NATIONAL INSURANCE

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Additional Days of Unemployment Benefit Regulations

REGULATIONS, DATED 26TH JUNE, 1953, 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.

1953. No. 99

The National Insurance Joint Authority, in exercise of the powers conferred by section 11 (1) of the National Insurance Act (Northern Ireland), 1946 (a), and the Ministry of Labour and National Insurance, in exercise of the powers conferred by section 62 (2) of that Act, in conjunction with the Ministry of Finance, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations :—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Additional Days of Unemployment Benefit) Regulations (Northern Ireland), 1953, and shall come into operation on the 5th July, 1953.

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

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

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

" unemployment benefit " means unemployment benefit under the Act ;

" contribution year " and " benefit year " mean, in relation to any person, such periods of fifty-two or fifty-three contribution weeks (b) as may be determined in his case in accordance with the provisions of regulation 2 of the National Insurance (General Benefit) Regulations (Northern Ireland), 1948 (c) ;

(a) 1946. c. 23.
(b) See sec. 74 (1), National Insurance Act (Northern Ireland), 1946.
(c) S. R. & O. (N.I.) 1948. No. 208.

" first normal contribution year " means, in relation to any person, the contribution year which, in the case of that person, began on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949 ;

" existing contributor " has the meaning assigned to that expression by regulation 2 of the Unemployment Benefit Transitional Regulations ;

" Unemployment Benefit Transitional Regulations " means the National Insurance (Unemployment Benefit) (Transitional) Regulations (Northern Ireland), 1948 (a) ;

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, 1889 (b), applies for the purpose of the interpretation of these regulations in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

PART II

QUALIFICATION FOR ADDITIONAL DAYS OF UNEMPLOYMENT BENEFIT

Persons qualifying

2. A person in relation to whom the condition for additional days of unemployment benefit is satisfied and —

(*a*) who has been entitled to unemployment benefit for not less than one hundred and fifty-six days in a period of interruption of employment (c) without having exhausted his right to unemployment benefit in that period of interruption of employment ; and

(*b*) whose entry into insurance occurred not less than five years before the one hundred and fifty-sixth day for which he was entitled to unemployment benefit in that period of interruption of employment (which day is hereinafter referred to as " the material date "),

shall qualify for additional days of unemployment benefit.

Condition for additional days of unemployment benefit

3.—(1) The condition for additional days of unemployment benefit shall be satisfied in relation to any person if in his case the calculation made in accordance with the provisions of the next succeeding paragraph, as modified by any provision of Part III and Part IV of these regulations applicable in his case (hereinafter referred to as " the calculation ") results in a number of days exceeding one hundred and eighty.

(a) S. R. & O. (N.I.) 1948. No. 237.
(b) 52 and 53 Vict. c. 63.
(c) See sec. 10 (2) (*c*), National Insurance Act (Northern Ireland), 1946.

(2) Subject to the provisions of Part III and Part IV of these regulations, the calculation shall be made in the case of any person by adding to one hundred and eighty days three days for every five appropriate contributions paid by that person in respect of weeks occurring in the relevant contribution period and deducting from the aggregate of those days one day for every ten days for which that person has been entitled to unemployment benefit in the relevant benefit period.

(3) In this regulation and in Part III of these regulations —

(*a*) " appropriate contributions " means contributions as an employed person (**a**) under the Act ;

(*b*) " relevant contribution period " means, in relation to any person, the ten successive prescribed periods ending with the end of the contribution year next before the benefit year in which the material date occurs ;

(*c*) " relevant benefit period " means, in relation to any person, the four successive prescribed periods ending with the end of the contribution year next before the benefit year in which the material date occurs ; and

(*d*) " prescribed period " means, in relation to any person, any of the following periods :—

(i) an insurance year (**b**) under the Unemployment Insurance Act (Northern Ireland), 1936 (**c**), which ended before the appointed day (**d**) ;

(ii) the period which commenced with the appointed day and ended immediately before the beginning of the first normal contribution year ; and

(iii) a contribution year which began on or after the 7th March, 1949.

Number of days of unemployment benefit allowed

4. In the case of a person who qualifies in accordance with these regulations for additional days of unemployment benefit, the number of days allowed by these regulations to be substituted for the first reference to one hundred and eighty days occurring in subsection (1) of section 11 of the Act (which subsection relates to the exhaustion of the right to unemployment benefit) shall be the number of days resulting from the calculation in his case.

Part III

Temporary Provisions relating to the Calculation

Contributions paid in respect of prescribed periods longer or shorter than a contribution year

5.—(1) Where, in the case of any person who became insured under the Act on the appointed day, the relevant contribution period includes

(a) See sec. 1 (2) (*a*), National Insurance Act (Northern Ireland), 1946.
(b) See Sec. 119 (1), Unemployment Insurance Act (Northern Ireland), 1936.
(c) 26 Geo. 5 and 1 Edw. 8, c.30. (d) S. R. & O. (N.I.) 1948. No. 32.

the prescribed period which commenced with the appointed day, the provisions of paragraphs (2) and (3) of this regulation shall apply.

(2) If, in relation to that person, that prescribed period ended on the 6th March, 1949, the calculation in his case shall be made as if the number of appropriate contributions paid by him in respect of weeks occurring in that prescribed period were increased by seventeen.

(3) If, in relation to that person, that prescribed period ended on the 5th June, 1949, the calculation in his case shall be made as if the number of appropriate contributions paid by him in respect of weeks occurring in that prescribed period were increased by four.

(4) Where, in the case of any person, the relevant contribution period includes the prescribed period which commenced with the appointed day and ended on the 4th September, 1949, or the 4th December, 1949, and the number of appropriate contributions paid by him in respect of weeks occurring in that prescribed period exceeds fifty-two, the calculation in his case shall be made as if the number of appropriate contributions so paid were fifty-two.

Benefit paid for prescribed periods longer or shorter than a contribution year

6. Where, in the case of any person, the relevant benefit period includes the prescribed period which commenced with the appointed day and ended on the 4th September, 1949, or the 4th December, 1949, and the number of days, occurring in that prescribed period, for which that person was entitled to unemployment benefit exceeds three hundred and twelve, the calculation in his case shall be made as if the number of days, occurring in that prescribed period, for which he was so entitled were three hundred and twelve.

Existing contributors

7. Where, in the case of an existing contributor, any prescribed period or prescribed periods which ended before the appointed day is or are included in the relevant contribution period, the calculation in his case shall be made as if the number of appropriate contributions paid by him in respect of weeks occurring in that part of the relevant contribution period which began on the appointed day were increased by fifty-two for each such prescribed period so included, excluding any prescribed period which ended before the commencement of the prescribed period in which he attained the age of sixteen :

Provided that if, for the purpose of the calculation in his case, the number of appropriate contributions paid by him in respect of those weeks is increased or limited by virtue of the provisions of regulation 5, the foregoing reference to that number of appropriate contributions shall be construed as a reference to that number as so increased or limited.

PART IV

TRANSITIONAL PROVISIONS RELATING TO EXISTING CONTRIBUTORS

8.—(1) In relation to an existing contributor in whose case the 5th July, 1953, occurs in a period of interruption of employment which commenced before that day and who —

(*a*) either —

(i) qualified, in accordance with the provisions of regulation 10 of the Unemployment Benefit Transitional Regulations for additional days of unemployment benefit in that period of interruption of employment and, immediately before the 4th July, 1953, had not exhausted his right to unemployment benefit under those provisions ; or

(ii) by virtue of the provisions of the National Insurance (Extension of Unemployment Benefit) Regulations (Northern Ireland), 1948 (a), was entitled to unemployment benefit for a day or days occurring before the 5th July, 1953, but in that period of interruption of employment, and

(*b*) claims unemployment benefit for the 5th July, 1953, or any later day in that period of interruption of employment,

the proviso to subsection (1) of section 11 of the Act shall, for the purpose only of the application of that subsection in relation to that period of interruption of employment, have effect as if the words " before exhausting his right to unemployment benefit under this subsection " were omitted, and the following provisions of this regulation shall apply.

(2) In the case of any such existing contributor who received unemployment benefit for a number of days exceeding one hundred and eighty, occurring before the 5th July, 1953, but in the period of interruption of employment current on that day, the calculation shall be made as if the reference in paragraph (2) of regulation 3 to one hundred and eighty days were a reference to that number of days.

(3) In the case of any such existing contributor who received unemployment benefit for the 4th July, 1953, the calculation shall be made as if the material date were the 4th July, 1953 ; and, if the condition for additional days of unemployment benefit is satisfied in relation to him, he shall (subject to the provisions of paragraph (6) of this regulation) qualify for additional days of unemployment benefit.

(4) In the case of any such existing contributor who did not receive unemployment benefit for the 4th July, 1953, the calculation shall be made as if the material date were the first day, occurring after the 4th July, 1953, for which he claims unemployment benefit, being benefit for receiving which he satisfies the relevant contribution and other conditions and is not disqualified ; and, if the condition for additional days of unemployment benefit is satisfied in relation to him, he shall (subject to the provisions of paragraph (6) of this regulation) qualify for additional days of unemployment benefit :

(a) S. R. & O. (N.I.) 1948. No. 218.

Provided that he shall not so qualify if either —

(*a*) the day for which he so claims occurs on or after the 5th October, 1953, or, where the 4th October, 1953, and the day for which he so claims are separated only by a period of which each day is either a day of incapacity for work or a day on which he was employed in an employed contributor's employment (**a**) or Sunday or a disregarded day, on or after the 5th July, 1954 ; or

(*b*) the Ministry was not authorised, by virtue of the provisions of the National Insurance (Extension of Unemployment Benefit) Regulations (Northern Ireland), 1948, to pay to him unemployment benefit for a period commencing after the last day for which he was entitled to unemployment benefit and ending before the 5th July, 1953, being benefit for which he applied in accordance with those provisions.

(5) In relation to an existing contributor in whose case the 4th July, 1953, is a disregarded day, the foregoing provisions of this regulation shall be construed as if every reference therein to the 4th July, 1953, were a reference to the 3rd July, 1953.

(6) Notwithstanding the provisions of paragraphs (3) and (4) of this regulation, an existing contributor shall not qualify in accordance with those provisions for additional days of unemployment benefit if, before the 5th July, 1953, he qualified in accordance with the provisions of regulation 10 of the Unemployment Benefit Transitional Regulations for unemployment benefit in the period of interruption of employment current on that day for a number of additional days which, when increased by one hundred and eighty, exceeds the number of days resulting from the calculation in his case.

(7) In this regulation, the expression " disregarded day " means, in relation to any person, the day of the week which, in accordance with the provisions of regulation 4 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948 (**b**), and for the purposes of paragraph (*d*) of subsection (2) of section 10 of the Act (which paragraph relates to disregarding Sunday or some other prescribed day for the purpose of unemployment and sickness benefit) is to be substituted for Sunday in the case of that person.

PART V

REVOCATION OF TRANSITIONAL PROVISIONS

9. Regulation 10 of the Unemployment Benefit Transitional Regulations (which provides for additional days of unemployment benefit for existing contributors) and regulations 12 and 13 of those regulations

(a) See s. 1 (2), National Insurance Act (Northern Ireland), 1946.
(b) S. R. & O. (N.I.) 1948. No. 248.

(which contain provisions relating to the payment of extended unemployment benefit to existing contributors) are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Given under the Official Seal of the National Insurance Joint Authority this 26th day of June, nineteen hundred and fifty-three.

(L.S.) *T. C. Stephens,*
Secretary, National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 26th day of June, nineteen hundred and fifty-three.

(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 26th day of June, nineteen hundred and fifty-three.

(L.S.) *D. C. B. Holden,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

Commencement Order

ORDER, DATED 24TH JULY, 1953, MADE BY THE MINISTER OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1953.

1953. No. 110

WHEREAS it is provided by subsection (1) of section 12 of the National Insurance Act (Northern Ireland), 1953 (a) (hereinafter referred to as "the Act") that "the appointed day" shall be such day as the Minister of Labour and National Insurance may by order appoint, and different days may be appointed for different purposes of the Act or for the same purpose in relation to different cases or classes of case:

NOW, THEREFORE, I, the RIGHT HONOURABLE IVAN NEILL, Minister of Labour and National Insurance for Northern Ireland, hereby make the following Order:—

1. This Order may be cited as the National Insurance (Commencement) Order (Northern Ireland), 1953.

2. The appointed day for all the purposes of the Act shall be 26th October, 1953.

Given under my hand at Stormont this 24th day of July, 1953.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

(a) 1953. c. 27.