Given under the Official Seal of the Ministry of Labour for Northern Ireland this 21st day of September, in the year One thousand nine hundred and thirty-nine.

(L.S.)

R. R. Bowman,
Assistant Secretary to the Ministry of Labour for Northern Ireland.

Insurance Industry: Special Scheme.

REGULATIONS, DATED 18TH SEPTEMBER, 1939, MADE BY THE MINISTRY OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936.

1939. No. 137.

The Ministry of Labour for Northern Ireland, by virtue of the powers conferred on it by sections 77 and 111 of the Unemployment Insurance Act (Northern Ireland), 1936, and of all other powers in that behalf, with the approval of the Ministry of Finance, hereby makes the following Regulations :—

Short title and commencement

1.—(1) These Regulations may be cited as the Unemployment Insurance (Special Scheme) (Transfer) Regulations (Northern Ireland), 1939, and shall come into force on the date hereof.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

"*The Act*" means the Unemployment Insurance Act (Northern Ireland), 1936, as amended by any subsequent order or enactment;

"*Benefit*" means benefit (other than agricultural benefit) under the State Scheme or benefit under the Insurance Industry Scheme, as the case may be;

"*Benefit scheme*" means the scheme under which a person is entitled to have his claim for benefit determined;

"*Benefit year*" means benefit year under the State Scheme or claim year under the Insurance Industry Scheme, as the case may be;

"*The State Scheme*" means the general provisions of the Act;

"*The Insurance Industry Scheme*" means the special scheme approved, varied and amended by the Unemployment

Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1938, or any subsequent order;

"*Scheme*" means the State Scheme, or the Insurance Industry Scheme, as the case may be;

"*Insurable employment*" means employment (not being employment which is or is deemed to be employment in agriculture or employment in the case of a person who is an excluded person within the meaning of the Act) which is or is deemed to be insurable employment within the meaning of the Act or which makes the person employed a person to whom the Insurance Industry Scheme applies or employment in respect of which contributions are by virtue of section 96 of the Unemployment Insurance Act, 1935, to be treated as having been paid in respect of the person employed;

"*Insurably employed*" means employed in insurable employment.

(2) Except where otherwise required by the context, all other expressions used in these Regulations have the same meaning as in the Act.

Rules for determining benefit scheme of persons passing from one scheme to the other

3.—(1) The benefit scheme of a person who at any time passes from one scheme to the other (hereinafter referred to as a "transferred person") shall be either—

(*a*) the scheme (if any) under which a benefit year is for the time being current in his case (hereinafter referred to as a "current benefit scheme"); or

(*b*) the scheme of his last employment in any case in which he has no current benefit scheme, if—

(i) he has been insurably employed under that scheme in each of thirty calendar weeks within the period of two years immediately preceding the date of his application for benefit; or

(ii) during the said period of two years, the number of calendar weeks in which he has been insurably employed under that scheme though less than thirty is not less than the number of such weeks under the other scheme; or

(iii) he has not been insurably employed during the said period of two years; or

(*c*) in any other case, the scheme of his normal employment.

(2) For the purposes of this Regulation—

"Benefit year" does not include—

(*a*) a benefit year under the State Scheme which began by reason of the fact that on a particular date the claimant proved (amongst other matters) that the first statutory condition for the receipt of agricultural benefit was fulfilled in his case; or

(*b*) a benefit year or claim year which is deemed to have begun on any date by reason of the claimant having been treated in error as having begun his benefit year or claim year on that date; or

(*c*) a benefit year or claim year which began on any date by reason of the scheme under which it began having been wrongly treated as the claimant's benefit scheme.

" Scheme of his last employment " means the scheme under which before the date of his application for benefit the transferred person was last insurably employed in employment which terminated before that date;

" Scheme of his normal employment " means the scheme under which the transferred person has been insurably employed in the largest number of calendar weeks during the period of two years immediately preceding his application for benefit.

(3) Where more than one benefit year is current in the case of a transferred person at the date of his application for benefit the benefit year current in his case shall for the purposes of this Regulation and Regulation 6 hereof be taken to be that benefit year which began nearest to the said date.

Exception in case of certain persons not entitled to benefit under the benefit scheme

4.—Notwithstanding the provisions of Regulation 3 of these Regulations, the State Scheme shall be the benefit scheme of a transferred person in any case in which and for any period or periods in respect of which he is not disqualified for but nevertheless is not entitled to benefit under his benefit scheme as determined under Regulation 3 hereof and he would have been entitled to benefit or agricultural benefit under the State Scheme if that scheme had been his benefit scheme.

Decisions and provisional allocations

5.—(1) If any question arises as to which scheme is or was the benefit scheme of a transferred person that question shall be decided by the Ministry; provided that the Ministry may in any case after consultation with the body charged with the administration of the Insurance Industry Scheme instead of deciding any such question make a provisional allocation of the claim of the person concerned to such scheme as it may determine and in that event that scheme shall be deemed to be the benefit scheme of that person during such period as the provisional allocation remains in force.

(2) A decision by the Ministry of a question arising under this Regulation shall be final but any such decision may be revised on new facts being brought to the knowledge of the Ministry.

(3) A provisional allocation made under this Regulation shall remain in force until such time as a decision is given by the Ministry as to which scheme is the benefit scheme of the person concerned.

Determination of claims for benefit in the case of a transferred person

6.—For the purpose of determining a claim for benefit by a transferred person the following provisions shall have effect :—

(*a*) any benefit year which is current at the date of his application for benefit under the scheme other than the benefit scheme shall be treated as the benefit year of the transferred person under the benefit scheme and for the purpose of computing the number of days in respect of which the transferred person is entitled to receive benefit in that benefit year under the benefit scheme (but for no other purpose) any benefit paid in that benefit year under the scheme other than the benefit scheme shall be treated as benefit paid in that benefit year under the benefit scheme;

(*b*) periods of insurable employment or contributions paid in respect of insurable employment under the scheme other than the benefit scheme shall, subject to the provisions of Regulation 7 hereof, be deemed to be contributions paid in respect of insurable employment, or periods in respect of which contributions have been paid, or to be periods of insurable employment as the case may require under the benefit scheme;

(*c*) in computing a continuous period of unemployment any days which have been proved or treated as having been proved to be days of unemployment under the scheme other than the benefit scheme shall be treated as days of unemployment under the benefit scheme;

(*d*) any days in respect of which a transferred person proves that he was incapacitated for work by reason of some specific disease or bodily or mental disablement (hereinafter referred to as "days of sickness") shall be treated as days of sickness for the purposes of the benefit scheme notwithstanding the fact that those days of sickness may have occurred during a period before that scheme became the benefit scheme of that person;

(*e*) where a transferred person has exhausted his benefit rights in a benefit year (other than rights to agricultural benefit) under the scheme other than the benefit scheme he shall be deemed to have exhausted his benefit rights in that benefit year under the benefit scheme.

Provisions as to additional days

7.—For the purpose of determining whether and if so to what extent a transferred person is entitled to benefit for days in excess of one hundred and fifty-six days in a benefit year the following provisions shall have effect :—

(1) the provisions of paragraph (*b*) of Regulation 6 hereof shall have effect subject to the following modifications :—

(i) in the case of employment under the age of 18 years, where the benefit scheme of a transferred person is the State Scheme, every two calendar weeks during each of which there has been insurable employment of such a person under the Insurance Industry Scheme shall be treated as the equivalent of one contribution paid in respect of him as an insured contributor under the State Scheme;

(ii) contributions with which a transferred person has been credited under regulations made under section 79 of the Act shall not be taken into account;

(2) any days in respect of which benefit has been paid or deemed to have been paid under the scheme other than the benefit scheme shall be deemed to be days in respect of which benefit has been paid under the benefit scheme;

(3) where the benefit scheme of a transferred person is the State Scheme, benefit paid under the Insurance Industry Scheme in an insurance industry year shall be treated as benefit paid under the State Scheme in a benefit year ending in that insurance industry year;

(4) where the benefit scheme of a transferred person is the Insurance Industry Scheme, benefit paid under the State Scheme in a benefit year shall be treated as benefit paid in the insurance industry year in which that benefit year ended.

Financial provisions

8.—If it is found at any time that any sum by way of benefit or agricultural benefit has been paid to a transferred person under the scheme other than the benefit scheme either by reason of—

(*a*) a provisional allocation of the claim to that scheme; or

(*b*) the erroneous insurance of the transferred person under that scheme,

benefit or agricultural benefit in respect of the period to which the said payment relates shall be deemed to have been duly authorised under the benefit scheme and a refund shall be made by the Ministry or the body charged with the administration of the benefit scheme, as the case may be, to the body charged with the administration of the scheme under which the said payment was made or to the Ministry of such a sum as ought to have been paid by way of benefit or agricultural benefit under the benefit scheme or of the amount actually paid by way of benefit or agricultural benefit, whichever is the less, and for the purposes of the benefit scheme any sum so paid as aforesaid shall be treated as benefit or agricultural benefit paid under the benefit scheme. Save as aforesaid, any sum paid

by way of benefit or agricultural benefit under the scheme other than the benefit scheme shall not be recoverable from the Ministry or the body charged with the administration of the benefit scheme as the case may be.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 18th day of September, one thousand nine hundred and thirty-nine, in the presence of

(L.S.) *R. R. Bowman,*
Assistant Secretary to the Ministry of Labour for Northern Ireland.

The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 18th day of September, one thousand nine hundred and thirty-nine, in the presence of

(L.S.) *C. H. Petherick,*
Assistant Secretary to the Ministry of Finance.

ORDER, DATED 9TH OCTOBER, 1939, MADE BY THE MINISTRY OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936, AND THE UNEMPLOYMENT INSURANCE (EMERGENCY POWERS) ACT (NORTHERN IRELAND), 1939.

1939. No. 153.

Whereas the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") by the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1938, approved for the purposes of section 18 of the Unemployment Insurance Act, 1920, a Special Scheme for the Insurance Industry and varied and amended the Scheme, which Scheme as so varied and amended is hereinafter referred to as "the Scheme";

And whereas by virtue of the provisions of Regulation 12 of the Unemployment Insurance (Emergency Powers) Regulations (Northern Ireland), 1939, made under the Unemployment Insurance (Emergency Powers) Act (Northern Ireland), 1939, the Ministry may on the application of the body charged with the administration of a Special Scheme by order vary or amend any of the provisions of that Scheme;