STATUTORY INSTRUMENTS

1979 No. 781

SOCIAL SECURITY

The Social Security (Claims and Payments) Amendment Regulations 1979

Made - - - -	*5th July* 1979
Laid before Parliament	12*th July* 1979
Coming into Operation	*5th September* 1979

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 79(1) and (3) and 115 of and Schedule 13 to the Social Security Act 1975(**a**) and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Claims and Payments) Amendment Regulations 1979, amend the Social Security (Claims and Payments) Regulations 1979(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on 5th September 1979.

Amendment of regulation 11 *of the principal regulations*

2. In regulation 11 of the principal regulations (forward allowances and disallowances of sickness, invalidity and injury benefit and non-contributory invalidity pension), in paragraph (6)(*c*)(i) the words "(other than a partner, assistant or other deputy of the doctor issuing the statement)" shall be deleted.

Amendment of regulation 12 *of the principal regulations*

3.—(1) Regulation 12 of the principal regulations (forward allowance and disallowance of unemployment benefit) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(a) 1975 c. 14. (b) S.I. 1979/628.

(2) Paragraphs (1), (2), (3) and (4) shall be renumbered respectively paragraphs (2), (3), (4) and (5).

(3) At the commencement of the said regulation 12 there shall be inserted the following new paragraph:—

"(1) Where a person makes a claim for unemployment benefit at an unemployment benefit office at which he has, during the spell of unemployment in which such claim is made, already made a claim for unemployment benefit, unless in any case the Secretary of State otherwise directs, that person may make a claim, on the form approved by the Secretary of State for the purpose, for a period falling in part before the date of the claim and in part, by not more than 7 days, after the date of the claim and, on any such claim, benefit may be awarded for the period to which the claim relates,

and in this paragraph—

(*a*) "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

(*b*) in computing any period of time Sundays shall not be disregarded."

(4) In that paragraph renumbered by this regulation as paragraph (4), for the words "Any decision awarding unemployment benefit under paragraph (2)" there shall be substituted the words "Any decision under this regulation awarding unemployment benefit in respect of any period falling after the date of the claim".

Amendment of regulation 13 *of the principal regulations*

4.—(1) Regulation 13 of the principal regulations (special provisions relating to claims for unemployment benefit made during periods connected with public holidays) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In paragraph (1)—

(*a*) in sub-paragraph (*a*) after the words "Banking and Financial Dealings Act 1971"**(a)** there shall be inserted the words "or in Scotland local holidays";

(*b*) in sub-paragraph (*b*) after the words "unemployment benefit office" there shall be inserted the words "or associated office".

(3) In paragraph (2)—

(*a*) for the reference to "regulation 12(2)" there shall be substituted a reference to "regulation 12(3)";

(*b*) in sub-paragraph (*b*) for the words "paragraph (2)" and "paragraph (3)" there shall be substituted respectively the words "paragraph (3)" and "paragraph (4)".

(a) 1971 c. 80.

Revocations

5. The Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) Regulations 1977(**a**) and the Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) Amendment Regulations 1978(**b**) are hereby revoked.

Patrick Jenkin,
Secretary of State for Social Services.

5th July 1979.

(**a**) S.I. 1977/1289. (**b**) S.I. 1978/1000.

Regulations 3(1) and 4(1) SCHEDULE

Regulations 12 and 13 of the Social Security (Claims and Payments) Regulations 1979 as amended by these Regulations

Forward allowance and disallowance of unemployment benefit

12.—(1) Where a person makes a claim for unemployment benefit at an unemployment benefit office at which he has, during the spell of unemployment in which such claim is made, already made a claim for unemployment benefit, unless in any case the Secretary of State otherwise directs, that person may make a claim, on the form approved by the Secretary of State for the purpose, for a period falling in part before the date of the claim and in part, by not more than 7 days, after the date of the claim and, on any such claim, benefit may be awarded for the period to which the claim relates,

and in this paragraph—

(a) "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

(b) in computing any period of time Sundays shall not be disregarded.

(2) Where it appears to the Secretary of State that there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing or the practice relating to the claiming, awarding or payment of unemployment benefit he may so certify; and a certificate under this regulation may be expressed—

(a) as having effect either generally or in relation to any case or class of case or to a specified area or specified areas; and

(b) either as having effect until a specified day or as continuing to have effect until revoked by the Secretary of State.

(3) While such a certificate has effect, the following provisions of this paragraph shall apply as respects claims for unemployment benefit (being, if the certificate is not of general effect, claims made in the case, class of case, area or areas, as the case may be, to which the certificate relates)—

(a) a claim for unemployment benefit made—

(i) while such certificate has effect; or

(ii) within 28 days before the date upon which the certificate is issued, whether or not benefit has already been allowed on such claim; or

(iii) while a previous certificate under this regulation had effect so as to allow that claim to be treated as made for a period after the date on which it was made,

may be treated by an insurance officer as a claim for that benefit for a period, to be specified in his decision, not exceeding 13 weeks after the date of the claim;

(*b*) on any claim so treated benefit may be awarded for the whole or part of the specified period other than, in the case of a claim made before the certificate is issued, any part of the period for which benefit has already been allowed;

(*c*) if on any claim so treated benefit is awarded for part only of the specified period, further decisions awarding benefit for the remainder of that period or any part of it may be given on the same claim.

(*4*) *Any decision under this regulation awarding unemployment benefit in respect of any period falling after the date of the claim* shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates, and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

(*5*) Where a person's claim for unemployment benefit has been disallowed on any grounds and in the decision disallowing that claim it is stated that the decision is to be treated as a disallowance of any further claim by that person for unemployment benefit for days specified in the decision until the expiration of a period specified in the decision (not being a period expiring more than 12 months after the date on which the decision is given) or, if the grounds of the original disallowance have ceased to exist before the expiration of the specified period, until they have ceased to exist, the decision shall, subject to the provisions of section 104, be so treated.

Special provisions relating to claims for unemployment benefit made during periods connected with public holidays

13.—(1) In this regulation: —

(*a*) "public holiday" means, as the case may be, Christmas Day, Good Friday or a Bank Holiday under the Banking and Financial Dealings Act 1971 *or in Scotland local holidays*; and "Christmas and New Year holidays" and "Good Friday and Easter Monday" shall be construed accordingly and shall in each case be treated as one period;

(*b*) "office closure" means a period during which an unemployment benefit office *or associated office* is closed in connection with a public holiday;

(*c*) in computing any period of time Sundays shall not be disregarded.

(2) Where any claim for unemployment benefit, other than a claim to which *regulation 12(3)* applies, is made during one of the periods set out in paragraph (3), the following provisions shall apply—

(*a*) a claim for unemployment benefit may be treated by an insurance officer as a claim for that benefit for a period, to be specified in his decision, not exceeding 21 days after the date of the claim;

(*b*) on any claim so treated, benefit may be awarded as if the provisions of sub-paragraphs (*b*) and (*c*) of *paragraph (3)* and the provisions of *paragraph (4)* of regulation 12 applied.

(3) For the purposes of paragraph (2) the periods are—

(*a*) in the case of Christmas and New Year holidays, a period beginning with the start of the 21st day before the first day of office closure and ending at midnight between the last day of office closure and the following day;

(*b*) in the case of Good Friday and Easter Monday and in the case of any other public holiday a period beginning with the start of the 14th day before the first day of office closure and ending at midnight between the last day of office closure and the following day.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Social Security (Claims and Payments) Regulations 1979 ("the principal regulations") so as to make provision (comparable to the transitory provision made in relation to certain specified unemployment benefit offices by the Social Security (Claims and Payments) (Unemployment Benefit Transitory Provisions) Regulations 1977) to allow certain claims for unemployment benefit to be made for a period falling partly after the date on which the claim is made. The Regulations amend the special provisions in the principal regulations relating to claims for unemployment benefit during periods connected with public holidays so as to enable those provisions to apply to local holidays in Scotland. The Regulations amend the definition of "medical certificate" in the provisions in the principal regulations relating to forward allowances and disallowances of incapacity benefits to include a doctor's statement based on a written report from any other doctor. The Regulations also make minor and consequential amendments and revocations of regulations now spent.

Regulations 12 and 13 of the principal regulations as amended by these Regulations are set out in a Schedule to this instrument and the words added or substituted by these Regulations are shown in italics.

The report of the National Insurance Advisory Committee dated 8th June 1979 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd No. 7617) published by Her Majesty's Stationery Office.

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