

1988 No. 320

SOCIAL SECURITY

**The Social Security (Contribution Conditions for Unemployment
and Sickness Benefit) (Transitional) Regulations
(Northern Ireland) 1988**

Made 6th September 1988

Coming into operation 2nd October 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 17(1) of the Social Security (Northern Ireland) Order 1988(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 (Contribution Conditions for Unemployment and Sickness Benefit) (Transitional) Regulations (Northern Ireland) 1988 and shall come into operation on 2nd October 1988.

(2) In these regulations—

“the Order” means the Social Security (Northern Ireland) Order 1988; “day of unemployment”, “day of incapacity for work” and “period of interruption of employment” shall be construed in accordance with section 17 of the principal Act(b).

Transitional provisions for unemployment and sickness benefit and statutory sick pay

2.—(1) Where after 1st October 1988 a person has a day of unemployment and that day falls within a period of interruption of employment which began before 2nd October 1988, Schedule 3 to the principal Act shall continue to apply to him as though the amendments made to it by Article 7 of and Schedule 5 to the Order (contribution conditions for short-term benefits) had not been enacted until either the day immediately following the last day of that period of interruption of employment or 1st October 1989, whichever is the earlier.

(a) S.I. 1988/594 (N.I. 2)

(b) 1975 c. 15; the relevant amendments to section 17 are Article 3(1) of the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)) which substituted section 17(1)(d) and Article 6 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25)) which inserted paragraphs (4) and (5); of the provisions of Schedule 3 amended by Article 7 of the Social Security (Northern Ireland) Order 1988, paragraph 1(3)(a) was amended and paragraph 1(3)(b) was substituted by paragraph 2(2) and (3) respectively of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); paragraph 8(3) was substituted by paragraph 10 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and amended by Article 6(1) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), paragraph 2(7) of Schedule 8, paragraph 42(b) of Schedule 9 and Schedule 10 to the Social Security (Northern Ireland) Order 1986.

(2) Where after 1st October 1988 a person has a day of incapacity for work and that day falls within a period of interruption of employment which began before 2nd October 1988, Schedule 3 to the principal Act shall continue to apply to him as though the amendments made to it by Article 7 of and Schedule 5 to the Order had not been enacted, until—

- (a) where that period of interruption of employment ends before 2nd October 1989, the day immediately following the last day of that period;
- (b) where that period of interruption of employment continues after 1st October 1989—
 - (i) the day on which entitlement to invalidity pension begins, or
 - (ii) the first day after 1st October 1989, which is not a day of incapacity for work, not being a day referred to in section 17(1)(e) of the principal Act,whichever is the earlier.

(3) Where after 1st October 1988 a person has a day of incapacity for work and that day falls within—

- (a) a period of interruption of employment; and
- (b) a period of 57 days immediately following the end of a period of entitlement to statutory sick pay which contained at least one day of incapacity for work which fell before 2nd October 1988,

Schedule 3 to the principal Act shall continue to apply to him as though the amendments made to it by Article 7 of and Schedule 5 to the Order had not been enacted until the day specified in paragraph (4).

- (4) The day referred to in paragraph (3) is—
- (a) where that period of interruption of employment ends before 2nd October 1989, the day immediately following the last day of that period;
 - (b) where that period of interruption of employment continues after 1st October 1989—
 - (i) the day on which entitlement to invalidity pension begins, or
 - (ii) the first day after 1st October 1989, which is not a day of incapacity for work, not being a day referred to in section 17(1)(e) of the principal Act,whichever is the earlier.

Sealed with the Official Seal of the Department of Health and Social Services on 6th September 1988.

(L.S.)

P. A. Conliffe

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under Article 17(1) of the Social Security (Northern Ireland) Order 1988 ("the Order"). They are consequential upon the coming into operation of Article 7 of the Order which is brought into operation on 2nd October 1988 by virtue of Article 2(c) of the Social Security (1988 Order) (Commencement No. 1) Order (Northern Ireland) 1988 (S.R. 1988 No. 126 (C. 6)). Article 7 of the Order changes the contribution conditions for unemployment and sickness benefit. These regulations contain savings for existing beneficiaries to both these benefits and for people receiving statutory sick pay.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.