STATUTORY INSTRUMENTS

1966 No. 1049

SOCIAL SECURITY

The National Insurance (Unemployment and Sickness Benefit) Amendment Regulations 1966

Made - - - -	*15th August* 1966
Laid before Parliament	*22nd August* 1966
Coming into Operation	*6th October* 1966

The National Insurance Joint Authority, in exercise of powers conferred by section 20 (2) (a) of the National Insurance Act 1965(a), and the Minister of Social Security, in exercise of powers conferred by section 20 (2) (b) of the said Act of 1965 (as substituted by section 3 (1) (b) of the National Insurance Act 1966(b)) and sections 2 (8) (a) and 14 (5) of the said Act of 1966 and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in each case in consequence of the said Act of 1966 and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit) Amendment Regulations 1966, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations 1948(c), as amended (d), (hereinafter referred to in these regulations as "the Unemployment and Sickness Benefit Regulations"), and shall come into operation on 6th October 1966.

Amendment of regulation 1 *of the Unemployment and Sickness Benefit Regulations*

2. In paragraph (2) of regulation 1 of the Unemployment and Sickness Benefit Regulations (interpretation), after the definition of "Industrial Injuries Act" there shall be inserted the following definitions:—

"the 1965 Act means the National Insurance Act 1965;"

"the 1966 Act means the National Insurance Act 1966;".

Operation of regulations 4, 5 *and* 6

3. Regulations 4, 5 and 6 of these regulations shall have effect:—

(*a*) for the purpose of earnings-related supplement payable under section 2 of the 1966 Act and in determining for the purpose of regulation 6A or regulation 7A of the Unemployment and Sickness Benefit Regulations the seventh or a later day in a continuous period of suspension, as from 6th October 1966;

(*b*) for the purpose of any other provision of the 1965 Act relating to unemployment benefit and to a day or a period of interruption of employment, as from 10th March 1969.

(a) 1965 c. 51. (b) 1966 c. 6.

(c) S.I. 1948/1277 (Rev. XVI, p.212: 1948 I, p. 2676).

(d) The relevant amending instruments are S.I. 1954/117, 189, 1955/143, 1956/227, 1957/1319, 1959/686, 1278, 1960/781 (1954 I, pp. 1405, 1387; 1955 I, p. 1627; 1956 I, p. 1623; 1957 I, p. 1607; 1959 II, pp. 1877, 1879; 1960 II, p. 2203).

Treatment of suspended employment as terminated

4. Where an employed contributor's employment has not been terminated but a person's employment therein has been suspended, that employment shall for the purpose of section 20 (1) (b) of the 1965 Act as substituted by section 3 (1) of the 1966 Act be treated as having been terminated if the occupation in that employment is one which falls to be disregarded under the provisions of regulation 6 (1) (h) of the Unemployment and Sickness Benefit Regulations.

Incapacity for work and suspension

5. For the purpose of section 20 (1) (b) of the 1965 Act, as substituted by section 3 (1) of the 1966 Act, a person's employment in an employed contributor's employment shall be treated as having been suspended, notwithstanding that he is or was incapable of work on any day, if it would have been so treated had that person not been incapable of work on that day, and any such day of incapacity shall be treated as the first or a later day in a continuous period of suspension if it would have been so treated had that person not been incapable of work on that day.

Calculation of period of suspension

6. For the purpose of determining the seventh or a later day in a continuous period of days on which a person employed in an employed contributor's employment has been suspended by the employer, there shall be disregarded the last day on which work in that employment was available to that person and any day before that day.

Amendment of regulation 6 (1) (*d*) *and* 6 (1) (*e*) *of the Unemployment and Sickness Benefit Regulations*

7.—(1) For sub-paragraph (*d*) of regulation 6 (1) of the Unemployment and Sickness Benefit Regulations (receipt of wages or compensation after termination of employment), and for sub-paragraph (*e*) of that regulation (holiday and full normal extent rules), there shall be substituted the following sub-paragraphs:—

"(*d*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person receives a payment in lieu of either, the notice required to be given to him by his employer to terminate his contract of employment or, where the contract of employment is a contract for a term certain, the remuneration which he would have received for that day if the employment had not been terminated ;

(*e*) a day shall not be treated as a day of unemployment if on that day a person does no work and is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by regulation 4) but who is, in the week in which the said day occurs, employed to the full extent normal in his case, and in the application of this sub-paragraph to any person, no account shall be taken, in determining either the number of days in a week in which he ordinarily works or the full extent of employment in a week which is normal in his case, of any period of short-time working due to adverse industrial conditions;".

(2) Paragraphs (2), (3), (4) and (5) of regulation 6 of the Unemployment and Sickness Benefit Regulations are hereby revoked.

Regulation added to the Unemployment and Sickness Benefit Regulations

8. The following new regulation shall be inserted after regulation 6 of the Unemployment and Sickness Benefit Regulations:—

Days of recognised or customary holiday not to be treated as days of unemployment

"6A.—(1) Where in the case of any person an employed contributor's employment has not been terminated, a day shall not be treated as a day of

unemployment if it is a day of recognised or customary holiday in connection with that employment, unless that person's employment therein has been indefinitely suspended and the day in question is the seventh or a later day, ascertained in accordance with the provisions of section 20 (1) (*b*) of the 1965 Act, as substituted by section 3 (1) of the 1966 Act, in a continuous period of days on which that suspension has lasted.

(2) For the purposes of the provisions of the foregoing paragraph and of section 20 (1) (*b*) (*ii*) of the 1965 Act, as substituted by section 3 (1) of the 1966 Act, where a person is engaged in Great Britain under a contract of service (hereafter in this paragraph referred to as 'the subsisting contract'), any day of recognised or customary holiday in connection with his employment under the subsisting contract (hereafter in this paragraph referred to as 'the relevant day'), which occurs during the currency of that contract shall not be deemed to be such a day of holiday if, in the period beginning on the 1st March next preceding the relevant day and ending immediately before the relevant day, the number of days of recognised or customary holiday which he has had in connection with any employment in which he has been engaged in Great Britain under a contract of service equals or exceeds the number of days of recognised or customary holiday in connection with his employment under the subsisting contract in the period of twelve months beginning on the first day of his employment under the subsisting contract or on the 1st March next preceding the relevant day, whichever is the later.

(3) In computing any number of days of recognised or customary holiday for the purpose of the application of the provisions of the foregoing paragraph in relation to any person, there shall be disregarded any day for which he has been paid unemployment benefit and any day which is a Bank holiday or other public holiday applying in his case, or any other day of holiday granted in lieu thereof."

Amendment of regulation 8 *of the Unemployment and Sickness Benefit Regulations*

9. For paragraph (a) of regulation 8 of the Unemployment and Sickness Benefit Regulations (reckoning of periods of interruption of employment) there shall be substituted the following paragraph:—

"(*a*) any day in respect of which a woman is entitled to and is in receipt of maternity allowance shall (notwithstanding the provisions of regulation 6 (1) (c))be treated as a day of incapacity for work;".

Regulation added to the Unemployment and Sickness Benefit Regulations

10. After regulation 9 of the Unemployment and Sickness Benefit Regulations (special provision relating to delay or failure in claiming or giving notice), there shall be inserted the following regulation:—

"*Effect of delay or failure in claiming or giving notice in relation to earnings-related supplement*

9A. For the purposes of section 2 (3) of the 1966 Act (period of entitlement to earnings-related supplement), a person shall be treated as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice, so, however, that he shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to cause a new period of interruption of employment to begin for the purposes of earnings-related supplement."

Calculation of period of interruption of employment for purposes of earnings-related supplement

11. In reckoning periods of interruption of employment for the purposes of earnings-related supplement under section 2 (2) of the 1966 Act, but for those purposes only, a day which is not treated in relation to any person as a day of

interruption of employment by reason only of the provisions of section 20 (1) (b) of the 1965 Act, as substituted by section 3 (1) of the 1966 Act, shall, from and including 6th October 1966 to 9th March 1969, be treated as a day of interruption of employment.

Amendment of regulation 7A of the Unemployment and Sickness Benefit Regulations

12.—(1) Regulation 7A (treatment of days as days of unemployment) shall be amended in accordance with the following paragraphs of this regulation and the said regulation 7A as so amended shall only apply in respect of the period commencing on 6th October 1966 and ending on 9th March 1969.

(2) For paragraph (2) there shall be substituted the following paragraph:—

"(2) Where a person is employed in an employed contributor's employment which has not been terminated but has been indefinitely suspended, that employment shall be treated as if it had been terminated on the date on which it was suspended if the period of the suspension consists of not less than 6 consecutive days in a continuous period of days on which the suspension has lasted ascertained in accordance with the provisions of section 20 (1) (b) of the 1965 Act as substituted by section 3 (1) of the 1966 Act."

(3) For sub-paragraph (c) of paragraph (3) there shall be substituted the following sub-paragraph:—

"(*c*) it has been treated as having been terminated for the purpose of section 20 (1) (b) of the 1965 Act as substituted by section 3 (1) of the 1966 Act; or".

Regulation added to the Unemployment and Sickness Benefit Regulations

13. There shall be inserted after regulation 7A of the Unemployment and Sickness Benefit Regulations the following regulation:—

"*Application of full normal extent and normal idle day rules*

7B. Regulation 6 (1) (e) of the Unemployment and Sickness Benefit Regulations (full normal extent rule) shall not apply to a person, and, for the purposes of section 20 (1) (b) of the 1965 Act (normal idle day rule), but not for the purposes of that section as substituted by section 3 (1) of the 1966 Act, the employment of a person shall be treated as if it had been terminated immediately after its commencement, unless—

(*a*) there is a recognised or customary working week in connection with his employment; or

(*b*) he regularly works for the same number of days in a week for the same employer or group of employers."

Transitional provisions

14. Where an employed contributor's employment has not been terminated but a person's employment therein has been suspended by the employer before 6th October 1966 and the suspension has lasted until that date, then:—

(*a*) in calculating for the purposes of section 20 (1) (b) of the 1965 Act, as substituted by section 3 (1) of the 1966 Act, whether a day is the seventh or a later day in a continuous period of suspension—

(i) if the employment was suspended before 30th September 1966, the said 6th October or a later day shall be deemed to be the seventh or a later day in such a period of suspension;

(ii) if the employment was suspended on or after 30th September 1966 any day before the said 6th October (other than a day which is required to be disregarded under the said section 20 (1) (b)) on which the suspension has lasted shall be treated as a day of suspension;

(*b*) nothing in these regulations shall prevent a day in that period of suspension (whether or not it occurs after 6th October 1966) from being treated as a day of unemployment if it would have been so treated had regulation 6 and regulation 7A of the Unemployment and Sickness Benefit Regulations continued in force in like manner as if these regulations had not been made.

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

D. J. Carter,
Secretary,
National Insurance Joint Authority.

12th August 1966.

Margaret Herbison,
Minister of Social Security.

12th August 1966.

Joseph Harper,
George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

15th August 1966.

EXPLANATORY NOTE

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

These Regulations are made in consequence of the National Insurance Act 1966 and accordingly, by virtue of section 14 (6) of that Act, no reference of them has been made to the National Insurance Advisory Committee.

The Regulations make certain amendments as to unemployment and sickness benefit in consequence of the provision introduced by section 3 (1) of that Act that, for the purpose of earnings-related supplement, the first six days of a continuous period of suspension shall not be treated, as from 6th October 1966, as a day of unemployment. These provisions will become operative in relation to flat-rate unemployment benefit from 10th March 1969.

The Regulations also make certain consequential amendments relating to days which are not to be treated as days of unemployment by reason of holidays, compensation for loss of remuneration on the termination of employment or of a full week not being worked. The remaining provisions are of a minor or consequential character.