

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(a) 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(b), 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) ◀◀.

Reg. 1(2) deleted by reg. 6(2) of S.I. 1996/425 as from 24.3.96.

▶Meaning of “regular employment”

2. For the purposes of paragraph 13 of Schedule 7 to the Social Security Contributions and Benefits Act 1992, “regular employment” means gainful employment—

Regs. 2 and 3 substituted for reg. 2 by reg. 6(3) of S.I. 1996/425 as from 24.3.96.

- (a) under a contract of service which requires a person to work for an average of 10 hours or more per week in any period of five consecutive weeks, there being disregarded for this purpose any week when the contract subsists during which he is absent from that employment in circumstances where such absence is permitted under the contract (for example in the case of sickness or taking leave); or
- (b) which a person undertakes for an average of 10 hours or more per week in any period of five consecutive weeks.

Circumstances in which a person over pensionable age is to be regarded as having given up regular employment

3. Unless he is entitled to reduced earnings allowance for life by virtue of paragraph 12(1) of Schedule 7 to the Social Security Contributions and Benefits

(a) 1989 c.24.
(b) 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”.

Act 1992, a person who has attained pensionable age^(a) shall be regarded as having given up regular employment at the start of the first week in which he is not in regular employment after the later of—

- (a) the week during which this regulation comes into force; or
- (b) the week during which he attains pensionable age.◀

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.

(a) Paragraph 13(a) of Schedule 4 to the Pensions Act 1995 (c.26) substituted a new definition of “pensionable age” in section 122(1) of the Social Security Contributions and Benefits Act 1992 (c.4).