except that a local tribunal or the umpire, instead of themselves or himself referring a question for determination in accordance with subparagraph (*a*) of the last foregoing paragraph, shall direct it to be so referred by the insurance officer.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 12th day of June, 1948, in the presence of

(L.S.) *William Allen,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 12th day of June, 1948, in the presence of

(L.S.) *John I. Cook,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

Determination of Claims and Questions (Transitional)

1948. No. 233

See p 844

General Benefit

1948. No. 208

See p 849

General Transitional Regulations

1948. No. 239

See p 860

Guardian's Allowances

1948. No. 235

See p 875

SCHEDULE

specifying the Conditions attaching to exception from liability to pay, and to the crediting of, contributions.

Condition I

That not less than twenty-six contributions as an employed person have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition II

That not less than ten contributions as an employed person have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

Condition III

That not less than twenty-six contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition IV

That not less than ten contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

In this schedule, the expression "the relevant week" means the week in respect of which a question arises under these regulations either in relation to exception from liability to pay, or to the crediting of, a contribution.

Determination of Claims and Questions

1948. No. 185

See p. 706.

Determination of Claims and Questions (Transitional) Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 233

The National Insurance Joint Authority and the Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Determination of Claims and Questions) (Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

" the Unemployment Insurance Acts " means the Unemployment Insurance Acts (Northern Ireland), 1936 to 1944;

" the Unemployment Insurance Act " means the Unemployment Insurance Act (Northern Ireland), 1936;

" the Health Insurance Acts " means the National Health Insurance Acts (Northern Ireland), 1936 to 1946;

" the Health Insurance Act of 1936 " means the National Health Insurance Act, 1936;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946;

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

" the Contributory Pensions Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937;

" the repealed enactments " means the Unemployment Insurance Acts, the Health Insurance Acts and the Contributory Pensions Acts (other than those provisions thereof not repealed by the Act);

" the Determination of Claims and Questions Regulations " means the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948;

" the Transitional Regulations " means the regulations for the time being in force under subsection (2) of section 62 of the Act relating to existing contributors or existing beneficiaries or under subsection (2) of section 68 of the Act relating to new entrants over school age on the appointed day;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland;

" insurance officer ", " local tribunal " and " the umpire " have the same meanings as in the Determination of Claims and Questions Regulations;

" question " includes, as the case may require, a claim for benefit under the Act or the repealed enactments;

" the Insurance Industry Special Scheme " means the approved scheme referred to in the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1947;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Certain special questions to be determined by the Ministry.

2.—(1) As from the appointed day, any such question in relation to the repealed enactments as is specified in the schedule to these regulations—

(*a*) if it arises on or after that day, shall be determined by the Ministry in accordance with the procedure (subject to any necessary modifications) prescribed in Part III of the Determination of Claims and Questions Regulations in like manner as if the question were a question mentioned in paragraph (1) of regulation 2 of those regulations; or

(*b*) if it arises before that day shall be determined in the same manner as it would, but for the Act, have been determined under those enactments.

(2) Any other question in relation to the repealed enactments (other than under the Unemployment Insurance Acts) arising in connection with a claim for benefit by virtue of the Transitional Regulations which could not have arisen in connection with a claim for benefit under the Act otherwise than by virtue of those regulations shall be determined by the Ministry in accordance with the provisions of regulation 6.

Special provision in relation to determination after the appointed day of claims for benefit under the Unemployment Insurance Acts.

3. If any question as to the right to benefit under the Unemployment Insurance Acts (other than any question to which paragraph (1) of regulation 2 applies) arises after the appointed day, or, if it arises before that day, has not been finally determined before that day, then as from the appointed day anything in relation to that question which is authorised or required under or by virtue of those Acts to be done by or to an insurance officer, a court of referees, or the umpire under those Acts shall be done by or to an insurance officer, a local tribunal, or the umpire, as the case may require, under the Act:

Provided that if any such question relates to the right to benefit under the Insurance Industry Special Scheme, then for the references in this regulation to an insurance officer and to a court of referees under the Unemployment Insurance Acts there shall be substituted references to a claims officer or an appeal committee authorised under the provisions of that scheme to determine claims in the first instance and on appeal respectively.

Determination after the appointed day of claims for benefit under the Health Insurance Acts.

4. If any question as to the right to benefit under the Health Insurance Acts (other than any question to which paragraph (1) or (2) of regulation 2 applies) arises after the appointed day, or, if it arises before that day, has not been finally determined before that day, then as from the appointed day that question shall be determined by the Ministry in accordance with the provisions of regulation 6.

Determination after the appointed day of claims for pension under the Contributory Pensions Acts.

5. If any question as to the right to a pension under or by virtue of the Contributory Pensions Acts (other than any question to which paragraph (1) or (2) of regulation 2 applies) arises after the appointed day, or, if it arises before that day, has not been finally determined before that day, then as from the appointed day that question shall be determined in the same manner as it would, but for the repeal of those Acts, have been determined under section 30 of the Contributory Pensions Act of 1936 or, as the case may be, under regulation 11 of the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946 (which section and regulation relate respectively to the determination of claims and appeals relating to pensions and of questions and appeals relating to retirement and earnings):

Provided that—

(*a*) for the references in the said regulation 11 to a court of referees there shall be substituted references to a local tribunal, and the provisions of that regulation shall apply accordingly;

(*b*) if any such question is one which would have fallen to be decided under section 163 of the Health Insurance Act of 1936, in accordance with proviso (*b*) to subsection (2) of the said section 30, that question shall be determined by the Ministry in accordance with regulation 6.

Procedure for determination by Ministry of certain special questions.

6.—(1) The Ministry may itself determine or, if it thinks fit, authorise a referee appointed by it to determine any question arising for determination by it under paragraph (2) of regulation 2, regulation 4, or proviso (*b*) to regulation 5.

(2) The procedure for determining any such question shall, in so far as is practicable, be the procedure which would, but for the Act, have been applicable for the determination of that question under the Health Insurance Acts or, as the case may be, the Contributory Pensions Acts, but, subject thereto, the procedure shall be such as may be determined by the Ministry or, as the case may require, the referee appointed by it:

Provided that the decision of a referee shall be sent in the first instance to the Ministry, which shall forward it to the claimant as soon as may be practicable.

(3) The Ministry may, on new facts being brought to its notice, review, or, if it thinks fit, authorise a referee appointed by it to review, any decision given under this regulation.

Reference to the Ministry of special questions.

7. If on consideration of any question an insurance officer is of opinion that there arises any such question as is mentioned in paragraph (1) or (2) of regulation 2, he shall—

(*a*) refer the latter question for determination in accordance with the appropriate paragraph; and

(*b*) deal with any other questions as if the question so referred had not arisen:

Provided that the insurance officer may—

(i) postpone the reference of or dealing with any question until after other questions have been determined;

(ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.

Courts of referees to make recommendations for the purposes of extended unemployment benefit.

8. Courts of referees constituted under the Unemployment Insurance Act may at any time before the appointed day exercise the powers of a local tribunal under section 59 of the Act and the regulations for the time being in force in relation thereto with regard to making recommendations for the purpose of unemployment benefit in the case of existing contributors within the meaning of regulation 2 of the National Insurance (Unemployment Benefit) (Transitional) Regulations (Northern Ireland), 1948.

Modification of the Act and regulations thereunder.

9. The provisions of the Act and the regulations for the time being in force thereunder shall have full force and effect subject to the modifications contained in these regulations.

Given under the Official Seal of the National Insurance Joint Authority this 2nd day of July, nineteen hundred and forty-eight.

L.S.

C. D. Curtis,
Secretary, National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of July, nineteen hundred and forty-eight.

L.S.

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of July, nineteen hundred and forty-eight.

L.S.

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

QUESTIONS TO BE DETERMINED BY THE MINISTRY UNDER REGULATION 2 (1)

1. Whether any employment or any class of employment was employment within the meaning of any of the repealed enactments, or whether a person was a person employed within the meaning of any of those enactments.

2. Whether any employment or class of employment was an excepted employment or any particular class of excepted employment within the meaning of the Health Insurance Acts, or is an employment which would, but for the Act, have been an excepted employment or any particular class of excepted employment within the meaning of those Acts.

3. Whether any employment which was, or is alleged to have been, the normal occupation of any person within the meaning of the Fourth Schedule to the Contributory Pensions Act of 1936 was employment in respect of which contributions under that Act would have been payable if that Act had been in force, or, as the case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Health Insurance Act of 1936.

4. Whether a person was engaged in an excepted employment within the meaning of the Unemployment Insurance Acts or the Health Insurance Acts, or is engaged in an employment which would, but for the Act, have been an excepted employment within the meaning of the Health Insurance Acts.

5. As to who was the employer of any person employed within the meaning of the Unemployment Insurance Acts or the Health Insurance Acts or engaged in an excepted employment within the meaning of the Health Insurance Acts.

6. Whether a person or class of persons was a person or class of persons to whom a special scheme under the Unemployment Insurance Acts applied.

7. Whether any person was entitled to be a voluntary contributor under the Health Insurance Act of 1936 or the Contributory Pensions Acts other than a special voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937.

8. Whether any person was an exempt person under the Health Insurance Acts or the Unemployment Insurance Acts.

9. As to the rate of contribution which was payable by or in respect of any person under any of the repealed enactments (other than the rate of contribution which was payable by a voluntary contributor under the Contributory Pensions Act of 1936 by virtue of the provisions of the Contributory Pensions Act of 1937), and as to the rates of contributions which were so payable in respect of an employed person by the employer and that person respectively.

General Benefit Regulations

REGULATIONS, DATED 1ST JULY, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended S.R.&O. 1949 (N.I.) 195 & 196

1948. No. 208

The National Insurance Joint Authority, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of the powers conferred by sections 9 (4), 28, 30 (1), 33, 74 (1) and 74 (5) of the National Insurance Act (Northern Ireland), 1946, and the Ministry of Labour and National Insurance, acting in conjunction with the Ministry of