STATUTORY INSTRUMENTS

1971 No. 807

SOCIAL SECURITY

The National Insurance (Unemployment and Sickness Benefit) Amendment Regulations 1971

Made - - -	14*th May* 1971
Laid before Parliament	27*th May* 1971
Coming into Operation	7*th June* 1971

The National Insurance Joint Authority, in exercise of powers conferred upon them by section 20(2)(*a*) of the National Insurance Act 1965(**a**) and of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of that Act, 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 1971, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations 1967(**b**), as amended(**c**) (hereinafter referred to as "the principal regulations"), and shall come into operation on 7th June 1971.

Amendment of regulation 7 of the principal regulations

2. In regulation 7 of the principal regulations (days not to be treated as days of unemployment or incapacity for work), for sub-paragraph (*e*) of paragraph (1) there shall be substituted the following sub-paragraph :—

"(*e*) 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 (whether or not a payment made in pursuance of a legally enforceable obligation) in lieu either of notice or of the remuneration which he would have received for that day had his employment not been terminated, so, however, that the provisions of this sub-paragraph shall not apply to any day which does not fall within the period of one year from the date on which the employment of that person terminated ;".

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

(L.S.)

D. G. Kelly,
Secretary,
National Insurance Joint Authority.

14th May 1971.

(**a**) 1965 c. 51. (**b**) S.I. 1967/330 (1967 I, p. 1131).
(**c**) There is no amendment which relates expressly to the subject matter of these regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Insurance (Unemployment and Sickness Benefit) Regulations 1967 (hereinafter referred to as "the Principal Regulations").

The Regulations substitute a new provision for Regulation 7(1)(*e*) of the Principal Regulations (a day not to 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). The new provision, unlike the provision it replaces, will in no circumstances operate to make benefit not payable for any day falling outside the period of one year from the date of termination of the employment. It also does away with the distinction drawn between contracts of employment for a term certain and other contracts of employment, a distinction found to give rise to some difficulty, and makes it unnecessary to determine whether the payment made was made in pursuance of a legally enforceable obligation.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Unemployment and Sickness Benefit) Amendment Regulations 1970) dated 24th February 1971 is contained in House of Commons Paper No. 394 (Session 1970-71) published by Her Majesty's Stationery Office.