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 STATUTORY INSTRUMENTS
 

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1976 No. 677

## SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and  
Invalidity Benefit) Amendment (No. 2) Regulations 1976**

<i>Made - - - -</i>	<i>4th May 1976</i>
<i>Laid before Parliament</i>	<i>11th May 1976</i>
<i>Coming into Operation</i>	<i>1st June 1976</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 17(2)(a) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following regulations which provide only that a day in respect of which there is payable a particular description of any payment to which section 112 of the Employment Protection Act 1975(b) applies shall not be treated as a day of unemployment for the purposes of entitlement to unemployment benefit:—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1976, shall be read as one with the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975(c) (hereinafter referred to as “the principal regulations”), as amended(d), and shall come into operation on 1st June 1976.

*Amendment of regulation 7 of the principal regulations*

2.—(1) In regulation 7 of the principal regulations (days not to be treated as days of unemployment or incapacity for work) sub-paragraph (1) of paragraph (1) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In paragraph (iii) of that sub-paragraph, for the reference to “section 78(7) or (8)” there shall be substituted a reference to “section 78(7), (8) or (9)” and for the words “date of registration of the order by the industrial tribunal” there shall be substituted the words “date on which the employment of that person terminated”.

(3) At the end of that sub-paragraph there shall be added the words “and in this sub-paragraph any reference to an industrial tribunal shall be construed as including also a reference to the Employment Appeal Tribunal”.

*David Ennals,*  
Secretary of State for Social Services.

4th May 1976.

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(a) 1975 c. 14.                      (b) 1975 c. 71.                      (c) S.I. 1975/564 (1975 I, p. 2062).  
(d) The relevant amending instrument is S.I. 1976/328 (1976 I, p. 880).

## Regulation 2(1)

## SCHEDULE

REGULATION 7(1)(I) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE  
REGULATIONS

(I) a day shall not be treated as a day of unemployment in relation to any person if it is a day in respect of which there is payable to that person—

- (i) a guarantee payment under section 22 of the Employment Protection Act 1975 or under a collective agreement or a wages order having regard to which the appropriate Minister has made an exemption order under section 28 of that Act, or a guarantee payment under a collective agreement or under a wages order referred to in the said section 28 where that person has an obligation in connection with such agreement or order to place his services at the disposal of an employer on that day; or
- (ii) remuneration under section 29 of the Employment Protection Act 1975 while he is suspended from work on medical grounds; or
- (iii) an amount specified by an industrial tribunal, on making an order under section 71 or 78 of the Employment Protection Act 1975 for reinstatement or re-engagement, as payable to that person or an amount awarded to that person under section 72 or 80 of that Act as compensation for unfair dismissal or for non-compliance with an order under *section 78(7), (8) or (9)* of that Act, where either of those amounts includes a sum representing remuneration which the industrial tribunal considers he might reasonably be expected to have had for that day but for the dismissal, so however that this provision shall not apply to any day which does not fall within the period of one year from the *date on which the employment of that person terminated*; or
- (iv) an amount specified by an industrial tribunal, on making an order under section 78 or 80 of the Employment Protection Act 1975 for interim relief pending determination of a claim for unfair dismissal, as payable to that person by way of pay in respect of a pay period which includes that day; or
- (v) remuneration under a protective award made under section 101 of the Employment Protection Act 1975 or an amount ordered to be paid under section 103 of that Act;

*and in this sub-paragraph any reference to an industrial tribunal shall be construed as including also a reference to the Employment Appeal Tribunal.*

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975 so as to provide further that a day, in respect of which there is payable to a person certain payments to which section 112 of the Employment Protection Act 1975 applies, shall not be treated as a day of unemployment for the purposes of entitlement to unemployment benefit and, as this provision is the only one made by these regulations, by virtue of the said section 112, they are not required to be, and have not been, referred to the National Insurance Advisory Committee.

The relevant provision as amended by these Regulations is set out in a Schedule to this instrument and the words added or substituted by these Regulations are shown in italics.



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