

1995 No. 341

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1995

Made 31st August 1995

Coming into operation 25th September 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 25A(1)(a) and (3)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(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) Regulations (Northern Ireland) 1995 and shall come into operation on 25th September 1995.

(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) after paragraph (5A)(c) there shall be inserted the following paragraph—

“(5B) For the purposes of paragraph (1)(g)(i) and (o)(ii) earnings shall not include any payment in the form of a retaining fee paid to a person under an agreement under which he is or may be required to engage in any of the tasks specified in regulation 9(a) or (b).”.

Amendment of regulation 9 of the principal Regulations

3. In regulation 9(b) of the principal Regulations (persons deemed to be available for employment in employed earner’s employment) for “part-time fireman in a fire brigade maintained in pursuance of the Fire Services Act (Northern Ireland) 1969” there shall be substituted “part-time member of a fire brigade maintained in pursuance of the Fire Services (Northern Ireland) Order 1984(d)”.

(a) 1992 c. 7; section 25A was inserted by paragraph 5 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(b) S.R. 1984 No. 245; relevant amending regulations are S.R. 1989 No. 437, S.R. 1994 No. 65 and S.R. 1995 No. 150

(c) Paragraph (5A) was inserted by regulation 2(c) of S.R. 1989 No. 437

(d) S.I. 1984/1821 (N.I. 11)

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 31st August 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 (“the principal Regulations”).

Regulation 2 inserts a new paragraph (5B) in regulation 7 of the principal Regulations providing that where a person is on standby in readiness for employment in manning or launching a lifeboat or for performance of duty as a part-time member of a fire brigade, any earnings derived from a retainer payable in respect of the hours when he is on standby shall be disregarded for the purposes of treating a day as a day of unemployment.

Regulation 3 amends regulation 9(b) of the principal Regulations by substituting for the reference to “part-time fireman in a fire brigade maintained in pursuance of the Fire Services Act (Northern Ireland) 1969” the term “part-time member of a fire brigade maintained in pursuance of the Fire Services (Northern Ireland) Order 1984”.

These 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.