
STATUTORY INSTRUMENTS

1989 No. 2122

SOCIAL SECURITY

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

Made - - - - 16th November 1989
Laid before Parliament 17th November 1989
Coming into force - - 10th December 1989

The Secretary of State for Social Security in the exercise of powers conferred by sections 17(1) (a) and (2) and 166 of the Social Security Act 1975⁽¹⁾ and all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee⁽²⁾, 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 1989 and shall come into force on 10th December 1989.

(2) In these Regulations “the principal Regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983⁽³⁾.

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)—

(a) in paragraph (1), after sub-paragraph (n) 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 week-day corresponding to the particular week-day specified in a written notice

(1) 1975 c. 14; see Schedule 20 for the meaning of “prescribed” and “regulations”; section 17(1) and (2) was amended by the Social Security Act 1989 (c. 24), sections 10 and 166 were amended by the Social Security Act 1986 (c. 50), section 62(1).
(2) See the Social Security Act 1980 (c. 30), section 10(1); section, 10(1) was amended by the Social Security Act 1986, Schedule 10, paragraph 98(a).
(3) S.I.1983/1598; the relevant amending instruments are S.I. 1986/1011, 1987/317, 1988/1674 and 1989/1324.

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last given to him by the Secretary of State for the purpose of his claiming unemployment benefit; and

- (ii) his earnings in respect of that period are equal to or exceed the weekly lower earnings limit for the time being specified for Class 1 contributions under the Act.”;
- (b) in paragraph (2) for the words “Paragraph (1)(e) shall not apply to a person unless” there shall be substituted the words “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 the words “, 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 the reference “regulation 7(1)(g)” there shall be substituted the reference “regulation 7(1)(g) and (o)”.

Amendment of regulation 19 of the principal Regulations

4. In regulation 19(3) of the principal Regulations (modifications of normal idle day rule) after sub-paragraph (d) there shall be inserted the following—

“or

- (e) the person’s earnings in that week are £12.00 or less.”.

Signed by authority of the Secretary of State for Social Security

Department of Social Security
16th November 1989

Gillian Shephard
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

This note is not part of the Regulations)

These Regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 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 equal or exceed the lower earnings limit 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 Act 1975 (regulation 2(d)).

The report of the Social Security Advisory Committee dated 11th October 1989 on the proposals to make these regulations together with the statement showing the extent to which the regulations give effect to them and, in so far as they do not give effect to them, the reasons why not are contained in Command Paper No. 923 published by Her Majesty's Stationery Office.