STATUTORY INSTRUMENTS

1979 No. 1299

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1979

Made - - - -	*17th October* 1979
Laid before Parliament	*18th October* 1979
Coming into Operation	*19th October* 1979

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 17(1)(*a*) and (2) and 20(2) of the Social Security Act 1975**(a)** and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the National Insurance Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so **(b)**, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1979 and shall come into operation on 19th October 1979.

(2) In these regulations "the principal regulations" means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975**(c)**.

Amendment of regulation 3 of the principal regulations

2. Subject to regulation 3 below, regulation 3 of the principal regulations shall be amended by inserting after paragraph (2)—

"(3) A person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work by reason thereof may be deemed to be so incapable if that work is—

(i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or

(ii) work which is not so undertaken and which he has good cause for doing,

and from which, in either case, his earnings do not ordinarily exceed £13·00 a week.".

(a) 1975 c. 14. **(b)** *See* Social Security Act 1975, section 139(1).

(c) S.I. 1975/564; the relevant amending instrument is S.I. 1978/1123.

Transitory provision

3. In respect of the period 19th October 1979 to 11th November 1979 inclusive, paragraph (3) of regulation 3 of the principal regulations, as inserted by regulation 2 above, shall have effect as if the reference to £13·00 a week was a reference to £11·00 a week.

Consequential amendment

4. In regulation 12(1)(*d*)(iii) of the principal regulations for the reference to regulation 7(1)(*g*) there shall be substituted a reference to regulation 3(3).

Revocation

5. Sub-paragraph (1)(*g*) of regulation 7 of the principal regulations is hereby revoked.

Patrick Jenkin,
Secretary of State for Social Services.

17th October 1979.

EXPLANATORY NOTE

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

These regulations amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975 by revoking regulation 7(1)(*g*), which provided that a day should not be treated as a day of incapacity for work if a person did any work on that day unless certain conditions were satisfied, and by inserting a new regulation 3(3), which provides that in certain circumstances a person who is found to be not incapable of work by reason only of the fact that he has done some work may be deemed to be incapable of work if the work done satisfies specified conditions.

The regulations also make a transitory provision and a consequential amendment.

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