
STATUTORY INSTRUMENTS

1990 No. 256

SOCIAL SECURITY

**The Social Security (Industrial Injuries)
(Regular Employment) Regulations 1990**

Made - - - - *13th February 1990*

Coming into force - - *1st April 1990*

Whereas a draft of this instrument was laid before Parliament in accordance with the provisions of section 29(2)(e) of the Social Security Act 1989(1) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the power conferred by section 59B(7) and (8) of and Schedule 20 to the Social Security Act 1975(2), and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 6 months beginning with the coming into force of the aforesaid section 59B(7) and (8), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Industrial Injuries) (Regular Employment) Regulations 1990 and shall come into force on 1st April 1990.

(2) In these Regulations, “the 1975 Act” means the Social Security Act 1975.

Meaning of “regular employment”

2.—(1) Subject to the following provisions of this regulation, “regular employment”, for the purposes of section 59B of the 1975 Act, means, in relation to any person and any week, gainful employment (whether or not under a contract of service) which the person undertakes for 10 hours or more in a week which forms part of a period of 5 or more consecutive weeks in which such employment is undertaken.

(2) For the purposes of section 59B of the 1975 Act, a person —

(a) if he is engaged in regular employment, shall be regarded as not having given up that employment, or

(1) 1989 c. 24.

(2) 1975 c. 14; section 59B was inserted by the Social Security Act 1988 (c. 7), section 2(1), and subsections (7) and (8) were added by the Social Security Act 1989 (c. 24), section 7, Schedule 1, paragraph 8(6); Schedule 20 is cited because of the meaning ascribed to the words “Prescribe” and “Regulations”.

- (b) if he is not so engaged, shall be regarded as having returned to regular employment, in any week falling within a period of 5 consecutive weeks during which the total number of hours gainfully employed, when averaged over the whole of that period, amounts to 10 or more for each week within that period.
- (3) A person shall be regarded for those purposes as not having given up regular employment in any week in which he has one or more days of interruption of employment.

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

13th February 1990

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is made on 13th February 1990, which is before the end of a period of 6 months beginning with the coming into force of subsections (7) and (8) of section 59B of the Social Security Act 1975 (both subsections having been inserted in section 59B by the Social Security Act 1989 (c. 24), Schedule 1, paragraph 8(6)).

The Regulations contained in this instrument are therefore exempted by section 61(5) of the Social Security Act 1986 (c. 50) (as amended by the Social Security Act 1989, Schedule 8, paragraph 12(3)) from the requirement under section 141 of the Social Security Act 1975 to refer proposals to the Industrial Injuries Advisory Council and are made without reference to the Council.

The Regulations make provision with respect to the meaning of “regular employment” for the purposes of section 59B of the Social Security Act 1975 (retirement allowance). They also provide that in certain circumstances a person is or is not to be regarded as having given up, or returned to, regular employment.