

1989 No. 194

SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and
Invalidity Benefit) (Amendment) Regulations
(Northern Ireland) 1989**

Made 25th May 1989

Coming into operation 19th June 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 15A(1) and 17(2)(a) and (4) 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) 1989 and shall come into operation on 19th June 1989.

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

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “social security office” there shall be added the following definition—

“ “training course”(c) includes any arrangements made by the Department of Economic Development pursuant to section 1(1) of the Employment and Training Act (Northern Ireland) 1950(d) by way of courses of training, instruction or rehabilitation for the purpose of assisting persons to select, train for, obtain and retain employment.”.

(3) In regulation 7(4) (days not to be treated as days of unemployment or incapacity for work) for “where such award” to the end there shall be

(a) 1975 c. 15; section 15A was inserted by Article 18(3) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)). Section 17(4) was inserted by Article 6 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(b) S.R. 1984 No. 245; relevant amending regulations are S.R. 1986 No. 82 and S.R. 1988 No. 355

(c) See regulation 7(1)(f) of S.R. 1984 No. 245

(d) 1950 c. 29 (N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

substituted "so long as such an award remains unpaid and the employer is, or subsequently becomes, insolvent within the meaning of Article 47(1) of that Order."

(4) In regulation 7A(1) (days deemed to be days of entitlement to sickness benefit) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

"(c) the first day of that period of interruption of employment—

(i) falls within a period of 57 days immediately following the last day upon which an employer was liable to make to him a payment of statutory sick pay in that period of entitlement, or

(ii) is a day of unemployment and falls before the commencement of that period of entitlement."

(5) For paragraph (2) of regulation 15 (reckoning periods of interruption of employment as a result of certain regular treatment) there shall be substituted the following paragraph—

"(2) The cases referred to in paragraph (1) are those where the days of incapacity for work in question result from—

(a) regular weekly treatment by way of haemodialysis for chronic renal failure or peritoneal dialysis for chronic renal failure; or

(b) treatment by way of plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy."

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 25th May 1989.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 ("the principal regulations"). They 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.

Regulation 2(2) amends regulation 1(2) of the principal regulations to make it clear that a training course can include any arrangements made under the Employment and Training Act (Northern Ireland) 1950 for assisting persons to select, train for, obtain and retain employment.

Regulation 2(3) amends regulation 7(4) of the principal regulations by providing that a day is to be treated as a day of unemployment, notwithstanding that a compensatory award is payable in respect of that day, if the employer fails to pay and is, or becomes, insolvent.

Regulation 2(4) amends regulation 7A(1)(c) of the principal regulations to allow certain days of entitlement to statutory sick pay to count as qualifying days towards entitlement to invalidity pension.

Regulation 2(5) amends regulation 15 of the principal regulations so that any two days within a period of six consecutive days of incapacity for work resulting from treatment in respect of plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy are taken into account and treated as a period of interruption of employment, even where treatment is not on a weekly basis.

1989 No. 195**Road Races (Ulster Rally) Order
(Northern Ireland) 1989**

This Order, being of a temporary character, is not printed at length in this volume.

1989 No. 196**Road Races (Temple 100) Order (Northern Ireland) 1989**

This Order, being of a temporary character, is not printed at length in this volume.