1982 No. 42

SOCIAL SECURITY

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

Made . . . . . *5th February 1982*

Coming into operation . . . *8th March 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 13(4) and 17(1)(*a*) and (2)(*a*) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) (Amendment) Regulations (Northern Ireland) 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 (Northern Ireland) 1979(**c**).

Amendment of regulation 1 of the principal regulations

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

"(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;

"city, borough or district council" has the same meaning as in the Local Government Act (Northern Ireland) 1972(**d**);

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

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

(**a**) 1975 c. 15; section 13(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))

(**b**) 1980 c. 30

(**c**) S.R. 1979 No. 211 to which there are amendments not relevant to the subject matter of these regulations

(**d**) 1972 c. 9 (N.I.)

(**e**) S.I. 1972/1265 (N.I. 14)

Amendment of regulation 6 of the principal regulations

3. In regulation 6(1) of the principal regulations (days not to be treated as days of unemployment or incapacity for work) for sub-paragraph (*h*) there shall be substituted the following sub-paragraph—

"(*h*) subject to regulations 8, 8A, 8B and 8C, 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—

(*aa*) a charity, or

(*bb*) a city, borough or district council or a Health and Social Services Board in providing a service which is capable of being provided by a charity;".

Insertion of regulations 8A, 8B and 8C in the principal regulations

4. The following regulations shall be inserted in the principal regulations after regulation 8—

"*Availability of persons undertaking duties in an emergency*

8A.—(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 6(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.