
STATUTORY INSTRUMENTS

1982 No. 1408

The Social Security (General Benefit) Regulations 1982

PART II

**PROVISIONS RELATING TO BENEFIT OTHER
THAN INDUSTRIAL INJURIES BENEFIT**

**Payments of benefit and suspension of payments pending a decision on appeals or references,
arrears and repayments**

- 9.—^{F1}(1)
- ^{F1}(2)
- ^{F1}(3)
- ^{F1}(4)
- ^{F2}(5)

[^{F3}(5A) Where a person—

- (a) has received a ^{F4}... jobseeker’s allowance in respect of one or more days in one or more periods of entitlement to a jobseeker’s allowance; and
- (b) is subsequently awarded a ^{F4}... jobseeker’s allowance in respect of one or more days which fell before the days mentioned in sub-paragraph (a) (“the earlier period”); and
- (c) in consequence of the award mentioned in sub-paragraph (b) the number of days on which a person was entitled to a ^{F5}... jobseeker’s allowance exceeds the number of days specified for the purposes of section 5(1) of the Jobseekers Act 1995 (duration of a ^{F5}... jobseeker’s allowance),

then any benefit which would, but for this provision, have become overpaid if the amount due under the subsequent award was paid shall be treated as having been paid in respect of the earlier period and the amount due to be paid under the subsequent award shall be reduced accordingly.

(5B) Where a person—

- (a) has received a ^{F6}... jobseeker’s allowance in respect of one or more days in one or more periods of entitlement to a jobseeker’s allowance;
- (b) is subsequently awarded unemployment benefit in respect of one or more days that fell before 7th October 1996 or in the benefit week that includes 7th October 1996 (“the earlier period”); and
- (c) in consequence of the award mentioned in sub-paragraph (b) the number of days on which a person was entitled to a ^{F7}... jobseeker’s allowance exceeds the number of days specified for the purposes of section 5(1) of the Jobseekers Act 1995 (duration of a ^{F7}... jobseeker’s allowance) or regulation 7(3) (claims for entitlement to a jobseeker’s allowance) of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1995,

Status: This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication. **Read more** (See end of Document for details) **Changes to legislation:** There are currently no known outstanding effects for the The Social Security (General Benefit) Regulations 1982, PART II. (See end of Document for details)

then any benefit which would, but for this provision, have become overpaid if the amount due under the subsequent award was paid shall be treated as having been paid in respect of the earlier period and the amount due under the subsequent award shall be reduced accordingly.

(5C) Where on appeal or review a decision is reversed or varied or revised and by reason thereof any sum on account of a ^{F8}... jobseeker’s allowance is shown to have been paid to any person in respect of days for which he was not entitled to it, then, in determining for the purposes of section 5(1) of the Jobseekers Act 1995 whether that person has exhausted his right to that benefit and what is the last day for which he was entitled to it—

- (a) any period for which such sum has been paid in pursuance of the original decision shall be treated as if it was a period for which that person was entitled to that benefit notwithstanding that that period is not a period of entitlement to a ^{F8}... jobseeker’s allowance;
- (b) where any sum has been so paid to such a person and that sum or any part thereof is recovered, then there shall be excluded for the purposes of the said determination under section 5(1) of the Jobseekers Act 1995 a number of days (to the nearest whole number) equal to the number to be obtained by dividing the amount recovered by one seventh (rounded to the nearest penny) of the weekly rate at which benefit was paid.

(5D) Paragraph (5C) shall not apply to a period for which there would have been entitlement to a ^{F8}... jobseeker’s allowance but for a payment by the Secretary of State in accordance with section 182 of the Employment Rights Act 1996 (employee’s rights on insolvency of employer), in respect of a sum owed by that person’s former employer, where the Secretary of State, in calculating the payment, has made a deduction from that sum on account of any ^{F8}... jobseeker’s allowance received.]

[^{F9}(5E) In this regulation, “jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions.]

- ^{F2}(6)
- ^{F2}(6A)
- ^{F10}(7)
- ^{F10}(8)
- ^{F10}(9)

Textual Amendments

- F1** Reg. 9(1)-(4) revoked (11.4.1988) by [The Social Security \(Claims and Payments\) Regulations 1987 \(S.I. 1987/1968\)](#), regs. 1, 48, **Sch. 10**
- F2** Reg. 9(5)(6), (6A) omitted (7.4.1997) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **6**
- F3** Reg. 9(5A)-(5D) inserted (28.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **5(2)**
- F4** Words in reg. 9(5A)(a)(b) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **27(a)**
- F5** Words in reg. 9(5A)(c) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **27(a)**

- F6** Words in reg. 9(5B)(a) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [27\(b\)](#)
- F7** Words in reg. 9(5B)(c) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [27\(b\)](#)
- F8** Words in reg. 9(5C)(5D) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [27\(c\)](#)
- F9** Reg. 9(5E) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [27\(c\)](#)
- F10** Reg. 9(7)-(9) revoked (11.4.1988) by [The Social Security \(Claims and Payments\) Regulations 1987 \(S.I. 1987/1968\)](#), regs. 1, 48, [Sch. 10](#)

Disqualifications to be disregarded for certain purposes

10.—(1) Subject to paragraph (2), where a person of any class mentioned in column (1) of Schedule 1 to these regulations would be entitled to the benefit set opposite that class in column (2) of that Schedule but for the operation of any provision of the Act disqualifying him for the receipt of that benefit, that person shall be treated as if entitled to that benefit for the purpose of the provisions of the Act set opposite thereto in column (3) of the said Schedule and of any regulations made thereunder.

(2) For the purposes of determining whether the condition contained in section 79(1) of the Act (which makes a claim a condition of any person's right to any benefit) is satisfied, a person who would be entitled to any benefit but for the operation of any provision of the Act disqualifying him for the receipt of it, and who ceases to be so disqualified within a period of 3 months from the commencement of the disqualification, shall be treated as if entitled to it.

Status:

This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication.

Read more**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (General Benefit) Regulations 1982, PART II.