1984 No. 245

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984

Made	*6th July 1984*
Coming into operation . . .	*20th August 1984*

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

Regulation
1. Citation, commencement and interpretation
2. Provisions to which Parts I and II of these regulations are subject

PART II

PROVISIONS OF GENERAL APPLICATION

3. Persons deemed to be incapable of work
4. Special provisions relating to day substituted for Sunday
5. Night workers
6. Provisions relating to suspension of employment in employed earner's employment
7. Days not to be treated as days of unemployment or incapacity for work
8. Days to be treated as days of incapacity for work for the purposes of invalidity allowance
9. Persons deemed to be available for employment in employed earner's employment
10. Availability of persons undertaking duties in an emergency
11. Availability of persons attending work camps
12. Availability of persons requiring 24 hours' notice of job opportunities
13. Reckoning of periods of interruption of employment
14. Reckoning periods of interruption of employment for persons approaching retirement
15. Reckoning periods of interruption of employment as a result of certain regular treatment
16. Special provisions relating to delay or failure in making or prosecuting a claim
17. Disqualification for sickness or invalidity benefit
18. Partial satisfaction of contribution conditions and reduced rates of benefit
19. Modifications of normal idle day rule
20. Special provisions for certain persons who have been employed abroad
21. Additional condition with respect to the receipt of unemployment benefit by seasonal workers

22. Additional condition with respect to the receipt of unemployment benefit by students

PART III

ABATEMENT OF UNEMPLOYMENT BENEFIT FOR OCCUPATIONAL PENSION PAYMENTS

23. Interpretation
24. Maximum sum prescribed for the purposes of Article 5(1) of the Order
25. Disregard of pension payments on account of redundancy
26. Disregard of pension payments for less than a whole week
27. Calculation of weekly amount of pension payments made other than weekly
28. Modification of section 18(1)

PART IV

SICKNESS AND INVALIDITY BENEFIT IN RESPECT OF INDUSTRIAL INJURY

29. Interpretation
30. Sickness benefit in respect of industrial injury — persons over pensionable age
31. Invalidity pension in respect of industrial injury — persons over pensionable age
32. Invalidity pension — restriction on entitlement

PART V

REVOCATIONS

33. Revocations

SCHEDULE — Revocations

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 15(6), 16(1), 17(1)(*a*) and (*e*), (2), (4) and (5), 20(2) and (3), 33(2) and (3), 50A(2), 79(3) and (4), 126 and 157(1) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**) and section 2(1) of, and paragraphs 1, 3 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**b**) and Articles 2(2) and 5(1) and (2) of the Social Security (No. 2) (Northern Ireland) Order 1980(**c**) and Articles 2(2) and 32(5) of the Social Security (Northern Ireland) Order 1982(**d**) and of all other powers enabling it in that behalf, after agreement with the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(**e**), hereby makes the following regulations:—

(**a**) 1975 c. 15; subsection (6) of section 15 was inserted by Article 38 of, and paragraph 6 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), section 50A was inserted by Article 32(4) of that Order, and section 79(3) was amended by Article 38 of, and paragraph 10 of Schedule 4 to, that Order. Subsections (4) and (5) of section 17 were inserted by Article 6 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25)). Section 33(3) was amended by Article 74(1) of, and paragraph 28 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)). Section 79(4) was amended by Article 7(6) of, and the Schedule to, the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)). *See* definitions of "prescribe" and "regulations" in Schedule 17

(**b**) 1975 c. 18; paragraph 9 of Schedule 3 was amended by section 65(1) and (3) of, and Schedules 4 and 5 to, the Social Security Pensions Act 1975 (c. 60). *See* references to "regulations" and "prescribed" in paragraph 1 of Schedule 3

(**c**) S.I. 1980/1087 (N.I. 13): *see* definitions of "prescribed" and "regulations" in Article 2(2)

(**d**) S.I. 1982/1084 (N.I. 16): *see* definition of "regulations" in Article 2(2)

(**e**) *See* section 10(2)(*b*) of the Social Security Act 1980 (c. 30)

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 and shall come into operation on 20th August 1984.

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

"the Act" means the Social Security (Northern Ireland) Act 1975;

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

"district council" has the same meaning as in the Local Government Act (Northern Ireland) 1972(**a**);

"determining authority" means, as the case may be, the Chief Adjudication Officer, appointed under section 97(1B)(**b**), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

"social security office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit.

(3) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered section or Schedule is to the section of, or, as the case may be, the Schedule to, the Act bearing that number;

(*b*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(4) The Interpretation Act 1978(**d**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Provisions to which Parts I and II of these regulations are subject

2. The provisions of Parts I and II of these regulations are subject to the provisions of Parts III and IV of the regulations.

PART II

PROVISIONS OF GENERAL APPLICATION

Persons deemed to be incapable of work

3.—(1) A person who is not incapable of work may be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which either—

(*a*) (i) he is under medical care in respect of a disease or disablement as aforesaid;

(**a**) 1972 c. 9 (N.I.)
(**b**) *See* Article 3 and paragraph 1 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))
(**c**) S.I. 1972/1265 (N.I. 14)
(**d**) 1978 c. 30

(ii) it is certified by a registered medical practitioner that, for precautionary or convalescent reasons consequential on such disease or disablement, he should abstain from work; and

(iii) he does not work, or

(*b*) he is excluded from work on the certificate of the chief administrative medical officer of a Health and Social Services Board or such other medical officer of that Board as the chief administrative medical officer may authorise and is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

(2) A person, who at the commencement of any day is, or thereafter on that day becomes, incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed earner or self-employed earner on that day, shall be deemed to be so incapable of work throughout that day.

(3) A person, who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work by reason thereof, may be deemed to be so incapable if that work is—

(*a*) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution; or

(*b*) work which is not so undertaken and which he has good cause for doing,

and from which, in either case, his earnings do not ordinarily exceed £22·50 a week.

Special provisions relating to day substituted for Sunday

4.—(1) In the case of a person who—

(*a*) in any week in which, in the normal course, he would work as an employed earner on not more than 6 days, including the Sunday, is unemployed on that Sunday; and

(*b*) claims unemployment benefit for that Sunday,

the day of that week on which, in the normal course, he would not work as an employed earner, or, if that week contains more than one day on which, in the normal course, he would not so work, the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of section 17(1)(*e*), is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Act relating to unemployment, sickness or invalidity benefit, and, for those purposes, is to be disregarded in computing any period of consecutive days.

(2) In the application to a person of paragraph (1)(*a*), no account shall be taken of any period of short-time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed earner on not more than 6 days, including the Sunday.

(3) In the case of a person who—

(*a*) in any week, in the normal course, would not work as an employed earner on the Sunday;

(*b*) objects on religious grounds to working on a specific day in each week other than Sunday, but does not so object to working on Sunday; and

(*c*) in respect of that week is unemployed on and claims unemployment benefit for Sunday,

that specific day shall, in that week, be substituted for Sunday as a day which, by virtue of section 17(1)(*e*), is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Act relating to unemployment, sickness or invalidity benefit, and, for those purposes, is to be disregarded in computing any period of consecutive days.

Night workers

5.—(1) For the purposes of unemployment benefit, sickness benefit and invalidity benefit, where a period of employment commencing on any day extends over midnight into the following day, the person employed shall, in respect of such period—

(*a*) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or

(*b*) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person—

(*a*) is, by virtue of paragraph (1), to be treated as having been employed on one day only of two days; and

(*b*) throughout that part of the other of those two days, during which he is not employed, is, or is deemed in accordance with regulations to be, available to be employed in employed earner's employment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall be deemed to be so available or, as the case may be, to be so incapable of work throughout that other of those two days.

(3) Where a person—

(*a*) is, by virtue of paragraph (1), to be treated as having been employed on the second day only of two days; and

(*b*) throughout the day immediately preceding the first of those two days is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of sickness or invalidity benefit, be deemed to be so incapable of work throughout the first of those two days.

Provisions relating to suspension of employment in employed earner's employment

6.—(1) Where an employed earner's employment has not been terminated but a person's employment therein has been suspended, that employment shall, for the purpose of section 17(1)(*b*) as substituted by section 17(3)(*a*), be treated as having been terminated if the occupation in that employment is one which falls to be disregarded under the provisions of regulation 7(1)(*g*).

(2) For the purpose of section 17(1)(*b*) as substituted by section 17(3)(*a*), a person's employment in an employed earner's employment shall be treated as having been suspended, notwithstanding that he is or was incapable of work on any day, if it would have been so treated had that person not been incapable of work on that day, and any such day of incapacity shall be treated as the first or a later day in a continuous period of suspension, if it would have been so treated had that person not been incapable of work on that day.

(3) For the purpose of determining the seventh or a later day in a continuous period of days on which an employed earner's employment has been suspended by the employer, there shall be disregarded the last day on which work in that employment was available to the employed earner and any days before that day.

Days not to be treated as days of unemployment or incapacity for work

7.—(1) For the purposes of unemployment, sickness and invalidity benefit—

(*a*) where in respect of any day a person places restrictions on the nature, hours,