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 STATUTORY INSTRUMENTS
 

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1982 No. 1344

## SOCIAL SECURITY

**The Social Security (Claims and Payments) Amendment (No. 2)  
Regulations 1982**

<i>Made - - - -</i>	21st September 1982
<i>Laid before Parliament</i>	27th September 1982
<i>Coming into Operation</i>	18th October 1982

The Secretary of State for Social Services in exercise of the powers conferred by section 79 of the Social Security Act 1975 (a) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee (b), hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Claims and Payments) Amendment (No. 2) Regulations 1982 and shall come into operation on 18th October 1982.

(2) In these regulations “the principal regulations” means the Social Security (Claims and Payments) Regulations 1979 (c).

*Amendment of regulation 4 of the principal regulations*

2. For regulation 4 of the principal regulations (manner in which claims are to be made) there shall be substituted the following new regulation:—

*“Manner in which claims are to be made*

4. A claim for benefit is made in the prescribed manner if it is made in writing to the Secretary of State—

(a) on the form approved by him for the purpose of the benefit for which the claim is made and that form is duly completed; or

(b) in such other manner, being in writing, as the Secretary of State may accept as sufficient in the circumstances of any case or class of cases,

and, subject to any directions given by the Secretary of State in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at an unemployment benefit office.”

*Amendment of regulation 12 of the principal regulations*

3. Immediately after paragraph (3) of regulation 12 of the principal regulations (forward allowance and disallowance of unemployment benefit) there is inserted the following new paragraph:—

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(a) 1975 c.14.

(b) See sections 9 and 10 of the Social Security Act 1980 (c.30).

(c) S.I. 1979/628; the only relevant amending instruments are S.I. 1979/781 and 1981/1101.

“(3A) Where the Secretary of State certifies he is of the opinion that, as regards any case or class of cases in which the claimant’s employment as an employed earner has not been terminated, the awarding and payment of unemployment benefit can be adequately controlled without the application of the usual provisions of these regulations—

- (a) an insurance officer may treat a claim for unemployment benefit made—
  - (i) while such certificate has effect, or
  - (ii) within 28 days before the date on which the certificate is issued, whether or not benefit has already been allowed on such claim, or
  - (iii) while a previous certificate under this paragraph has effect so as to allow that claim to be treated as made for a period after the date on which it was made, as a claim for that benefit for a period not exceeding 13 weeks after the date of the claim;
- (b) the provisions of sub-paragraphs (aa) to (c) of paragraph (3) shall apply to any claim treated as extended under this paragraph as if each reference to a claim treated as extended under paragraph (3)(a) were a reference to a claim treated as extended under this paragraph and as if the reference in paragraph (3)(aa) to 26 weeks were a reference to 13 weeks.”.

*Amendment of regulation 13 of the principal regulations*

4. In regulation 13(2) of the principal regulations (special provision relating to claims for unemployment benefit made during public holidays), for “regulation 12(3)” there is substituted “regulation 12(3) or (3A)”.

*Norman Fowler,*  
Secretary of State for Social Services.

21st September 1982.

## EXPLANATORY NOTE

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

These Regulations amend provisions of the Social Security (Claims and Payments) Regulations 1979 ("the principal regulations"). Regulation 2 substitutes a revised version of regulation 4 of the principal regulations, making it clear that the prescribed manner of claiming benefit is either duly completing the form approved by the Secretary of State for the purpose of the benefit claimed or such other manner in writing as he may accept as sufficient.

Regulation 3 inserts a new paragraph (3A) into regulation 12 of the principal regulations enabling insurance officers to treat claims for unemployment benefit from claimants whose employment as an employed earner has not been terminated ("temporarily stopped" claimants) as claims for up to 13 weeks where the Secretary of State has certified that adequate control can be exercised over awarding and paying benefit. It also enables awards to be made on such claims as if they were claims treated as extended under the existing paragraph (3) of regulation 12. Regulation 4 makes a consequential amendment to regulation 13 of the principal regulations.

The report of the Social Security Advisory Committee dated 10th August 1982 on the draft of these Regulations referred to them, together with a statement by the Secretary of State in response to the Committee's recommendations, which relate to administration rather than the text of these regulations, is contained in Command Paper (Cmnd. 8667) published by Her Majesty's Stationery Office.

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