase (for days of increment between pensionable age and retirement) under section 28(4) or (5) or 29(10) of this Act; and

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- (b) any increase (for dependants) under section 41, 45 or 46.
- (5) The amount payable by way of an invalidity pension shall for any day of incapacity for work be 1/6th of the appropriate weekly rate.

## **16 Invalidity allowance**

- (1) If a person is more than 5 years below pensionable age on the qualifying date in any period of interruption of employment then, in respect of every day of that period in respect of which he is entitled to an invalidity pension, he shall also be entitled to an invalidity allowance at the appropriate weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 3 ; and " the qualifying date " means the first day in that period (whether before the coming into force of this section or later) which is a day of incapacity for work or such earlier day as may be prescribed.
- (2) An invalidity allowance shall be payable—
  - (a) at the higher rate specified in relation thereto in Schedule 4, Part I, if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 ;
  - (b) at the middle rate so specified if paragraph (a) above does not apply and on the qualifying date the beneficiary was under the age of 45 ;
  - (c) at the lower rate so specified if paragraphs (a) and (b) above do not apply, and on the qualifying date the beneficiary was a man under the age of 60 or a woman under the age of 55.
- (3) The amount payable by way of invalidity allowance shall for any day of incapacity for work be 1/6th of the appropriate weekly rate.

## **17 Determination of days for which benefit is payable**

- (1) For the purposes of any provisions of this Act relating to unemployment benefit, sickness benefit or invalidity benefit—
  - (a) subject to the provisions of this Act, a day shall not be treated in relation to any person—
    - (i) as a day of unemployment unless on that day he is capable of work and he is, or is deemed in accordance with regulations to be, available to be employed in employed earner's employment; or
    - (ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,
 ("work ", in this paragraph, meaning work which the person can reasonably be expected to do);
  - (b) where a person is an employed earner and his employment as such has not been terminated, then in any week a day on which in the normal course that person would not work in that employment or in any other employed earner's employment shall not be treated as a day of unemployment unless each other day in that week (other than the day referred to in paragraph (e) below) on which in the normal course he would so work is a day of interruption of employment;
  - (c) the expression " day of interruption of employment " means a day which is a day of unemployment or of incapacity for work;

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- (d) any two days of interruption of employment, whether consecutive or not, within a period of 6 consecutive days shall be treated as a period of interruption of employment and any two such periods not separated by a period of more than 13 weeks (" week " for this purpose meaning any period of 7 days) shall be treated as one period of interruption of employment;
  - (e) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.
- (2) Regulations may—
- (a) make provision (subject to subsection (1) above) as to the days which are or are not to be treated for the purposes of unemployment benefit, sickness benefit, invalidity benefit and a maternity allowance as days of unemployment or of incapacity for work;
  - (b) prescribe respective circumstances in which, for the purposes of subsection (1) (b) above—
    - (i) employment which has not been terminated may be treated as if it had been terminated; or
    - (ii) a day which falls in a period when an employed earner's employment is suspended but does not fall to be so treated and which, apart from the regulations, would not fall to be treated as a day of interruption of employment may be treated as such a day.
- (3) Subsections (1) and (2) above shall, for the purposes of earnings-related supplement under section 14(7) of this Act and, on and after such day as the Secretary of State may by order appoint, for all other purposes of this Part of this Act, have effect—
- (a) with the substitution for paragraph (b) of subsection (1) of the following paragraph—
    - “(b) where a person is an employed earner and his employment as such has not been terminated but has been suspended by the employer, a day shall not be treated in relation to that person as a day of unemployment unless it is the 7th or a later day in a continuous period of days on which that suspension has lasted, there being disregarded for the purposes of determining the first 6 days of the period (but for no other purpose)—
      - (i) Sunday or such other day in each week as may have been prescribed under paragraph (e) of this subsection,
      - (ii) any day of recognised or customary holiday in connection with the suspended employment,
      - (iii) such other day or days as may be prescribed ;”and
  - (b) with the substitution for paragraph (b) of subsection (2) of the following paragraph—
    - “(b) prescribe respective circumstances in which for the purposes of subsection (1)(b) above an employed earner's employment may be treated—
      - (i) as having been or, as the case may be, as not having been terminated, or
      - (ii) as having been or, as the case may be, as not having been suspended.”.

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## **18 Duration of unemployment benefit**

- (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for 312 days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit.
- (2) A person who has exhausted his right to unemployment benefit requalifies for it when—
  - (a) he has again been in employment as an employed earner and has been so employed in 13 weeks since the last day for which he was entitled to that benefit; and
  - (b) in each of those weeks he has worked in such employment for 21 hours or more.
- (3) Where a person requalifies for unemployment benefit, subsection (1) above shall again apply to him but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

## **19 Loss of employment due to stoppage of work**

- (1) A person who has lost employment as an employed earner by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage continues, except in a case where, during the stoppage, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation; but this subsection does not apply in the case of a person who proves—
  - (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.
- (2) In this Act—
  - (a) " place of employment " in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so however that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be ;
  - (b) " trade dispute " means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

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## 20 Other disqualifications, etc.

- (1) A person shall be disqualified for receiving unemployment benefit for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 of this Act (adjudication by insurance officers and other statutory authorities) if—
  - (a) he has lost his employment as an employed earner through his misconduct, or has voluntarily left such employment without just cause;
  - (b) 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 ;
  - (c) he has neglected to avail himself of a reasonable opportunity of suitable employment;
  - (d) he has without good cause refused or failed to carry out any official recommendations given to him with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides ; or
  - (e) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Secretary of State in his case for the purpose of becoming or keeping fit for entry into, or return to, regular employment.
- (2) Regulations may provide for disqualifying a person for receiving sickness benefit 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; or
  - (b) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.
- (3) Regulations may also provide for imposing, in the case of any prescribed category of persons, additional conditions with respect to the receipt of unemployment benefit, sickness benefit or invalidity benefit, and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Secretary of State necessary to do so for the purpose of preventing inequalities, or injustice to the general body of employed earners, or of earners generally, as the case may be.
- (4) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—
  - (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute ; or
  - (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or
  - (c) employment in his usual occupation in any other district at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised in that district by good employers;

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but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised by good employers.

- (5) For the purposes of this section the following definitions apply—
- (a) " properly notified ", in subsection (1)(b), means notified by the Employment Service Agency, a local education authority or some other recognised agency, or by or on behalf of an employer ;
  - (b) " official recommendations ", in subsection (1)(d), means recommendations in writing made by an officer of the Employment Service Agency, a local education authority or the Secretary of State ;
  - (c) " local education authority", in relation to Scotland, means an education authority as defined in section 145(16) of the Education (Scotland) Act 1962; and
  - (d) " week " means any period of 7 days.