1988 No. 169

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1988

Made	*29th April 1988*
Coming into operation . .	*2nd May 1988*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 17(1)(*a*)(i) of the Social Security (Northern Ireland) Act 1975(**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) 1988 and shall come into operation on 2nd May 1988.

(2) In these regulations "the principal regulations" means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**b**).

Insertion of regulation 12A in the principal regulations

2. After regulation 12 of the principal regulations there shall be inserted the following regulation—

"*Persons deemed available where a doubt has arisen about availability*

12A.—(1) Subject to paragraph (4), a person shall be deemed to be available to be employed in employment for a period determined in accordance with paragraphs (2) and (3) where—

(*a*) he has been in receipt of unemployment benefit during a spell of unemployment; and

(*b*) a doubt has arisen during that spell of unemployment as to his availability for employment,

and regulation 7(1)(*g*) shall apply to a person deemed to be available for employment under this regulation as if head (ii) were omitted.

(2) The period under paragraph (1) shall begin on the day on which the doubt about a person's availability for employment arises.

(3) The period under paragraph (1) shall end—

(**a**) 1975 c. 15
(**b**) S.R. 1984 No. 245; to which there are amendments not relevant to these regulations

(*a*) where a person has failed to furnish such certificates, documents, information and evidence within the period of one month, or such longer period as the Department may consider reasonable, in accordance with a requirement of the Department made under regulation 7(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**a**), at the expiry of that period; or

(*b*) where a determining authority makes a determination on review as to whether the person is available for work, at the end of the day on which the determination is made,

whichever first occurs.

(4) This regulation shall not apply—

(*a*) to a person in respect of any day on which he is deemed to be available for employment by virtue of regulation 9 (lifeboatmen and part-time firemen), 10 (persons undertaking duties in an emergency), 11 (persons attending work camps) or 12 (persons requiring 24 hours' notice of job opportunities); or

(*b*) to a person in any case where he gives notice at an office of the Department that he is not, or will not be, available for employment and where such notice is given after the period in paragraph (1) has begun that period shall end on the first day mentioned in that notice as a day in respect of which he will not be available for employment or, where no day is mentioned in that notice, the day following the day on which the notice is received in an office of the Department.

(5) For the purposes of this regulation—

(*a*) ''employment'' means employed earner's employment; and

(*b*) ''spell of unemployment'' means any period of one or more days on which a person is unemployed and any two or more such periods, not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment, shall be treated as one spell of unemployment and for the purposes of this paragraph in computing any period of time Sundays shall not be disregarded.''.

Amendment of regulation 13 of the principal regulations

3. For sub-paragraph (*b*) of regulation 13(2) of the principal regulations (days specified for the purpose of reckoning periods of interruption of employment) there shall be substituted the following sub-paragraph—

''(*b*) any day in respect of which the person concerned is entitled to income support under Part III of the Social Security (Northern Ireland) Order 1986(**b**) or to any personal expenses addition, special transitional addition or transitional addition under the Income Support (Transitional) Regulations (Northern Ireland)

(**a**) S.R. 1987 No. 465
(**b**) S.I. 1986/1888 (N.I. 18)