

## 1986 No. 484

## SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment Regulations 1986**

<i>Made - - - -</i>	<i>13th March 1986</i>
<i>Laid before Parliament</i>	<i>14th March 1986</i>
<i>Coming into Operation</i>	<i>6th April 1986</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 15A and 16(1) of the Social Security Act 1975(a), and of all other powers enabling him in that behalf, by this instrument, which contains only provisions consequential on section 18 of the Social Security Act 1985 and regulations made under section 15A of the aforementioned Act of 1975, 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 1986 and shall come into operation on 6th April 1986.

(2) In these regulations “the principal regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(b).

*Days deemed to be days of entitlement to sickness benefit*

2. The following regulation shall be inserted in the principal regulations after regulation 7:—

*“Days deemed to be days of entitlement to sickness benefit*

7A.—(1) This regulation applies for the purposes of entitlement to invalidity pension for a person—

- (a) where a previous period of entitlement as between him and a person who is or was an employer of his has ended; and
- (b) he has a day of incapacity for work which falls within a period of interruption of employment; and
- (c) the first day of that period of interruption of employment 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.

(a) 1975 c.14; section 15A was inserted by the Social Security Act 1985 (c.53), section 18(3).  
 (b) S.I. 1983/1598, of which there are amending regulations not relevant to the subject matter of these regulations.

(2) A person who in the period of entitlement mentioned in paragraph (1) reached his maximum entitlement to statutory sick pay in accordance with section 5 of the 1982 Act shall be deemed to have been entitled to sickness benefit in respect of those days within the period of entitlement which are specified in paragraph (4).

(3) Where a person—

(a) is or was entitled to statutory sick pay, but

(b) the period of entitlement mentioned in paragraph (1) ended otherwise than in accordance with section 3(2)(b) of the 1982 Act,

he shall be deemed to have been entitled to sickness benefit in respect of those days within the period of entitlement which are specified in paragraph (4).

(4) Subject to paragraph (5), for the purposes of paragraphs (2) and (3), the days specified are—

(a) in any week in which the employer is or was liable to pay that person statutory sick pay at the weekly rate specified in section 7(1) of the 1982 Act, each of the first six days of the week beginning with Monday;

(b) in any week in which the employer is or was liable to pay that person statutory sick pay at a fraction of the weekly rate, each of the days of the week beginning with Monday which would be comprised in the same fraction of a six-day week, so however that where such a calculation produces a fraction of a day or a number of days with a fraction of a day over, that fraction of a day shall be included in the calculation of days for the next such week and any fraction of a day resulting from that calculation shall be carried forward in like manner; and for any fraction of a day not accounted for at the end of the period of entitlement, one additional day shall be added immediately following the last day otherwise specified under this sub-paragraph.

(5) Where a person does not satisfy the first contribution condition for entitlement to sickness benefit on the first day in respect of which he would, but for this paragraph, be deemed to have been entitled to sickness benefit, paragraph (4) shall not apply to any days falling before the day on which he does satisfy that condition.”

(6) In this regulation and in regulation 8A—

“the 1982 Act” means the Social Security and Housing Benefits Act 1982(a);

“period of entitlement” has the meaning given by section 3 of the 1982 Act;

“employer” has the meaning given by section 26(1) of the 1982 Act.”.

*Qualifying day for entitlement to invalidity allowance*

3. The following regulation shall be inserted after regulation 8 of the principal regulations:—

---

(a) 1982 c.24.

*“Qualifying day for entitlement to invalidity allowance*

8A. For the purposes of section 16 of the Act, “the qualifying date” in relation to a person to whom regulation 7A applies shall be the first day in the period of entitlement mentioned in paragraph (1)(a) of that regulation.”.

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

*Tony Newton,*  
Minister of State, Department of  
Health and Social Security.

13th March 1986.

---

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 (“the principal regulations”). They are made under provisions inserted in the Social Security Act 1975 by section 18 of the Social Security Act 1985 (“the 1985 Act”) or are consequential upon that section. As they are made earlier than six months from the first day appointed for the coming into force of section 18 (6th April 1986), they are exempted by section 27(8)(d) of the 1985 Act from the requirement under section 10(1) of the Social Security Act 1980 (c.30) to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 1 of the Regulations refers to their citation, commencement and interpretation.

Regulation 2 provides for the purpose of entitlement to invalidity pension that certain days falling within a period of entitlement to statutory sick pay may in specified circumstances be treated as days of entitlement to sickness benefit.

Regulation 3 provides that the qualifying date for entitlement to invalidity allowance shall, in the case of a person to whom regulation 2 applies, be the first day in a previous period of entitlement as between the person and his employer.

SI 1986/484  
ISBN 0-11-066484-1



780110 664842