



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART II

#### CONTRIBUTORY BENEFITS

##### *Unemployment benefit*

#### **25 Unemployment 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 to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment.
- (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 benefit in Schedule 3, Part I, paragraph 1; or
  - (b) on that day the person—
    - (i) is over pensionable age, but not more than 5 years over that age; and
    - (ii) would be entitled to a Category A retirement pension if his entitlement had not been deferred or if he had not made an election under section 54(1) below; or
  - (c) on that day the person—
    - (i) is over pensionable age, but not more than 5 years over that age; and
    - (ii) would be entitled to a Category B retirement pension by virtue of the contributions of his deceased spouse, but for any such deferment or election.
- (3) A person shall not be entitled to unemployment benefit for the first 3 days of any period of interruption of employment.

- (4) In the case of a person entitled under paragraph (a) of subsection (2) above unemployment benefit shall be payable at the weekly rate specified in Schedule 4, Part I, paragraph 1.
- (5) In the case of any person over pensionable age who is entitled under paragraph (b) or (c) of subsection (2) above, unemployment benefit shall be payable at the weekly rate at which the retirement pension referred to in the applicable paragraph of that subsection would have been payable; but in determining that rate for the purposes of this subsection any increase specified in subsection (6) below shall be disregarded.
- (6) The increases to be disregarded for the purposes of subsection (5) above are the following—
  - (a) any increase (for invalidity) under section 47(1) below;
  - (b) any increase (for married women) under section 53(2) below or (for deferred retirement) under Schedule 5 to this Act;
  - (c) any increase (for dependants) under section 80, 83 or 85 below; and
  - (d) any increase (for Category A or Category B pensioners) under section 150 of the Administration Act (annual up-rating).
- (7) The amount payable by way of benefit under this section for any day of unemployment shall be one sixth of the appropriate weekly rate.

## **26 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 on the next occasion when, having again been in employment as an employed earner, he makes a claim for that benefit in circumstances such that the requalification conditions are satisfied with respect to each of at least 13 weeks in the period of 26 weeks immediately preceding—
  - (a) the day on which the claim is made, or
  - (b) if he would not requalify by reference to that day, his first day of unemployment since he was last in employment as an employed earner.
- (3) For the purposes of subsection (2) above the requalification conditions are satisfied with respect to any week if—
  - (a) the person in question has been in employment as an employed earner in that week;
  - (b) he has worked in such employment for at least 16 hours in that week; and
  - (c) the week begins after the last day for which he was entitled to unemployment benefit.
- (4) Subsection (2) above shall have effect in prescribed cases with the substitution for the reference to 26 weeks of a reference to such longer period as may be prescribed.
- (5) 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.

- (6) Regulations may provide for a person who would be entitled to unemployment benefit but for the operation of any provision of this Act or of regulations disentitling him to it or disqualifying him for it to be treated as if entitled to it for the purposes of this section.

## **27 Interruption of employment in connection with trade dispute**

- (1) Subject to the following provisions of this section—
- (a) an employed earner who has lost employment as an employed earner by reason of a stoppage of work due to a trade dispute at his place of employment is disqualified for receiving unemployment benefit for any day during the stoppage unless he proves that he is not directly interested in the dispute; and
  - (b) an employed earner who has withdrawn his labour in furtherance of a trade dispute, but does not fall within paragraph (a) above, is disqualified for receiving unemployment benefit for any day on which his labour remains withdrawn.
- (2) A person disqualified under subsection (1)(a) above for receiving unemployment benefit shall cease to be so disqualified if he proves that during the stoppage—
- (a) he has become bona fide employed elsewhere; or
  - (b) his employment has been terminated by reason of redundancy within the meaning of section 81(2) of the Employment Protection (Consolidation) Act 1978; or
  - (c) he has bona fide resumed employment with his employer but has subsequently left for a reason other than the trade dispute.
- (3) 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.

## **28 Unemployment benefit - other disqualifications etc**

- (1) Subject to section 29 below a person shall be disqualified for receiving unemployment benefit for such period not exceeding 26 weeks as may be determined in accordance with Part II of the Administration Act if—
- (a) he has lost his employment as an employed earner through his misconduct, or has voluntarily left such employment without just cause;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) after a situation in any 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 without good cause neglected to avail himself of a reasonable opportunity of 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 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;
  - (e) he has lost his place on an approved training scheme through his misconduct, or has voluntarily left such a place without good cause;
  - (f) after a place on an approved training scheme 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 place or refused to accept that place when offered to him; or
  - (g) he has without good cause neglected to avail himself of a reasonable opportunity of a place on an approved training scheme.
- (2) The Secretary of State may by order substitute a shorter period for the period for the time being mentioned in subsection (1) above.
- (3) Regulations may also provide for imposing, in the case of any prescribed category of persons—
- (a) additional conditions with respect to the receipt of unemployment benefit; and
  - (b) restrictions on the rate and duration of unemployment benefit,
- 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 a person who has been dismissed by his employer by reason of redundancy within the meaning of section 81(2) of the Employment Protection (Consolidation) Act 1978 after volunteering or agreeing so to be dismissed shall not be deemed to have left his employment voluntarily.
- (5) For the purposes of subsection (1) above regulations may—
- (a) prescribe matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any act or omission; or
  - (b) prescribe circumstances in which a person is or is not to be regarded as having or not having good cause for any act or omission;
- but, subject to any such regulations, in determining for the purposes of that subsection whether a person does or does not have good cause for any act or omission, there shall be disregarded any matter relating to the level of remuneration in the employment in question.
- (6) For the purposes of this section—
- (a) “properly notified”, in subsection (1)(b) and (f) above, means notified by the Secretary of State, a local education authority or some other recognised agency, or by or on behalf of an employer;
  - (b) “official recommendations”, in subsection (1)(d) above, means recommendations in writing made by an officer of a local education authority or the Secretary of State;

- (c) “approved training scheme”, in subsection (1)(e), (f) and (g) above, means a scheme under which persons—
  - (i) are trained for employment; or
  - (ii) acquire work-experience for the purpose of becoming or keeping fit for entry to or return to regular employment,and which is approved by the Secretary of State for the purposes of this section;
- (d) “local education authority”, in relation to Scotland, means an education authority, that is to say, a regional or islands council; and
- (e) “week” means any period of 7 days.

## **29 Exemptions from disqualification for unemployment benefit**

- (1) Nothing in section 28 above or in regulations under that section shall be taken to disqualify a person for receiving unemployment benefit by reason only of his refusal—
  - (a) to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute; or
  - (b) to seek or accept during the permitted period any employment other than employment in his usual occupation at a level of remuneration not lower than he is accustomed to receive.
- (2) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without being disqualified under—
  - (a) subsection (1)(a) of section 28 above, so far as it relates to a person who voluntarily leaves such employment without just cause, or
  - (b) subsection (1)(c) of that section,should he leave that employment voluntarily and without just cause at any time after the end of the sixth week, but not later than the end of the twelfth week, of a trial period.
- (3) In this section—
  - “permitted period”, in relation to any person, means such period, whether expired or not, as may be determined in accordance with regulations by an adjudication officer on the submission of the question whether that person is disqualified under section 28 above for receiving unemployment benefit; and any such regulations may prescribe—
    - (a) the day on which any such period shall be regarded as having commenced in any case;
    - (b) the shortest and longest periods which may be so determined in any case; and
    - (c) criteria to which the adjudication officer is to have regard in determining the permitted period in any case; and
  - “trial period” means a period of 12 weeks beginning with the commencement of the employment in question; but regulations may—
    - (a) make provision for the purpose of determining the day on which a person’s employment is to be regarded as commencing; and
    - (b) provide that, for the purpose of determining the time at which the sixth or twelfth week of a trial period ends, prescribed periods may be disregarded in prescribed circumstances.

**30 Abatement of unemployment benefit on account of payments of occupational or personal pension**

- (1) If payments by way of occupational or personal pension which in the aggregate exceed the maximum sum are made for any week to a person who has attained the age of 55, the rate of any unemployment benefit to which apart from this section he is entitled for that week shall be reduced by 10 pence for each 10 pence of the excess; and in this subsection “the maximum sum” means such sum not less than £35 as is prescribed.
- (2) Where a reduction in the rate of unemployment benefit payable to a person falls to be made under this section the reduction shall be made, so far as is necessary—
- (a) initially against so much of the benefit as falls to be paid by virtue of section 25(4) or (5) above or of regulations under section 60 below;
  - (b) then against any increase in the benefit payable under section 82 below; and
  - (c) finally against any increase in the benefit payable under section 80 below.
- (3) Regulations may provide—
- (a) for such sums as are specified in or determined under the regulations to be disregarded for the purposes of this section;
  - (b) for securing that no reduction in pursuance of subsection (1) above is made in the unemployment benefit for any day before the day which in pursuance of the regulations is treated as that on which relevant payments by way of occupational or personal pension begin;
  - (c) for this section to apply, in cases where—
    - (i) a lump sum is paid to a person in connection with a former employment of his or arrangements are made for a lump sum to be so paid; or
    - (ii) benefits of any description are made available to a person in connection with a former employment of his or arrangements are made for them to be made so available; or
    - (iii) payments by way of occupational or personal pension to a person are assigned, reduced or postponed or are made otherwise than weekly, as if there were made to the person such weekly payments by way of occupational or personal pension as are specified in or determined under the regulations;
  - (d) for the method of determining whether payments by way of occupational or personal pension are made to a person for any week and the amount of any such payments which are so made;
  - (e) for section 26(1) above and section 57(1) below to have effect, in relation to a person whose rate of unemployment benefit is reduced by virtue of this section, with such modifications as are prescribed.
- (4) In this section—
- “employer” means—
- (a) in relation to an employment under a contract of service, the employer under the contract;
  - (b) in relation to an employment in an office with emoluments, the person responsible for paying the emoluments;
- “employment” means an employment under a contract of service or in an office with emoluments;
- “modifications” includes additions, omissions and amendments;

and the reference in subsection (1) above to unemployment benefit includes any increase of the benefit on account of dependants.