

1982 No. 96

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) Amendment Regulations 1982

<i>Made - - - -</i>	29th January 1982
<i>Laid before Parliament</i>	8th February 1982
<i>Coming into Operation</i>	8th March 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 13(4) and 17(1)(a) and (2)(a) 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, 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 and Credits) Amendment Regulations 1982 and shall come into operation on 8th March 1982.

(2) In these regulations, “the principal regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975 (b).

Amendment of regulation 1 of the principal regulations

2. In regulation 1 of the principal regulations (citation, commencement and interpretation) for paragraph (2) there is substituted:—

“(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“charity” has the meaning assigned to it in the Income Tax Acts;

“health authority” has the same meaning as in the National Health Service Act 1977 (c);

“health board” means a health board constituted under section 2 and in accordance with Schedule 1 to the National Health Service (Scotland) Act 1978 (d);

“local authority” has the same meaning, for England and Wales, as in section 270(1) of the Local Government Act 1972 (e) and, for Scotland, as in section 235(1) of the Local Government (Scotland) Act 1973 (f);

“preserved board” has the same meaning as in the National Health Service Reorganisation Act 1973 (g);

“unemployment benefit office” means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit.”.

(a) 1975 c.14; section 13(4) was amended by the Social Security (No.2) Act 1980 (c.39), section 7(6) and the Schedule.

(b) S.I. 1975/564, to which there are amendments not relevant to these regulations.

(c) 1977 c.49; section 128(1) as amended by the Health Services Act 1980(c.53), section 1 and Schedule 1, paragraph 77.

(d) 1978 c.29.

(e) 1972 c.70.

(f) 1973 c.65.

(g) 1973 c.32, section 15(6).

Amendment of regulation 7 of the principal regulations

3. In regulation 7(1) of the principal regulations (days not to be treated as days of unemployment or incapacity for work), for sub-paragraph (h) there is substituted—

“(h) subject to regulations 9, 9A, 9B and 9C, a day shall not be treated as a day of unemployment if on that day a person is engaged in any employment unless—

(i) the earnings derived from that employment, in respect of that day, do not exceed £2.00, or, where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount, and

(ii) he is available on that day to be employed full-time in some employed earner’s employment, and

(iii) if the employment in which he is engaged is employed earner’s employment, it is not in his usual main occupation or it is done for or organised through—

(a) a charity, or

(b) a local authority, health authority, preserved board or health board in providing a service which is capable of being provided by a charity;”.

Insertion of new regulations 9A, 9B and 9C in the principal regulations

4. The following regulations shall be inserted in the principal regulations after regulation 9—

“Availability of persons undertaking duties in an emergency

9A.—(1) Where a person is engaged, during an emergency, in duties for the benefit of others, then, while he is so engaged—

(a) he shall be deemed to be available for employment in employed earner’s employment, and

(b) regulation 7(1)(h) shall apply to him as if head (ii) were omitted.

(2) For the purposes of this regulation a person is engaged in duties for the benefit of others while—

(a) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired;

(b) protecting property of substantial value from imminent risk of serious damage or destruction; or

(c) assisting in measures being taken to prevent a serious threat to the health of the people,

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection.

(3) For the purposes of paragraph (1), events which may give rise to an emergency include—

(a) a fire, a flood or an explosion;

(b) a natural catastrophe;

(c) a railway or other accident;

(d) a cave or mountain accident;

(e) a person being reported missing and the organisation of a search for that person.

Availability of persons attending work camps

9B.—(1) Subject to paragraph (2), where a person who has given notice in accordance with paragraph (3) attends a work camp situated in Great Britain and this necessitates his residing at a place other than his usual place of residence, he shall be deemed to be available to be employed in employed earner's employment on each day, subject to a maximum of 14 days (excluding Sundays or the day substituted for it by regulation 4(1)), on which he attends the camp, and on those days regulation 7(1)(h) shall apply to him as if head (ii) were omitted.

(2) This regulation shall apply to one period only of attendance at a work camp in any calendar year.

(3) For the purposes of paragraph (1), notice is given when it is sent or delivered, before the person concerned attends the work camp to which it relates, to the unemployment benefit office at which that person last made a written declaration as to his unemployment and his availability for employment.

(4) In this regulation, "work camp" means any place where people come together under the auspices of a charity or a local authority to provide a service of benefit to the community.

Availability of persons requiring 24 hours' notice of job opportunities

9C.—(1) Where on any day a person is engaged, whether by contract or otherwise, in providing a service with or without remuneration and the circumstances are such that it would not be reasonable to require him, as a condition of qualifying for unemployment benefit, to make himself available at less than 24 hours' notice—

(a) for employment in employed earner's employment,

(b) for interview in connection with any such employment for which an opportunity arises, or

(c) for interview by an officer of the Manpower Services Commission, the Department of Employment, a local education authority or the Department of Health and Social Security in connection with his availability for employment generally or in any particular case,

he shall be deemed on that day to be available for employment in employed earner's employment if ready on being given not less than 24 hours' notice to undertake suitable employment or attend for interview, as the case may require.

(2) On any day on which a person is engaged as aforesaid regulation 7(1)(h) shall apply to him as if head (ii) were omitted."

Amendment of the Social Security (Credits) Regulations 1975

5.—(1) The Social Security (Credits) Regulations 1975 (a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) in the appropriate places in alphabetical order there shall be inserted the following definitions—

“‘charity’ has the meaning assigned to it in the Income Tax Acts;

‘health authority’ has the same meaning as in the National Health Service Act 1977 (b);

(a) S.I. 1975/556, to which there are amendments not relevant to these regulations.

(b) 1977 c.49; section 128(1) as amended by the Health Services Act 1980 (c.53), section 1 and Schedule 1, paragraph 77.

'health board' means a health board constituted under section 2 and in accordance with Schedule 1 to the National Health Service (Scotland) Act 1978 (a) ;

'local authority' has the same meaning, for England and Wales, as in section 270(1) of the Local Government Act 1972 (b) and, for Scotland, as in section 235(1) of the Local Government (Scotland) Act 1973 (c) ;

'preserved board' has the same meaning as in the National Health Service Reorganisation Act 1973 (d) .”.

- (3) In regulation 9 (credits for unemployment or incapacity for work)—
- (a) in paragraph (4)(a)(i) there shall be added at the end “or, for the purposes of a claim for unemployment benefit for that day, he would be deemed in accordance with regulations to be available for employment in employed earner’s employment,”;
 - (b) in paragraph (4)(a)(iv) there shall be inserted, after the words “usual main occupation”, the words “or it was done for or organised through—
 - (a) a charity, or
 - (b) a local authority, health authority, preserved board or health board in providing a service which is capable of being provided by a charity,”;and
 - (c) paragraph (4)(a)(ii) is revoked.

Norman Fowler,
Secretary of State for Social Services.

29th January 1982.

(a) 1978 c.29.

(d) 1973 c.32, section 15(6).

(b) 1972 c.70.

(c) 1973 c.65.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975 (“the principal regulations”). Regulation 3 amends regulation 7(1)(h) of the principal regulations:

- it increases from 75p to £2.00 a day the maximum amount a person may earn before that day ceases to be treated as a day of unemployment;
- it abolishes the requirement that a day may be so treated only if the employment in which the person is engaged is consistent with full-time employment;
- and it provides that the employment shall either not be the person’s usual main occupation or be done for or through a charity, a local authority or a health authority.

Regulation 4 inserts in the principal regulations new regulations 9A, 9B and 9C. These regulations deem persons to whom they apply to be available for employment in employed earner’s employment:

- regulation 9A applies to persons engaged in duties arising out of an emergency;
- regulation 9B to persons who attend a work camp requiring their residing away from home;
- and regulation 9C to persons providing services who are ready on being given at least 24 hours’ notice to undertake employment or attend for interview.

Regulation 5 makes related amendments to the Social Security (Credits) Regulations 1975.

The report of the Social Security Advisory Committee, dated 26th August 1981, on the draft of these Regulations referred to them, together with a statement showing that the Regulations give effect to the Committee’s recommendations relating to them, is contained in Command Paper (Cmnd. 8486) published by Her Majesty’s Stationery Office.

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