

1988 No. 689

**SOCIAL SECURITY**

**The Social Security (Unemployment, Sickness and  
Invalidity Benefit) Amendment Regulations 1988**

<i>Made - - - -</i>	<i>8th April 1988</i>
<i>Laid before Parliament</i>	<i>11th April 1988</i>
<i>Coming into force</i>	<i>2nd May 1988</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 17(1)(a)(i) and 168(1) of, and Schedule 20 to, the Social Security Act 1975(a), and all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), 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 1988 and shall come into force on 2nd May 1988.

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

**Insertion of regulation 12A into the principal Regulations**

2. The following regulation shall be inserted after regulation 12 of the principal Regulations—

**“Persons deemed available where a doubt has arisen about availability**

12A.—(1) Subject to paragraph (4), a person shall be deemed to be available to be employed in employment for a period determined in accordance with paragraphs (2) and (3) where—

- (a) he has been in receipt of unemployment benefit during a spell of unemployment; and
- (b) a doubt has arisen during that spell of unemployment as to his availability for employment,

and regulation 7(1)(g) shall apply to a person deemed to be available for employment under this regulation as if head (ii) were omitted.

(2) The period under paragraph (1) shall begin on the day on which the doubt about a person’s availability for employment arises.

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(a) 1975 c.14; section 168(1) and Schedule 20 are cited because of the meaning ascribed to the word “regulations”.  
(b) See section 10(2)(b) of the Social Security Act 1980 (c.30).  
(c) S.I. 1983/1598, to which there are amendments not relevant to these Regulations.

(3) The period under paragraph (1) shall end—

- (a) where a person has failed to furnish such certificates, documents, information and evidence within the period of one month, or such longer period as the Secretary of State may consider reasonable, in accordance with a requirement of the Secretary of State made under regulation 7(1) of the Social Security (Claims and Payments) Regulations 1987(a), at the expiry of that period; or
- (b) where a determining authority makes a determination on review as to whether the person is available for work, at the end of the day on which the determination is made,

whichever first occurs.

(4) This regulation shall not apply—

- (a) to a person in respect of any day on which he is deemed to be available for employment by virtue of regulation 9 (lifeboatmen and part-time firemen), 10 (persons undertaking duties in an emergency), 11 (persons attending work camps) or 12 (persons requiring 24 hours' notice of job opportunities); or
- (b) to a person in any case where he gives notice at an office of the Department of Health and Social Security or the Department of Employment that he is not, or will not be, available for employment and where such notice is given after the period in paragraph (1) has begun that period shall end on the first day mentioned in that notice as a day in respect of which he will not be available for employment or, where no day is mentioned in that notice, the day following the day on which the notice is received in an office of the Department of Health and Social Security or the Department of Employment.

(5) For the purposes of this regulation—

- (a) "employment" means employed earner's employment; and
- (b) "spell of unemployment" means any period of one or more days on which a person is unemployed and any two or more such periods, not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment, shall be treated as one spell of unemployment and for the purposes of this paragraph in computing any period of time Sundays shall not be disregarded."

#### **Amendment of regulation 13 of the principal Regulations**

3. For sub-paragraph (b) of regulation 13(2) of the principal Regulations (days specified for the purpose of reckoning periods of interruption of employment) there shall be substituted the following sub-paragraph—

"(b) any day in respect of which the person concerned is entitled to income support under Part II of the Social Security Act 1986(b) or to any personal expenses addition, special transitional addition or transitional addition under the Income Support (Transitional) Regulations 1987(c) if on that day paragraph 14 of Schedule 1 to the Income Support (General) Regulations 1987(d) applies to him (persons of 60 and over who, for the purposes of entitlement to income support, are not subject to the condition of availability)."

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

8th April 1988

*Michael Portillo*  
Parliamentary Under-Secretary of State,  
Department of Health and Social Security

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(a) S.I. 1987/1968, to which there are amendments not relevant to these Regulations.

(b) 1986 c.50.

(c) S.I. 1987/1969; the relevant amending regulations are S.I. 1988/521 and 670.

(d) S.I. 1987/1967, to which there are amendments not relevant to these Regulations.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983—

- (a) to provide for a person who has been in receipt of unemployment benefit to be deemed to be available for employment where a doubt has arisen about his availability for employment until the question of his availability has been determined or until he has been requested to supply information within a period and fails to do so within that period, whichever is earlier (regulation 2);
- (b) to change certain references to supplementary benefit to references to income support (regulation 3).