

1989 No. 872

SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and
Invalidity Benefit) Amendment Regulations 1989**

<i>Made</i> - - - -	<i>22nd May 1989</i>
<i>Laid before Parliament</i>	<i>25th May 1989</i>
<i>Coming into force</i> -	<i>19th June 1989</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 15A(1), 17(1)(a) and (2), 17(4) and 166 of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1989 and shall come into force on 19th June 1989.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

2.—(1) The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “preserved board” there shall be inserted the following definition—

“‘training course’ includes any arrangements made by the Secretary of State pursuant to section 2(1) of the Employment and Training Act 1973(d) by way of courses of training, instruction or rehabilitation for the purpose of assisting persons to select, train for, obtain and retain employment;”(e).

(3) In regulation 7(4) (days not to be treated as days of unemployment or incapacity for work) for the words “where such award” to the end, there shall be substituted the

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- (a) 1975 c.14. See Schedule 20 for the meaning of “Prescribed” and “Regulations”. Section 15A was inserted by the Social Security Act 1985 (c.53), section 18(3).
(b) See section 10(2)(b) of the Social Security Act 1980 (c.30) and section 61(1)(b) of the Social Security Act 1986 (c.50).
(c) S.I. 1983/1598, to which the relevant amendments are the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 25 and Schedule 8, paragraph 1(3)(a), S.I. 1986/484 and S.I. 1988/1674.
(d) 1973 c.50; a new subsection (2) was substituted by section 25 of the Employment Act 1988 (c.19).
(e) The words “training course” appear in regulation 7(1)(f) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983.

words "so long as such an award remains unpaid and the employer is, or subsequently becomes, insolvent within the meaning of section 127(a) of that Act."

(4) In regulation 7A(1) (days deemed to be days of entitlement to sickness benefit) for paragraph (c) there shall be substituted the following paragraph—

"(c) the first day of that period of interruption of employment—

- (i) falls within a period of 57 days immediately following the last day upon which an employer was liable to make to him a payment of statutory sick pay in that period of entitlement, or
- (ii) is a day of unemployment and falls before the commencement of that period of entitlement."

(5) For paragraph (2) of regulation 15 (reckoning periods of interruption of employment as a result of certain regular treatment) there shall be substituted the following paragraph—

"(2) The cases referred to in paragraph (1) are those where the days of incapacity for work in question result from—

- (a) regular weekly treatment by way of haemodialysis for chronic renal failure or peritoneal dialysis for chronic renal failure, or
- (b) treatment by way of plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy."

Signed by authority of the Secretary of State for Social Security.

Nicholas Scott
Minister of State,

Department of Social Security

22nd May 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 "the 1983 Regulations". Regulation 2(2) amends regulation 1(2) of the 1983 Regulations to make it clear that a training course can include any arrangements under the Employment and Training Act 1973 for assisting persons to select, train for, obtain and retain employment. Regulation 2(3) amends regulation 7(4) of the 1983 Regulations by providing that a day is to be treated as a day of unemployment, notwithstanding that a compensatory award is payable in respect of that day, if the employer fails to pay and is, or becomes, insolvent. Regulation 2(4) amends regulation 7A(1)(c) of the 1983 Regulations to allow certain days of entitlement to statutory sick pay to count as qualifying days towards entitlement to invalidity pension. Regulation 2(5) amends regulation 15 of the 1983 Regulations so that any two days within a period of six consecutive days of incapacity for work resulting from treatment in respect of plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy are taken into account and treated as a period of interruption of employment, even where treatment is not on a weekly basis.

(a) Section 127 of the Employment Protection (Consolidation) Act 1978 (c.44) was amended by section 235 of and Schedule 8 to the Insolvency Act 1985 (c.65) and section 438 of and Schedule 14 to the Insolvency Act 1986 (c.45).

50p net

ISBN 0 11 096872 7

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO804 C40 5/89 452/3 4235 46378 891378P