STATUTORY INSTRUMENTS

1979 No. 940

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) (No. 2) Amendment Regulations 1979

Laid before Parliament in draft

Made - - - -	*27th July* 1979
Coming into Operation	*27th July* 1979

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of powers conferred by section 2(1) of, and paragraphs 3 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975**(a)** and section 20(3) of the Social Security Act 1975**(b)**, being satisfied in respect of the exercise of powers under the last mentioned Act, that such exercise is, having regard to special circumstances, necessary for the purpose of preventing inequalities or injustice to the general body of employed earners, 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.—(1) These regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) (No. 2) Amendment Regulations 1979 and shall come into operation on the day upon which they are made.

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

Amendment of the principal regulations

2. Regulation 19 of the principal regulations (additional conditions with respect to the receipt of unemployment benefit) is hereby revoked and in the place of that regulation there shall be inserted the following regulation:—

(a) 1975 c. 18. **(b)** 1975 c. 14.
(c) S.I. 1975/564; relevant amending instrument is S.I. 1976/533.

"*Additional conditions with respect to the receipt of unemployment benefit by seasonal workers*

19.—(1) In this regulation—

"employment" means employment as an employed earner and includes employment as a share-fisherman within the meaning of regulation 1(2) of the Social Security (Mariners' Benefits) Regulations 1975**(a)**; and "employed" shall be construed accordingly;

"local education authority", in relation to Scotland, means an education authority as defined in section 145(16) of the Education (Scotland) Act 1962**(b)**;

"off-season" means, in relation to a seasonal worker, that period of the year (or, if more than one period, the aggregate of those periods) during which he is normally not employed, and for this purpose the expression "period" shall not include any period of less than 7 consecutive days;

"seasonal worker" means a person whose normal employment is for a part or parts only of a year in an occupation or occupations of which the availability or extent varies at approximately the same time or times in successive years; or any other person who normally restricts his employment to the same, or substantially the same, part or parts only of the year; and for the purpose of this definition the following provisions shall apply:—

(i) the expression "part or parts only of a year" shall include any period of time (or, if more than one period, the aggregate of those periods whether in the same or different occupations) whatever the duration of that period: but where any period or periods of a year during which a person is normally not employed is not, or if more than one period (whatever the duration of any such period) do not amount in the aggregate to, more than seven weeks, that person shall not be treated as a seasonal worker;

(ii) in construing the expression "normal employment", regard shall be paid to factors inherent in the nature or conditions of the occupation or occupations in which that person is engaged, and not to factors abnormal to that occupation or occupations notwithstanding that those factors persist for a prolonged period;

"a substantial amount of employment", means employment which is equal in duration to not less than one-fourth (or such other fractional part as may, in the circumstances of any particular case, be reasonable) of the current off-season;

"year" (where used in this paragraph) means the period of 12 months commencing with the first day in the calendar year on which the person concerned begins a period of normal employment.

(2) The following shall be additional conditions with respect to the receipt of unemployment benefit by a seasonal worker in respect of any day during his off-season—

(*a*) that he has registered for employment with the Manpower Services Commission or a local education authority throughout the period of 2 years immediately preceding that day, or, if he became a seasonal worker after the commencement of that period, from the day on which he became a seasonal worker until that day, other than (in either case) during any of the following periods, namely:—

(i) any period during which he was employed or was incapable of work;

(a) S.I. 1975/529. **(b)** 1962 c. 47.

(ii) any inconsiderable period;

(iii) any temporary period throughout which he was not available to be employed by reason only of domestic necessity or compulsion of law, or by reason of any other circumstances of an exceptional character;

and

(*b*) that either—

(i) in his current off-season he has had a substantial amount of employment before that day; or

(ii) (having regard to all the circumstances of his case, including the nature and extent of his employment (if any) in any past off-seasons and the industrial or other relevant conditions normally obtaining in the district or districts in which he is available to be employed) he can or could reasonably expect to obtain, after that day in his current off-season, employment which, together with his employment (if any) before that day in that off-season, constitutes a substantial amount of employment.

(3) Any period before 1 April 1978 during which a person was registered for employment with the Employment Service Agency shall be treated as a period of registration with the Manpower Services Commission for the purpose of paragraph (2)(*a*).''

Patrick Jenkin,
Secretary of State for Social Services.

27th July 1979.

EXPLANATORY NOTE

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

These Regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975. They revoke regulation 19 and substitute a new regulation 19 imposing additional conditions with respect to the receipt of unemployment benefit by seasonal workers in their off-season.

The report of the National Insurance Advisory Committee dated 10th July 1979 on the draft of these regulations referred to them is contained in Command Paper (Cmnd. 7622) published by Her Majesty's Stationery Office.

SI 1979/940
ISBN 0-11-093940-9

