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STATUTORY INSTRUMENTS

1983 No. 1598

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

<i>Made</i>	- - - -	<i>27th October 1983</i>
<i>Laid before Parliament</i>		<i>7th November 1983</i>
<i>Coming into Operation</i>		<i>28th November 1983</i>

The Secretary of State for Social Services, in the exercise of powers conferred upon him by sections 15(6), 16(1), 17(1)(a) and (e), (2), (4) and (5), 20(2) and (3), 33(2) and (3), 50A(2), 79(3) and (4) and 131 of the Social Security Act 1975(1) and section 2(1) of, and paragraphs 3 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975 and section 5(1) and (2) of the Social Security (No. 2) Act 1980 and section 39(5) of the Social Security and Housing Benefits Act 1982 and of all other powers enabling him in that behalf and for the purposes only of consolidating the regulations hereby revoked, hereby makes the following regulations, which are not subject to the requirement of prior reference to the Social Security Advisory Committee(2):—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 and shall come into operation on 28th November 1983.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“charity” has the meaning assigned to it in the Income Tax Acts;

[^{F1}“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

-
- (1) Sections 15(6) and 50A were inserted in the Act by the Social Security and Housing Benefits Act 1982 (c.24), Schedule 4, paragraph 10 and by section 39(4), respectively, and subsections (4) and (5) of section 17 were inserted by the Social Security Act 1981 (c.33), section 5.
- (2) See the Social Security Act 1980 (c.30), Schedule 3, paragraph 20 and section 5(5) of the Social Security (No. 2) Act 1980.

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“determining authority” means, as the case may require, [^{F2}an adjudication officer] or [^{F3}the First-tier Tribunal or the Upper Tribunal];

^{F4}[^{F5} ...]

[^{F6}“employment or training programme” means a course or programme of rehabilitation or training which is established pursuant to arrangements made by the Secretary of State under section 2(1) of the Employment and Training Act 1973^{F7}, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,] for the purpose of assisting persons to select, train for, obtain or retain employed earner’s employment;]

“health authority” has the same meaning as in the National Health Service Act 1977(3);

“health board” means a health board constituted under section 2 of, and in accordance with Schedule 1 to, the National Health Service (Scotland) Act 1978;

“local authority” has the same meaning, for England and Wales, as in section 270(1) of the Local Government Act 1972 and, for Scotland, as in section 235(1) of the Local Government (Scotland) Act 1973;

[^{F8}“Outward Bound course” means any course or programme for personal development which is made available to persons who are not in employment by the charitable trust known as the Outward Bound Trust Limited;]

“preserved board” has the same meaning as in the National Health Service Reorganisation Act 1973(4);

[^{F9}“training allowance” means a training allowance paid under the Employment and Training Act 1973 [^{F10}or the Enterprise and New Towns (Scotland) Act 1990];]

[^{F11}“training course” includes any arrangements made by the Secretary of State pursuant to section 2(1) of the Employment and Training Act 1973^{F12}, or by Scottish Enterprise or Highlands and Islands Enterprise pursuant to section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,] by way of courses of training, instruction or rehabilitation for the purpose of assisting persons to select, train for, obtain and retain employment;]

“unemployment benefit office” means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit.

[^{F13}“voluntary body” means a body the activities of which are carried out otherwise than for the purpose of profit;

“volunteer” means a person who is engaged in voluntary work with a charity or voluntary body, or who is engaged in voluntary work otherwise than for a member of his family, where the only payment received by him or due to be paid to him by virtue of being so engaged, is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged;]

- (3) Unless the context otherwise requires, any reference in these regulations to—
- (a) a numbered section or Schedule is to the section of, or, as the case may be, the Schedule to, the Act bearing that number;
 - (b) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(3) Section 128(1), as amended by the Health Services Act 1980 (c.53), section 1 and Schedule 1, paragraph 77.

(4) Section 15(6).

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Textual Amendments

- F1** Words in reg. 1(2) inserted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **17(2)(a)** (with Pt. III)
- F2** Words in reg. 1(2) substituted (23.04.1984) by Health And Social Services And Social Security Adjudications Act 1983 (1983 c.41), regs. 1, 25, **Sch. 8 para. 1(1)**, (3)(a)
- F3** Words in reg. 1(2) substituted (3.11.2008) by The Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 37**
- F4** Words in reg. 1(2) omitted (13.4.1995) by virtue of The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **17(2)(b)** (with Pt. III)
- F5** Words in reg. 1(2) inserted (06.04.1992) by The Social Security (Invalidity Benefit and Severe Disablement Allowance) Miscellaneous Amendment Regulations 1992 (S.I. 1992/565), **regs. 1, 2**
- F6** Words in reg. 1(2) inserted (9.10.1989) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989 (S.I. 1989/1324), regs. 1(1), **2(a)**
- F7** Words in reg. 1(2) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **6(a)(i)**
- F8** Words in reg. 1(2) inserted (9.10.1989) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989 (S.I. 1989/1324), regs. 1(1), **2(b)**
- F9** Words in reg. 1(2) inserted (9.10.1989) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989 (S.I. 1989/1324), regs. 1(1), **2(c)**
- F10** Words in reg. 1(2) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **6(a)(ii)**
- F11** Words in reg. 1(2) inserted (19.6.1989) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1989 (S.I. 1989/872), regs. 1, **2(2)**
- F12** Words in reg. 1(2) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **6(a)(iii)**
- F13** Words in reg. 1(2) inserted (11.8.1993) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1993 (S.I. 1993/1754), regs. 1(1), **2**

Provisions to which Parts I and II of these regulations are subject

F142.

Textual Amendments

- F14** Reg. 2 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

PART II

PROVISIONS OF GENERAL APPLICATION

Persons deemed to be incapable of work

F153.

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Textual Amendments

F15 Reg. 3 revoked (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(4)** (with Pt. III)

Special provisions relating to day substituted for Sunday

^{F16}**4.**

Textual Amendments

F16 Regs. 4-7 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Night workers

^{F16}**5.**

Textual Amendments

F16 Regs. 4-7 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Provisions relating to suspension of employment in employed earner's employment

^{F16}**6.**

Textual Amendments

F16 Regs. 4-7 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

[^{F17}Requalification period

^{F16}**6A].**

Textual Amendments

F16 Regs. 4-7 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**
F17 Reg. 6A inserted (9.10.1989) by [The Social Security \(Unemployment, Sickness and Invalidity Benefit\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1324\)](#), regs. 1(1), **3**

Days not to be treated as days of unemployment [^{F18}or incapacity for work]

^{F16}**7.**

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Textual Amendments

- F16** Regs. 4-7 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**
- F18** Words in reg. 7 heading omitted (13.4.1995) by virtue of [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(8)(a)** (with Pt. III)

Days deemed to be days of entitlement to sickness benefit

^{F19}**7A.**

Textual Amendments

- F19** Reg. 7A revoked (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(9)** (with Pt. III)

Restrictions on availability for employment

^{F20}**7B.**

Textual Amendments

- F20** Reg. 7B revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Days to be treated as days of incapacity for work for the purposes of invalidity allowance

^{F21}**8.**

Textual Amendments

- F21** Reg. 8 revoked (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(9)** (with Pt. III)

[^{F22}Qualifying day for entitlement to invalidity allowance

^{F23}**8A].**

Textual Amendments

- F22** Reg. 8A inserted (06.04.1986) by [The Social Security \(Unemployment, Sickness and Invalidity Benefit\) Amendment Regulations 1986 \(S.I. 1986/484\)](#), **regs. 1(1), 3**
- F23** Reg. 8A revoked (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(9)** (with Pt. III)

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Persons deemed to be available for employment in employed earner's employment

^{F24}9.

Textual Amendments
F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Availability of persons undertaking duties in an emergency

^{F24}10.

Textual Amendments
F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Availability of persons attending work camps

^{F24}11.

Textual Amendments
F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Availability of persons requiring notice of job opportunities

^{F24}12.

Textual Amendments
F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

[^{F25}Persons deemed available where a doubt has arisen about availability

^{F24}12A].

Textual Amendments
F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**
F25 Reg. 12A inserted (02.05.1988) by The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1988 (S.I. 1988/689), **regs. 1(1), 2**

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Steps to be taken by persons actively seeking employment

^{F24}12B.

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Meaning of week

^{F24}12C.

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Persons deemed to be actively seeking employment

^{F24}12D.

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Matters to be taken into account in determining good cause

^{F24}12E.

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Permitted period

^{F24}12F.

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Trial periods

^{F24}12G.

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Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Meaning of employment

^{F24}**12H.**

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Reckoning of periods of interruption of employment

^{F24}**13.**

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Reckoning periods of interruption of employment for persons approaching retirement

^{F24}**14.**

Textual Amendments

F24 Regs. 9-14 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Reckoning periods of interruption of employment as a result of certain regular treatment

^{F26}**15.**

Textual Amendments

F26 Reg. 15 revoked (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **17(11)** (with Pt. III)

Special provisions relating to delay or failure in making or prosecuting a claim

^{F27}**16.**

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Textual Amendments

F27 Reg. 16 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Disqualification for sickness or invalidity benefit

F28 17.

Textual Amendments

F28 Reg. 17 revoked (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(11)** (with Pt. III)

Partial satisfaction of contribution conditions and reduced rates of benefit

18.—(1) Where a person would be entitled to unemployment or sickness benefit but for the fact that the second contribution condition set out in paragraph 1 of Schedule 3 is not satisfied, he shall, if a rate is prescribed for him in paragraph (2), be entitled to such benefit at that rate.

(2) The weekly rate of unemployment or sickness benefit shall be calculated as a percentage of the rate set out in Part I of Schedule 4; in a case where the second contribution condition would have been satisfied if the multiplier in that condition (instead of being 50) had been 37½, that percentage shall be 75 per cent, and in a case where that condition would have been satisfied if the multiplier had been 25, it shall be 50 per cent.

Modifications of normal idle day rule

F29 19.

Textual Amendments

F29 Reg. 19 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Special provision for certain persons who have been employed abroad

20.—(1) The following provisions of this regulation shall apply for the purposes of [F30contribution-based jobseeker’s allowance][F31, short-term incapacity benefit and contributory employment and support allowance] where a person—

- (a) has been absent from Great Britain;
- (b) has returned to Great Britain; and
- (c) throughout the whole period of his absence was ordinarily resident in Great Britain;

and in this regulation “a person” shall mean such a person.

(2) Where a person has paid Class 1 contributions at the standard rate under the Act either—

- (a) to the full extent of his liability under regulation 120 of the Social Security (Contributions) Regulations 1979; or

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- (b) in respect of the first 52 weeks of his employment abroad by virtue of either—
- (i) an Order in Council made under section 143 (reciprocity with countries outside the United Kingdom); or
 - (ii) Council Regulation No. 1408/71/EEC⁽⁵⁾ (application of social security schemes to employed persons and their families moving within the Community)^[F32], as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems];

and the employment, by reference to which his liability mentioned in sub-paragraph (a) or (b), as the case may be, arose, continued throughout the first 52 weeks after the commencement of that liability, he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for any weeks between the end of that liability and the date of his return to Great Britain which are relevant to his claim.

(3) Where—

- (a) a person would have been liable to pay Class 1 contributions at the standard rate under the said regulation 120 but for the provisions of an Order in Council made under section 143;
- (b) in relation to his case that Order does not provide for periods of insurance, employment or residence in the other country to which that Order relates to be taken into account in determining title to benefit; and
- (c) the employment by reference to which he would have been liable under the said regulation 120 continued throughout the first 52 weeks;

he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for each week of his absence.

(4) Where—

- (a) a person would have been liable to pay Class 1 contributions at the standard rate under the said regulation 120 but for the provisions of either an Order in Council made under section 143 or Council Regulation No. 1408/71/EEC^[F33], as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time];
- (b) the employment by reference to which he would have been liable under the said regulation 120 continued throughout the first 52 weeks from the time that that liability would have commenced; and
- (c) that Order or Council Regulation ^[F34]or Regulation of the European Parliament and of the Council], as the case may be, provides for aggregation of periods of insurance, employment or residence only if an insurance period has been completed since his return to Great Britain, and an insurance period has not been so completed;

any period of insurance, employment, or, as the case may be, residence in the other country to which that Order or Council Regulation ^[F35]or Regulation of the European Parliament and of the Council], as the case may be, relates which falls in the relevant tax year and which could be taken into account in determining entitlement to benefit if an insurance period had been completed since his return to Great Britain shall be treated as a period in respect of which Class 1 contributions on earnings at the lower earnings limit for that tax year had been paid.

(5) Paragraphs (2) (except in a case to which paragraph (2)(a) applies), (3) and (4) shall not apply in relation to benefit to which this regulation applies for any day in respect of which the person concerned is entitled to a corresponding benefit under the social security scheme of the country in which he was employed.

(5) (O.J.S.E. 1971(II), p. 416).

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(6) Where a person satisfies the requirements of paragraph (3)(a) or (4)(a) but the relevant employment did not continue for 52 weeks, he shall be treated as having paid Class 1 contributions on earnings at the lower earnings limit for the relevant tax year for each week for which it did continue.

(7) Where a person to whom regulation 3 of the National Insurance (Residence and Persons Abroad) Regulations 1948(6) applied—

- (a) has paid contributions to the full extent of his liability under that regulation; and
- (b) has paid or has had credited to him 45 contributions of any Class under the National Insurance Act 1965 during each contribution year from the year in which his liability ceased until the last contribution year relevant to him which ended before 5th April 1975 (inclusive of both these years);

paragraph (2) shall apply to him, notwithstanding paragraph (2)(a), as if the reference to his liability were a reference to his liability under the said regulation 3.

(8) Paragraph (2) shall not apply to any case where the employment, which gave rise to the liability mentioned in sub-paragraph (a) of that paragraph, commenced before 6th April 1975, unless the person concerned paid contributions under the said Act of 1965 to the full extent of his liability under the said regulation 3.

Textual Amendments

- F30** Words in reg. 20 substituted (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, **25**
- F31** Words in reg. 20(1) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **21**
- F32** Words in reg. 20(2)(b)(ii) added (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, **Sch. para. 3(1)(a)**
- F33** Words in reg. 20(4)(a) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, **Sch. para. 3(1)(b)**
- F34** Words in reg. 20(4)(c) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, **Sch. para. 3(1)(c)**
- F35** Words in reg. 20(4) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, **Sch. para. 3(1)(d)**

Additional condition with respect to the receipt of unemployment benefit by seasonal workers

^{F36}**21.**

Textual Amendments

- F36** Reg. 21 omitted (9.10.1989) by virtue of [The Social Security \(Unemployment, Sickness and Invalidity Benefit\) Amendment No. 2 Regulations 1989 \(S.I. 1989/1324\)](#), regs. 1(1), **8**

Additional condition with respect to the receipt of unemployment benefit by students

^{F37}**22.**

(6) Relevant amending instruments are S.I. 1950/1946, 1958/1084, 1960/1210.

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Textual Amendments

F37 Reg. 22 omitted (1.9.1990) by virtue of The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990 (S.I. 1990/1549), regs. 1(1)(a), **6(3)** (with reg. 7(1))

PART III

ABATEMENT OF UNEMPLOYMENT BENEFIT FOR OCCUPATIONAL PENSION PAYMENTS

Interpretation

^{F38}**23.**

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Maximum sum prescribed for the purposes of section 5(1) of the 1980 Act

^{F38}**24.**

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Disregard of pension payments on account of redundancy

^{F38}**25.**

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

Disregard of pension payments for less than a whole week

^{F38}**26.**

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by The Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, 27, **Sch.**

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Calculation of weekly amount of pension payments made other than weekly

^{F38}27.

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

Modification of section 18(1) of the 1975 Act

^{F38}28.

Textual Amendments

F38 Regs. 23-28 revoked (7.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 27, **Sch.**

F39 ...

Textual Amendments

F39 Pt. 4A substituted for Pt. 4 (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **17(14)** (with Pt. III)

^{F39}29.

^{F39}30.

^{F39}31.

^{F39}32.

[^{F39}PART IV A

TRANSITIONAL PROVISIONS FOR INCAPACITY BENEFIT IN RESPECT OF INDUSTRIAL INJURY

Provision for short-term incapacity in respect of industrial injury persons over pensionable age

32A. In any case where—

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- (a) immediately before the revocation of regulation 30, the provisions of that regulation applied; and
- (b) after 12th April 1995 a person becomes entitled to short-term incapacity benefit in respect of the same industrial injury by virtue of regulation 11 or 14 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which short-term incapacity benefit is payable shall be the rate set out in paragraph 2 of Part I of Schedule 4 to the Contributions and Benefits Act, or, if higher, the rate at which that benefit would have been payable to the person concerned under section 30B(3) of that Act.

Provision for long-term incapacity in respect of industrial injury—persons over pensionable age

32B.—(1) Subject to paragraph (2) in any case where—

- (a) immediately before the revocation of regulation 31 the provisions of that regulation applied; and
- (b) after 12th April 1995 a person becomes entitled to long-term incapacity benefit by virtue of regulation 17, 17A or 21 of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995,

the weekly rate at which long-term incapacity benefit is payable shall be the rate referred to in regulation 18(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (notwithstanding that the person is over pensionable age), or, if higher, the rate at which that benefit would be payable under regulation 18(7).

(2) Where the contribution conditions for a Category A retirement pension specified in paragraph 5 of Part I of Schedule 3 to the Contributions and Benefits Act are not satisfied, those conditions shall be taken to be satisfied for the purposes of regulation 18(7) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995.]

PART V REVOCATIONS

Revocations

33. The regulations specified in column 1 of the Schedule to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

Signed by authority of the Secretary of State for Social Services.

Rhodes Boyson
Minister of State, Department of Health and
Social Security

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SCHEDULE

Regulation 33

REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Regulations Revoked	References	Extent of revocation
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975	S.I. 1975/564	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1976	S.I. 1976/328	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1976	S.I. 1976/677	The whole regulations.
The Social Security (Miscellaneous Amendments) Regulations 1977	S.I. 1977/1509	Regulation 3(2) and, insofar only as they relate to the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975, paragraphs (3) and (4) of regulation 3.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1978	S.I. 1978/394	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1978	S.I. 1978/608	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1978	S.I. 1978/1213	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1979	S.I. 1979/934	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1979	S.I. 1979/940	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1979	S.I. 1979/1299	The whole regulations.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Regulations Revoked and Invalidity Benefit) Amendment (No. 3) Regulations 1979	References	Extent of revocation
The Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations 1981	S.I. 1981/73	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) Amendment Regulations 1981	S.I. 1981/1501	Regulation 2.
The Social Security (Unemployment, Sickness and Invalidity Benefit and Credits) Amendment Regulations 1982	S.I. 1982/96	Regulations 2, 3 and 4.
The Social Security (Days of Incapacity for Work) Regulations 1982	S.I. 1982/642	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1982	S.I. 1982/1105	The whole regulations.
The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 2) Regulations 1982	S.I. 1982/1345	The whole regulations.
The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983	S.I. 1983/186	Regulations 14, 15 and 16.
The Social Security and Supplementary Benefit (Miscellaneous Provisions) Amendment Regulations 1983	S.I. 1983/463	Regulation 3.
The Social Security (Sickness and Invalidity Benefit and Non-Contributory Invalidity Pension) Amendment Regulations 1983	S.I. 1983/1587	Regulation 2.

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EXPLANATORY NOTE

These Regulations are made for the purposes only of consolidating the Regulations hereby revoked and accordingly, by virtue of paragraph 20 of Schedule 3 to the Social Security Act 1980, no reference of them has been made to the Social Security Advisory Committee.

The Regulations contain provisions relating to unemployment benefit, sickness benefit and invalidity benefit under the Social Security Act 1975.

The Regulations contain provisions relating to payment of the above benefits. The principal matters dealt with are the provisions relating to persons deemed to be incapable of work; special provisions relating to a day substituted for Sunday; the position of nightworkers; suspension of employment; days which are or are not to be treated as days of unemployment or incapacity for work; days which are treated as days of incapacity for work for the purposes of invalidity allowance; the deeming of lifeboatmen, part-time firemen, persons undertaking duties in an emergency and certain other persons (regulations 9 to 12) as available for employment; reckoning of periods of interruption of employment; provisions relating to delay or failure in claiming benefit; disqualification for sickness or invalidity benefit; partial satisfaction of contribution conditions and reduced rates of benefit; and miscellaneous provisions relating to modification of the normal idle day rule. The Regulations include special provisions for persons who have paid Class 1 contributions whilst abroad and additional conditions relating to the receipt of unemployment benefit by seasonal workers in their off-season and by students.

These Regulations also incorporate in regulation 15 the provisions of the Social Security (Days of Incapacity for Work) Regulations 1982, which modified section 17(1)(d) of the Social Security Act 1975, as amended, in relation to treatment by way of haemodialysis or peritoneal dialysis for chronic renal failure, plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy. The Regulations also incorporate in Part III the Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations 1981, which provided for the abatement of unemployment benefit for persons over 60 who are also in receipt of payments by way of occupational pension for the same week. Also the Regulations incorporate in Part IV the provisions of the Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983, insofar as those provisions directly relate to entitlement to sickness benefit or invalidity pension in respect of industrial injury, namely, regulations 14, 15 and 16 of those regulations (sickness benefit and invalidity pension in respect of industrial injury in relation to persons over pensionable age and restriction on entitlement to invalidity pension by virtue of section 50A of the Social Security Act 1975, respectively).

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