



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART II

CONTRIBUTORY BENEFITS

Unemployment benefit

25 Unemployment benefit.

- (1) Subject to the provisions of this section, a person who satisfies any of the three conditions of subsection (2) below shall be entitled to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment.
- (2) The conditions of this subsection are that—
 - (a) the person is under pensionable age on the day in question and satisfies the contribution conditions specified for unemployment benefit in Schedule 3, Part I, paragraph 1;
 - (b) on that day the person—
 - (i) is over pensionable age, but not more than 5 years over that age; and
 - (ii) would be entitled to a Category A retirement pension if his entitlement had not been deferred or if he had not made an election under section 54(1) below; or
 - (c) on that day the person—
 - (i) is over pensionable age, but not more than 5 years over that age; and
 - (ii) would be entitled to a Category B retirement pension by virtue of the contributions of his deceased spouse, but for any such deferment or election.
- (3) A person shall not be entitled to unemployment benefit for the first three days of any period of interruption of employment.

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- (4) In the case of a person entitled under paragraph (a) of subsection (2) above unemployment benefit shall be payable at the weekly rate specified in Schedule 4, Part I, paragraph 1.
- (5) In the case of any person over pensionable age who is entitled under paragraph (b) or (c) of subsection (2) above, unemployment benefit shall be payable at the weekly rate at which the retirement pension referred to in the applicable paragraph of that subsection would have been payable; but in determining that rate for the purposes of this subsection any increase specified in subsection (6) below shall be disregarded.
- (6) The increases to be disregarded for the purposes of subsection (5) above are the following—
 - (a) any increase (for invalidity) under section 47(1) below;
 - (b) any increase (for married women) under section 53(2) below or (for deferred entitlement) under Schedule 5 to this Act;
 - (c) any increase (for dependants) under section 80, 83 or 85 below;
 - (d) any increase (for Category A or Category B pensioners) under section 132 of the Administration Act which corresponds to an increase under section 150 of the Great Britain Administration Act.
- (7) The amount payable by way of benefit under this section for any day of unemployment or of incapacity for work shall be one sixth of the appropriate weekly rate.

VALID FROM 13/04/1995

[^{F1}25A Determination of days for which unemployment benefit is payable.

- (1) For the purposes of any provisions of this for Act relating to unemployment benefit—
 - (a) subject to the provisions of this Act, a day shall not be treated in relation to any person as a day of unemployment unless on that day—
 - (i) he is capable of work; and
 - (ii) he is, or is deemed in accordance with regulations to be, available to be employed in employed earner’s employment; and that day falls in a week in which he is, or is deemed in accordance with regulations to be, actively seeking such employment;
 - (b) where a person is an employed earner and his employment as such has not been terminated, then in any week a day on which in the normal course that person would not work in that employment or in any other employed earner’s employment shall not be treated as a day of unemployment unless each other day in that week (other than the day referred to in paragraph (e) below) on which in the normal course he would so work is a day of interruption of employment;
 - (c) “day of interruption of employment” means a day which is a day of unemployment or of incapacity for work;
 - (d) the following periods, namely—
 - (i) any 2 days of unemployment, whether consecutive or not, within a period of 6 consecutive days;
 - (ii) any 4 or more consecutive days of incapacity for work,
 shall be treated as a period of interruption of employment, and any 2 such periods not separated by a period of more than 8 weeks (“week” for this

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- purpose meaning any period of 7 days) shall be treated as one period of interruption of employment;
- (e) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment and shall be disregarded in computing any period of consecutive days.
- (2) For the purposes of any provision of this Act relating to unemployment benefit, references to a day or period of incapacity for work have the same meaning as they have for the purposes of incapacity benefit.
- (3) Regulations may—
- (a) make provision (subject to subsections (1) and (2) above) as to the days which are or are not to be treated for the purposes of unemployment benefit as days of unemployment;
- (b) make provision with respect to—
- (i) steps which a person is required to take in any week if he is to be regarded as actively seeking employed earner's employment in that week;
- (ii) the meaning of "week" in subsection (1)(a) above or in any other provision relating to a person's actively seeking employed earner's employment;
- (c) prescribe respective circumstances in which, for the purposes of subsection (1)(b) above—
- (i) employment which has not been terminated may be treated as if it had been terminated; or
- (ii) a day which falls in a period when an employed earner's employment is suspended but does not fall to be so treated and which, apart from the regulations, would not fall to be treated as a day of interruption of employment may be treated as such a day.
- (4) Where it has been determined that a person is to be deemed in accordance with regulations to be available for employment in employed earner's employment in respect of any day, the question of his actual availability for such employment in respect of that day may be subsequently determined on a review of the determination as to his deemed availability.
- (5) Where it has been determined that a person is to be deemed in accordance with regulations to be actively seeking employed earner's employment in any week, the question of his actually doing so in that week may be subsequently determined on a review of the determination as to his deemed doing so.
- (6) If regulations under paragraph (a) of subsection (3) above provide that for the purposes of unemployment benefit days falling in a post-employment period are not to be treated in relation to a person as days of unemployment, then, for the purpose of determining that period, the regulations may, in particular, make provision—
- (a) for calculating or estimating the amount or value of any payment made, or goods or services provided, to or for that person by his employer;
- (b) for calculating or estimating that person's level of earnings in the employment in question during any period or for treating him as having such a level of earnings as may be prescribed; and
- (c) for calculating or estimating the amount or value of any other sum which falls to be taken into account under the regulations.

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In this subsection “post-employment period” means a period following the termination of a person’s employment and falling to be determined in accordance with the regulations by reference to the amount or value of payments made, or goods or services provided, to or for the person by his employer at the time of, or within a prescribed period before or after, the termination of the employment.]

Textual Amendments

F1 S. 25A inserted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 5**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

Modifications etc. (not altering text)

C1 S. 25A(1)(3) amended (13.4.1995) by 1992 c. 7, s. **25B** (as inserted by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 5**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**)

C2 S. 25A(1)(d): power to amend conferred (13.4.1995) by 1992 c. 7, s. **25B** (as inserted by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 5**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**)

VALID FROM 13/04/1995

[25B Power to amend provisions as to days of entitlement.

(1) Subsections (1) and (3) of section 25A above shall, on and after such day as the Department may by order appoint, have effect—

- (a) with the substitution for subsection (1)(b) of the following paragraph—
“ldquo;
- (b) where a person is an employed earner and his employment as such has not been terminated but has been suspended by the employer, a day shall not be treated in relation to that person as a day of unemployment unless it is the 7th or a later day in a continuous period of days on which that suspension has lasted, there being disregarded for the purposes of determining the first 6 days of the period (but for no other purpose)—
 - (i) Sunday or such other day in each week as may have been prescribed under paragraph (e) of this subsection;
 - (ii) any day of recognised or customary holiday in connection with the suspended employment;
 - (iii) such other day or days as may be prescribed;rdquo;; and
- (b) with the substitution for subsection (3)(c) of the following paragraph—
“ldquo;
- (c) prescribe respective circumstances in which for the purposes of subsection (1)(b) above an employed earner’s employment may be treated—
 - (i) as having been or, as the case may be, as not having been terminated;
or
 - (ii) as having been or, as the case may be, as not having been suspended.rdquo;.

(2) Regulations may provide—

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- (a) that paragraph (d) of section 25A(1) above shall have effect as if for the reference to 8 weeks there were substituted a reference to a larger number of weeks specified in the regulations; and
 - (b) that sub-paragraph (ii) of that paragraph shall have effect as if the reference there to 4 consecutive days were to such lesser number of days, whether consecutive or not, within such period of consecutive days, as may be specified in the regulations.
- (3) Regulations under subsection (2)(b) above may be made to have effect from such date, not earlier than 14th September 1980, as may be specified in the regulations.]

26 Duration of unemployment benefit.

- (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for 312 days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit.
- (2) A person who has exhausted his right to unemployment benefit requalifies for it on the next occasion when, having again been in employment as an employed earner, he makes a claim for that benefit in circumstances such that the requalification conditions are satisfied with respect to each of at least 13 weeks in the period of 26 weeks immediately preceding—
 - (a) the day on which the claim is made, or
 - (b) if he would not requalify by reference to that day, his first day of unemployment since he was last in employment as an employed earner.
- (3) For the purposes of subsection (2) above the requalification conditions are satisfied with respect to any week if—
 - (a) the person in question has been in employment as an employed earner in that week;
 - (b) he has worked in such employment for at least 16 hours in that week; and
 - (c) the week begins after the last day for which he was entitled to unemployment benefit.
- (4) Subsection (2) above shall have effect in prescribed cases with the substitution for the reference to 26 weeks of a reference to such longer period as may be prescribed.
- (5) Where a person requalifies for unemployment benefit, subsection (1) above shall again apply to him but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.
- (6) Regulations may provide for a person who would be entitled to unemployment benefit but for the operation of any provision of this Act or of regulations disentitling him to it or disqualifying him for it to be treated as if entitled to it for the purposes of this section.

27 Interruption of employment in connection with trade dispute.

- (1) Subject to the following provisions of this section—

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- (a) an employed earner who has lost employment as an employed earner by reason of a stoppage of work due to a trade dispute at his place of employment is disqualified for receiving unemployment benefit for any day during the stoppage unless he proves that he is not directly interested in the dispute; and
 - (b) an employed earner who has withdrawn his labour in furtherance of a trade dispute, but does not fall within paragraph (a) above, is disqualified for receiving unemployment benefit for any day on which his labour remains withdrawn.
- (2) A person disqualified under subsection (1)(a) above for receiving unemployment benefit shall cease to be so disqualified if he proves that during the stoppage—
- (a) he has become bona fide employed elsewhere;
 - (b) his employment has been terminated by reason of redundancy within the meaning of section 11(2) of the ^{M1}Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965; or
 - (c) he has bona fide resumed employment with his employer but has subsequently left for a reason other than the trade dispute.
- (3) In this Act—
- (a) “place of employment” in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so however that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be;
 - (b) “trade dispute” means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

Marginal Citations

M1 1965 c. 19 (N.I.).

28 Unemployment benefit - other disqualifications, etc.

- (1) Subject to section 29 below a person shall be disqualified for receiving unemployment benefit for such period not exceeding 26 weeks as may be determined in accordance with Part II of the Administration Act if—
- (a) he has lost his employment as an employed earner through his misconduct, or has voluntarily left such employment without just cause;
 - (b) after a situation in any employment has been properly notified to him as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him;
 - (c) he has without good cause neglected to avail himself of a reasonable opportunity of employment;
 - (d) he has without good cause refused or failed to carry out any official recommendations given to him with a view to assisting him to find

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- employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides;
- (e) he has lost his place on an approved training scheme through his misconduct, or has voluntarily left such a place without good cause;
 - (f) after a place on an approved training scheme has been properly notified to him as vacant or about to become vacant, he has without good cause refused or failed to apply for that place or refused to accept that place when offered to him; or
 - (g) he has without good cause neglected to avail himself of a reasonable opportunity of a place on an approved training scheme.
- (2) The Department may by order substitute a shorter period for the period for the time being mentioned in subsection (1) above.
- (3) Regulations may also provide for imposing, in the case of any prescribed category of persons—
- (a) additional conditions with respect to the receipt of unemployment benefit; and
 - (b) restrictions on the rate and duration of unemployment benefit,
- if, having regard to special circumstances, it appears to the Department necessary to do so for the purpose of preventing inequalities, or injustice to the general body of employed earners, or of earners generally, as the case may be.
- (4) For the purposes of this section a person who has been dismissed by his employer by reason of redundancy within the meaning of section 11(2) of the ^{M2}Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 after volunteering or agreeing so to be dismissed shall not be deemed to have left his employment voluntarily.
- (5) For the purposes of subsection (1) above regulations may—
- (a) prescribe matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any act or omission; or
 - (b) prescribe circumstances in which a person is or is not to be regarded as having or not having good cause for any act or omission;
- but, subject to any such regulations, in determining for the purposes of that subsection whether a person does or does not have good cause for any act or omission, there shall be disregarded any matter relating to the level of remuneration in the employment in question.
- (6) For the purposes of this section—
- (a) “properly notified”, in subsection (1)(b) and (f) above, means notified by the Department of Economic Development or some other recognised agency, or by or on behalf of an employer;
 - (b) “official recommendations”, in subsection (1)(d) above, means recommendations in writing made by an officer of the Department of Economic Development;
 - (c) “approved training scheme”, in subsection (1)(e), (f) and (g) above, means a scheme under which persons—
 - (i) are trained for employment; or
 - (ii) acquire work-experience for the purpose of becoming or keeping fit for entry to or return to regular employment,

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and which is approved by the Department of Economic Development for the purposes of this section;

- (d) “week” means any period of 7 days.

Marginal Citations

M2 1965 c. 19 (N.I.).

29 Exemptions from disqualification for unemployment benefit.

- (1) Nothing in section 28 above or in regulations under that section shall be taken to disqualify a person for receiving unemployment benefit by reason only of his refusal—
- (a) to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute; or
 - (b) to seek or accept during the permitted period any employment other than employment in his usual occupation at a level of remuneration not lower than he is accustomed to receive.
- (2) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without being disqualified under—
- (a) subsection (1)(a) of section 28 above, so far as it relates to a person who voluntarily leaves such employment without just cause, or
 - (b) subsection (1)(c) of that section,
- should he leave that employment voluntarily and without just cause at any time after the end of the 6th week, but not later than the end of the 12th week, of a trial period.
- (3) In this section—
- “permitted period”, in relation to any person, means such period, whether expired or not, as may be determined in accordance with regulations by an adjudication officer on the submission of the question whether that person is disqualified under section 28 above for receiving unemployment benefit; and any such regulations may prescribe—
- (a) the day on which any such period shall be regarded as having commenced in any case;
 - (b) the shortest and longest periods which may be so determined in any case; and
 - (c) criteria to which the adjudication officer is to have regard in determining the permitted period in any case;
- “trial period” means a period of 12 weeks beginning with the commencement of the employment in question; but regulations may—
- (a) make provision for the purpose of determining the day on which a person’s employment is to be regarded as commencing; and
 - (b) provide that, for the purpose of determining the time at which the 6th or 12th week of a trial period ends, prescribed periods may be disregarded in prescribed circumstances.

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30 Abatement of unemployment benefit on account of payments of occupational or personal pension.

- (1) If payments by way of occupational or personal pension which in the aggregate exceed the maximum sum are made for any week to a person who has attained the age of 55, the rate of any unemployment benefit to which apart from this section he is entitled for that week shall be reduced by 10 pence for each 10 pence of the excess; and in this subsection “the maximum sum” means such sum not less than £35 as is prescribed.
- (2) Where a reduction in the rate of unemployment benefit payable to a person falls to be made under this section the reduction shall be made, so far as is necessary—
 - (a) initially against so much of the benefit as falls to be paid by virtue of section 25(4) or (5) above or of regulations under section 60 below;
 - (b) then against any increase in the benefit payable under section 82 below; and
 - (c) finally against any increase in the benefit payable under section 80 below.
- (3) Regulations may provide—
 - (a) for such sums as are specified in or determined under the regulations to be disregarded for the purposes of this section;
 - (b) for securing that no reduction in pursuance of subsection (1) above is made in the unemployment benefit for any day before the day which in pursuance of the regulations is treated as that on which relevant payments by way of occupational or personal pension begin;
 - (c) for this section to apply, in cases where—
 - (i) a lump sum is paid to a person in connection with a former employment of his or arrangements are made for a lump sum to be so paid;
 - (ii) benefits of any description are made available to a person in connection with a former employment of his or arrangements are made for them to be made so available; or
 - (iii) payments by way of occupational or personal pension to a person are assigned, reduced or postponed or are made otherwise than weekly, as if there were made to the person such weekly payments by way of occupational or personal pension as are specified in or determined under the regulations;
 - (d) for the method of determining whether payments by way of occupational or personal pension are made to a person for any week and the amount of any such payments which are so made;
 - (e) for section 26(1) above and section 57(1) below to have effect, in relation to a person whose rate of unemployment benefit is reduced by virtue of this section, with such modifications as are prescribed.
- (4) In this section—

“employer” means—

 - (a) in relation to an employment under a contract of service, the employer under the contract;
 - (b) in relation to an employment in an office with emoluments, the person responsible for paying the emoluments;

“employment” means an employment under a contract of service or in an office with emoluments;

“modifications” includes additions, omissions and amendments;

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and the reference in subsection (1) above to unemployment benefit includes any increase of the benefit on account of dependants.

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