

1981 No. 281

SOCIAL SECURITY

**The Social Security (Claims and Payments) (Amendment) Regulations
(Northern Ireland) 1981**

Made 18th August 1981

Coming into operation 21st September 1981

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 79(1) and (3) 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 (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1981, and shall come into operation on 21st September 1981.

(2) In these regulations “the principal regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(c).

Amendment of regulation 12 of the principal regulations

2.—(1) Regulation 12 of the principal regulations (forward allowance and disallowance of unemployment benefit) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) Paragraphs (1), (2), (3), (4) and (5) shall be renumbered respectively paragraphs (2), (3), (4), (5) and (6).

(3) At the commencement of the said regulation 12 there shall be inserted the following new paragraph—

“(1) Where a person makes a claim for unemployment benefit at a social security office at which he has, during the spell of unemployment in which such claim is made, already made a claim for unemployment benefit, unless in any case the Department otherwise directs, that person may make a claim, on the form approved by the Department for the purpose, for a period falling in part before the date of the claim and in part, by not more than 7 days, after the date of the claim and, on any such claim, benefit may be awarded for the period to which the claim relates,

and in this paragraph—

(a) ‘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

(a) 1975 c. 15

(b) 1980 c. 30

(c) S.R. 1977 No. 351, as amended by S.R. 1980 No. 452

(b) in computing any period of time Sundays shall not be disregarded.”.

(4) In that paragraph renumbered by this regulation as paragraph (3)—

(a) in sub-paragraph (a) “, to be specified in his decision,” shall be deleted and for “13” there shall be substituted “26”;

(b) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) where a claim has been treated as extended under sub-paragraph (a) an insurance officer may subsequently treat the period of claim as further extended but no claim shall be extended under this paragraph beyond 26 weeks from the date on which it was made;”;

(c) for sub-paragraph (b) there shall be substituted—

“(b) on any claim treated as extended under sub-paragraph (a) or (aa) benefit may be awarded for a period, not exceeding 13 weeks, constituting the whole or part of the extended period;”;

(d) in sub-paragraph (c) for the words from “the specified period” to the end there shall be substituted “the extended period, further awards may be made under sub-paragraph (b).”.

(5) In that paragraph renumbered by this regulation as paragraph (4), for “Any decision awarding unemployment benefit under paragraph (2)” there shall be substituted “Any decision under this regulation awarding unemployment benefit in respect of any period falling after the date of the claim”.

Amendment of regulation 13 of the principal regulations

3.—(1) Regulation 13 of the principal regulations (special provisions relating to claims for unemployment benefit made during periods connected with public holidays) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In paragraph (2)—

(a) for “regulation 12(2)” there shall be substituted “regulation 12(3)”;

(b) in sub-paragraph (b) for “paragraph (2)” and “paragraph (3)” there shall be substituted respectively “paragraph (3)” and “paragraph (4)”.

Revocations

4. The Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) Regulations (Northern Ireland) 1979(a) and the Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) (Amendment) Regulations (Northern Ireland) 1981(b) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th August 1981.

(L.S.)

T. S. Martin

Assistant Secretary

(a) S.R. 1979 No. 446

(b) S.R. 1981 No. 7

Regulations 12 and 13 of the principal regulations as amended by these regulations*Forward allowance and disallowance of unemployment benefit*

12.—(1) *Where a person makes a claim for unemployment benefit at a social security office at which he has, during the spell of unemployment in which such claim is made, already made a claim for unemployment benefit, unless in any case the Department otherwise directs, that person may make a claim, on the form approved by the Department for the purpose, for a period falling in part before the date of the claim and in part, by not more than 7 days, after the date of the claim and, on any such claim, benefit may be awarded for the period to which the claim relates,*

and in this paragraph—

(a) *“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*

(b) *in computing any period of time Sundays shall not be disregarded.*

(2) *Where it appears to the Department that there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing or the practice relating to the claiming, awarding or payment of unemployment benefit the Department may so certify; and a certificate under this regulation may be expressed—*

(a) *as having effect either generally or in relation to any case or class of case or to a specified area or specified areas; and*

(b) *either as having effect until a specified day or as continuing to have effect until revoked by the Department.*

(3) *While such a certificate has effect, the following provisions of this paragraph shall apply as respects claims for unemployment benefit (being, if the certificate is not of general effect, claims made in the case, class of case, area or areas, as the case may be, to which the certificate relates)—*

(a) *a claim for unemployment benefit made—*

(i) *while such certificate has effect; or*

(ii) *within 28 days before the date upon which the certificate is issued, whether or not benefit has already been allowed on such claim; or*

(iii) *while a previous certificate under this regulation had effect so as to allow that claim to be treated as made for a period after the date on which it was made,*

may be treated by an insurance officer as a claim for that benefit for a period not exceeding 26 weeks after the date of the claim;

(aa) *where a claim has been treated as extended under sub-paragraph (a) an insurance officer may subsequently treat the period of claim as further extended but no claim shall be extended under this paragraph beyond 26 weeks from the date on which it was made;*

(b) *on any claim treated as extended under sub-paragraph (a) or (aa) benefit may be awarded for a period, not exceeding 13 weeks, constituting the whole or part of the extended period;*

(c) *if on any claim so treated benefit is awarded for part only of the extended period, further awards may be made under sub-paragraph (b).*

(4) *Any decision under this regulation awarding unemployment benefit in respect of any period falling after the date of the claim shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates, and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.*

(5) *Where a person's claim for unemployment benefit has been disallowed on any grounds other than failure to satisfy contribution conditions and in the decision disallowing that claim it is stated that the decision is to be treated as a disallowance of any further claim by that person for unemployment benefit for days specified in the decision until the expiration of a period*

specified in the decision (not being a period expiring more than 12 months after the date on which the decision is given) or, if the grounds of the original disallowance have ceased to exist before the expiration of the specified period, until they have ceased to exist, the decision shall, subject to the provisions of section 104, be so treated.

(6) Where a claim for unemployment benefit is disallowed on the grounds that—

- (a) the contribution condition in paragraph 1(2) of Schedule 3 to the Act is not satisfied; or
- (b) (although that contribution condition is satisfied) neither the contribution condition in paragraph 1(3) of the said Schedule 3, nor the requirements of regulations made under section 33(2) (partial satisfaction of contribution conditions), are satisfied,

the disallowance decision shall, until the grounds for it have ceased to exist and subject to the provisions of section 104 (review of decisions), be treated also as a decision disallowing any claim for unemployment benefit made in respect of a day subsequent to the first day of the period to which the first mentioned claim relates.

Special provisions relating to claims for unemployment benefit made during periods connected with public holidays

13.—(1) In this regulation—

- (a) “public holiday” means, as the case may be, Christmas Day or a Bank Holiday under the Banking and Financial Dealings Act 1971(a); and “Christmas and New Year holidays” shall be construed accordingly and shall be treated as one period;
- (b) “office closure” means a period during which a social security office is closed in connection with a public holiday;
- (c) in computing any period of time Sundays shall not be disregarded.

(2) Where any claim for unemployment benefit, other than a claim to which *regulation 12(3)* applies, is made during one of the periods set out in paragraph (3), the following provisions shall apply—

- (a) a claim for unemployment benefit may be treated by an insurance officer as a claim for that benefit for a period, to be specified in his decision, not exceeding 21 days after the date of the claim;
- (b) on any claim so treated, benefit may be awarded as if the provisions of sub-paragraphs (b) and (c) of *paragraph (3)* and the provisions of *paragraph (4)* of regulation 12 applied.

(3) For the purposes of paragraph (2) the periods are—

- (a) in the case of Christmas and New Year holidays, a period beginning with the start of the twenty-first day before the first day of office closure and ending at midnight between the last day of office closure and the following day;
- (b) in the case of any other public holiday, a period beginning with the start of the fourteenth day before the first day of office closure and ending at midnight between the last day of office closure and the following day.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (“the principal regulations”) so as to make provision to allow certain claims for unemployment benefit at all social security offices to be made for a period falling partly after the date on which the claim is made. This provision replaces the transitory provision made, in relation only to certain specified social security offices, by the Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) Regulations (Northern Ireland) 1979 and the Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) (Amendment) Regulations (Northern Ireland) 1981.

They also amend regulation 12 of the principal regulations so as to extend from 13 to 26 weeks the period which claims for unemployment benefit may be treated as covering where the Department has issued a certificate concerning abnormal circumstances affecting the claiming, awarding or payment of benefit.

The regulations also make minor and consequential amendments and revoke the earlier transitory regulations mentioned above.

Regulations 12 and 13 of the principal regulations as amended are set out in the Schedule to these regulations and the words added or substituted by these regulations are shown in *italics*.