STATUTORY INSTRUMENTS

1982 No. 642

SOCIAL SECURITY

The Social Security (Days of Incapacity for Work) Regulations 1982

Made - - - - -	5*th May* 1982
Laid before Parliament	17*th May* 1982
Coming into Operation	14*th June* 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 17(4) and (5) of the Social Security Act 1975**(a)** and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that the proposals to make these regulations should not be referred to it**(b)**, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Days of Incapacity for Work) Regulations 1982, and shall come into operation on 14th June 1982.

(2) In these regulations, "the Act" means the Social Security Act 1975.

Treatment of days of incapacity in particular cases

2.—(1) Section 17(1)(*d*)(ii) of the Act**(c)** (periods of incapacity for work which are to be treated as periods of interruption of employment) shall have effect, in the cases specified in paragraph (2) below, as if the period of 4 days mentioned there were a period of 2 days, whether consecutive or not, within a period of 6 consecutive days.

(2) The cases referred to in paragraph (1) above are those where the days of incapacity for work in question are days of incapacity for work which results from regular weekly treatment by way of—

(*a*) haemodialysis for chronic renal failure,

(*b*) peritoneal dialysis for chronic renal failure,

(*c*) plasmapheresis,

(*d*) chemotherapy with cytotoxic drugs, or

(*e*) radiotherapy.

(a) 1975 c. 14; subsections (4) and (5) of section 17 were inserted by the Social Security Act 1981 (c. 33), section 5.

(b) *See* Social Security Act 1980 (c. 30), section 10(2)(*b*).

(c) Section 17(1)(*d*) was substituted by the Social Security (No. 2) Act 1980 (c. 39), section 3(1).

(3) This regulation shall have effect from 14th September 1980.

Norman Fowler,
Secretary of State for Social Services.

5th May 1982.

EXPLANATORY NOTE

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

These regulations provide that in cases where incapacity for work is due to regular weekly treatment by way of haemodialysis or peritoneal dialysis for chronic renal failure, plasmapheresis, chemotherapy with cytotoxic drugs or radiotherapy, section 17(1)(*d*) of the Social Security Act 1975 as amended by the Social Security (No. 2) Act 1980 shall have effect so that any 2 or more days of incapacity for work due to such treatment within a period of 6 consecutive days are to be treated as a period of interruption of employment for the purpose of entitlement to social security benefits.

Regulation 2 has retrospective effect, from 14th September 1980, the power to make it retrospective being conferred by section 17(5) of the Social Security Act 1975 as inserted by section 5 of the Social Security Act 1981.

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