EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend those provisions of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948, which relate to the substitution, for the purposes of unemployment and sickness benefit, of a day for Sunday, and those provisions which, for those purposes, apply in relation to night-workers; and they provide for a relaxation, in certain cases, of the condition (imposed by section 4(1) of the National Insurance Act (Northern Ireland), 1957, in relation to a person who is employed in any employed contributor's employment which has not been terminated) with respect to the treatment, as a day of unemployment, of a day on which in the normal course such a person would not work. They also make provision as to the weekly rate of an increase of unemployment benefit or sickness benefit for a person over pensionable age.

REGULATIONS, DATED 15TH NOVEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 234. [C]

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 powers conferred by sections 9(3), 10(3) and 23(2) of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

Regulation substituted for regulation 2 of the principal regulations

2. As from the 17th February, 1958, for regulation 2 of the principal regulations (which relates to contributions treated as equivalent to contributions of the appropriate class), there shall be substituted the following regulation:—

(a) 1946. c. 23.
(b) S.R. & O. (N.I.) 1948. No. 248 as amended by S.R. & O. (N.I.) 1949. No. 197; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1955. No. 19; S.R. & O. (N.I.) 1956. No. 32.

Contributions treated as equivalent to contributions of the appropriate class

"2. Where a person makes a claim for unemployment benefit or for sickness benefit for a day which forms part of a period of interruption of employment, the following provisions of this regulation shall apply in relation to the claimant and, for the purposes of those provisions, the following expressions have the meanings hereby respectively assigned to them—

"appropriate week" means a contribution week in respect of which a contribution as an employed person or as a self-employed person does not, by virtue of any other provision of the regulations made under the Act, fall to be credited to the claimant;

"relevant contribution year" means the last complete contribution year before the benefit year which includes the day for which benefit is claimed;

"relevant period" means the period beginning with the first day of the relevant contribution year and ending immediately before the contribution week which includes the day for which benefit is claimed:—

(1) If, in respect of the relevant contribution year, there have been paid by or credited to the claimant not less than thirty-nine contributions of the appropriate class, every contribution as an insured person which is not a contribution of the appropriate class and has been paid by or credited to the claimant in respect of the relevant contribution year shall, for the purpose of his right to the benefit claimed for the day in question, be treated as equivalent to a contribution of the appropriate class.

(2) If, in respect of appropriate weeks in the relevant period or (in a case where the number of appropriate weeks in the relevant period exceeds thirty-nine) in respect of the last thirty-nine appropriate weeks in the relevant period, the claimant has paid not less than twenty-six contributions as an employed person, every contribution as a self-employed or non-employed person paid by or credited to the claimant in respect of a contribution week in the relevant contribution year shall be treated as equivalent to a contribution as an employed person for the purpose of his satisfying the contribution condition set out in sub-paragraph (*b*) of paragraph (1) of the Third Schedule to the Act (which paragraph sets out the contribution conditions for unemployment and sickness benefit) whether in relation to the benefit claimed for the day in question or in relation to any benefit of the same description claimed by the claimant for any later day in the benefit year which includes the day in question.

(3) If the claim is a claim for sickness benefit and, in respect of appropriate weeks in the relevant period or (in a case where the number of appropriate weeks

in the relevant period exceeds thirty-nine) in respect of the last thirty-nine appropriate weeks in the relevant period, the claimant has not paid twenty-six contributions as an employed person but has paid (either with or without any other contribution) twenty-six contributions of which each is either a contribution as an employed person or a contribution as a self-employed person, every contribution as a non-employed person paid by or credited to the claimant in respect of a week in the relevant contribution year shall be treated as equivalent to a contribution as a self-employed person for the purpose of his satisfying the contribution condition set out in the said sub-paragraph (*b*) whether in relation to the sickness benefit claimed for the day in question or in relation to any sickness benefit claimed by the claimant for any later day in the benefit year which includes the day in question.".

Amendment of regulation 6 of the principal regulations

3. In sub-paragraph (*h*) of paragraph (1) of regulation 6 of the principal regulations (which paragraph relates to days which, for the purposes of unemployment and sickness benefit, are not to be treated as days of unemployment or incapacity for work), after the words "insured persons", there shall be inserted the words " or in accordance with the provisions of regulation 3 of the National Insurance (Members of the Forces) Regulations, 1949(a) (which provides for the disregarding of the employment of certain persons in Her Majesty's Forces)"; and that sub-paragraph shall accordingly have effect as set out in Part I of the Schedule to these regulations.

Amendment of regulation 11 of the principal regulations

4. In paragraph (2) of regulation 11 of the principal regulations (which paragraph prescribes conditions upon the fulfilment of which, in relation to a relative of a person entitled to benefit of certain descriptions, depends that person's right to an increase of that benefit in respect of that relative), for the words " twenty shillings " in head (ii) of sub-paragraph (*a*) thereof (which sub-paragraph prescribes, as one of such conditions to be fulfilled in relation to such a relative who is a woman engaged in any gainful occupation or occupations, the condition that her weekly earnings therefrom do not exceed twenty shillings), there shall be substituted the words " forty shillings ".

Revocation of regulation 12 of the principal regulations

5. Regulation 12 of the principal regulations (which relates to an increase of benefit for a female person having the care of a child of the beneficiary's family) shall cease to have effect.

Amendment of the First Schedule to the principal regulations

6. At the end of the First Schedule to the principal regulations (which prescribes relationships for the purposes of those provisions of section 23 of the Act which provide for increasing, in

(a) S.I. 1949/875 (1949 I, p. 2731).

respect of a relative of the beneficiary, the weekly rate of certain benefits) there shall be added the following words:—

"and

(*c*) Where the beneficiary is a man, the father or mother of any woman who is, or was at her death, the wife of the beneficiary, and

(*d*) Where the beneficiary is a woman, the father or mother of any man who is, or was at his death, the husband of the beneficiary.";

and the said First Schedule shall accordingly have effect as set out in Part II of the Schedule to these regulations.

Transitory provision

7. Notwithstanding the provisions of regulation 2, where, before the 17th February, 1958, a person has paid the twenty-sixth contribution of the appropriate class for the purposes of unemployment benefit or sickness benefit since his entry into insurance any contributions not of the appropriate class which upon such payment fell to be treated under paragraph (1) of regulation 2 of the principal regulations, as unamended by the said provisions, for the purposes of such benefit as equivalent to contributions of the appropriate class, shall continue to be so treated until the expiration of the benefit year which includes the said date.

Given under the Official Seal of the National Insurance Joint Authority this 15th day of November, nineteen hundred and fifty-seven.

(L.S.) *Ian G. Gilbert,*
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of November, nineteen hundred and fifty-seven.

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

Provisions as Amended by these Regulations*

PART I Regulation 3.

REGULATION 6(1)(*h*) OF THE PRINCIPAL REGULATIONS AS AMENDED

(*h*) (subject to the provisions of regulation 7) a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation (including any occupation in an employment which, in accordance with any provision of the Act and the regulations made thereunder relating to the classification of insured persons *or in*

* The words added by these regulations are shown in italics.

accordance with the provisions of regulation 3 of the National Insurance (Members of the Forces) Regulations, 1949 (which provides for the disregarding of the employment of certain persons in Her Majesty's Forces), is to be disregarded) unless the earnings derived from that occupation, in respect of that day, do not exceed six shillings and eightpence, or where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount, and unless he is available on that day for full-time employment in some employed contributor's employment and the occupation which he is following is consistent with and different in nature from that full-time employment.

PART II Regulation 6.

THE FIRST SCHEDULE TO THE PRINCIPAL REGULATIONS AS AMENDED

FIRST SCHEDULE Regulation 11(1).

Prescribed Relationships

(*a*) Lineal descendant or ascendant in a direct line, and

(*b*) Stepfather, stepmother, stepson, stepdaughter, brother, sister, half-brother, half-sister, stepbrother, stepsister, *and*

(*c*) *Where the beneficiary is a man, the father or mother of any woman who is, or was at her death, the wife of the beneficiary, and*

(*d*) *Where the beneficiary is a woman, the father or mother of any man who is, or was at his death, the husband of the beneficiary.*

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend those provisions of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948, which provide for the taking into account, for the purposes of unemployment and sickness benefit, of contributions other than those of the appropriate class; those provisions which prohibit (in the case of an insured person who is following any gainful occupation) a day's being treated as a day of unemployment; those provisions which prescribe, in relation to a female relative of a person entitled to unemployment benefit or sickness benefit, conditions to be fulfilled for the purpose of that person's right to an increase of benefit in respect of her; and those provisions which prescribe relatives in respect of one of whom a person entitled to unemployment benefit or sickness benefit may be entitled to an increase of such benefit if the relative is residing with, and is wholly or mainly maintained by, the person so entitled. They also revoke those provisions which prescribe, in relation to a woman having the care of a child of the family of a person entitled to benefit of certain descriptions, conditions to be fulfilled for the purpose of that person's right to an increase of benefit in respect of her.