1962. No. 65 **[C]**

NATIONAL INSURANCE

Contributions

REGULATIONS, DATED 28TH MARCH, 1962, 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.

The National Insurance Joint Authority, in exercise of powers conferred by sections 9(3) and 74(5) of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 2(5), 4(4), 5, 6(1), 7, 57 and 58 of that Act, in either case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, 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 (Contributions) Regulations (Northern Ireland), 1962, and shall come into operation on the 2nd April, 1962.

(2) In these regulations—

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

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

"the Act of 1959" means the National Insurance Act (Northern Ireland), 1959(c);

"the Unemployment and Sickness Benefit Regulations" means the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1961(d);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1961(e);

"the Ministry" means the Ministry of Labour and National Insurance;

"contribution year" and "benefit year" have the same meanings as in the National Insurance (General Benefit) Regulations (Northern Ireland), 1948(f);

"week" means contribution week(g);

"graduated contribution", "income tax year" and "payment in lieu of contributions" have the same meanings as in the Act of 1959;

"certificate of exception" means, except in relation to regulation 10, a certificate issued for the purposes of the provisions of sub-paragraph (iii) of paragraph (*a*) of sub-section (1) of section 5 of the Act;

(a) 1946. c. 23. (b) 1946. c. 21. (c) 1959. c. 21.
(d) S.R. & O. (N.I.) 1961, No. 222.
(e) S.R. & O. (N.I.) 1961, No. 180 as amended by S.R. & O. (N.I.) 1962, No. 27.
(f) See reg. 2 of S.R. & O. (N.I.) 1948, No. 208.
(g) See s. 74(1), National Insurance Act (Northern Ireland), 1946.

"an employed contributor's employment" includes (in relation to regulations 2 and 3 only) any employment before the 5th July, 1948, which would have been treated as an employed contributor's employment(a) if the Act and the regulations made thereunder had been in operation during that employment;

"contribution" has the same meaning as in the Act save that it does not include a graduated contribution;

"due date" in Part IV means in relation to any contribution (including any graduated contribution), the date on which that contribution was due to be paid, and in relation to any payment in lieu of contributions, the date on which that payment became due;

"personal benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the Overlapping Benefits Regulations;

"local office" includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit;

and other expressions have the same meanings as in the Act, or, as the case may require, the Industrial Injuries Act.

Part II

Exceptions and Credits

Unemployment

2. Subject to the provisions of paragraphs (1), (3), (4), (5) and (6) of regulation 5 and paragraph (2) of regulation 15,—

(*a*) an insured person shall be excepted from liability to pay a contribution under the Act for any week of unemployment if Condition I or Condition II of the First Schedule has been satisfied, and a contribution as an employed person shall be credited to him for that week:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied if the insured person proves to the satisfaction of the Ministry that he has become unemployed following employment in an employed contributor's employment and that he will normally rely upon such employment for his livelihood;

(*b*) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of unemployment, not being a week of unemployment in respect of which a contribution is credited under paragraph (*a*).

Incapacity for work

3.—(1) Subject to the provisions of paragraph (2) of this regulation, paragraphs (2), (3), (5) and (6) of regulation 5 and paragraph (1) of regulation 15,—

(*a*) an insured person shall be excepted from liability to pay a contribution under the Act for any week of incapacity for work if any one of the Conditions contained in the First Schedule has been satisfied, and a contribution shall be credited to him for that week as follows:

(i) if Condition I or Condition II of that Schedule has been satisfied, a contribution as an employed person:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Ministry that he became incapable of work

(a) See s. 1(2), National Insurance Act (Northern Ireland), 1946.

following employment in an employed contributor's employment, and that he will normally rely upon such employment for his livelihood;

(ii) if Condition III or Condition IV of that Schedule has been satisfied (but not Condition I or Condition II thereof), a contribution as a self-employed person:

Provided that if the said Condition IV is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Ministry that he became incapable of work following employment in an employed contributor's employment or as a self-employed person, and that he will normally rely upon any such employment for his livelihood;

(*b*) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of incapacity for work if none of the Conditions contained in the said Schedule has been satisfied.

(2) Notwithstanding anything contained in the foregoing provisions of this regulation, where industrial injury benefit(**a**) is payable to an insured person under the Industrial Injuries Act in respect of a week of incapacity for work, that person shall be excepted from liability to pay a contribution under the Act, and a contribution as an employed person shall be credited to him for that week.

Payment of contributions as a non-employed person by persons excepted from liability to pay contributions on account of unemployment or incapacity for work

4. Where an insured person is excepted from liability to pay a contribution for any week under the provisions of regulation 2 or of regulation 3 he may, for any such week, pay a contribution as a non-employed person.

Provisions determining days of unemployment or incapacity for work

5.—(1) For the purposes of regulation 2 (which relates to unemployment) and subject to the provisions of this regulation, a day shall not be a day of unemployment unless on that day the person concerned is capable of work and is, or is deemed in accordance with any regulations(**b**) made under sub-paragraph (i) of paragraph (*a*) of sub-section (2) of section 10 of the Act (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(2) For the purposes of regulation 3 (which relates to incapacity for work), the following provisions shall apply:

(*a*) A day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations(**c**) made under sub-paragraph (ii) of the said paragraph (*a*) (which sub-paragraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(*b*) Any period in respect of which a person is, under sub-section (1) of section 32 of the Industrial Injuries Act, disqualified for receiving industrial injury benefit, or in respect of which a forfeiture of such

(**a**) See s. 7(1)(*a*), National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.
(**b**) See reg. 8 of S.R. & O. (N.I.) 1961, No. 222.
(**c**) See reg. 3 of S.R. & O. (N.I.) 1961, No. 222.

benefit is operative by reason of regulations(a) made under sub-section (2) of the said section (other than a forfeiture for failure to make a claim for benefit within the prescribed time), shall not be a period of incapacity for work.

(3) For the purposes of regulation 2 and regulation 3 and subject to the provisions of this regulation the following provisions shall apply:

(*a*) A day which is, in accordance with any regulations(b) made under sub-section (3) of the said section 10 (which sub-section relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes:

Provided that—

(i) subject to the provisions of head (ii), any day which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (i) of sub-paragraph (*f*) of paragraph (1) of regulation 7 of the Unemployment and Sickness Benefit Regulations (which relates to days on which a person is on holiday) shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended, unless it is a day in respect of which remuneration is deemed to be paid under the provisions of regulation 11 of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948(c) (which relates to the payment of contributions in respect of weeks of holiday); and

(ii) no day in any week shall fail to be a day of unemployment by reason that a person receives or is entitled to receive any remuneration which is, or which if his employment had not terminated would have been, deemed not to be remuneration paid in respect of any day in that week under the provisions of regulation 10A of the last mentioned regulations (which relates to the payment of contributions in respect of weeks in respect of which no services are rendered and remuneration does not exceed forty shillings); and

(iii) any Sunday which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (ii) of sub-paragraph (*f*) of paragraph (1) of regulation 7 of the Unemployment and Sickness Benefit Regulations (which head relates to days on which a person is a person who has been employed to the full extent normal in his case) shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will thereby fall to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (6) of this regulation.

(a) See reg. 17 of S.R. & O. (N.I.) 1948, No. 204.
(b) See regs. 6 and 7 of S.R. & O. (N.I.) 1961, No. 222.
(c) S.R. & O. (N.I.) 1948, No. 258 as amended by S.R. & O. (N.I.) 1959, No. 26; 1960, No. 194 and 1961, No. 241.

(*b*) Any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section 27 of the Act (which relates to claims and notices) and regulations made thereunder, shall be treated as a period of unemployment or incapacity for work, as the case may be.

(*c*) Any period in respect of which a person—

(i) by reason of the provisions of sub-section (1) of section 12 of the Act is, or by reason of the provisions of sub-section (2) or sub-section (3) thereof or of any regulations(**a**) made thereunder is or would if he had otherwise had a right thereto have been, disqualified for receiving either unemployment benefit or sickness benefit; or

(ii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations(**b**) made under sub-section (4) of the said section 12, other than the National Insurance (Married Women) Regulations (Northern Ireland), 1962(**c**);

shall not be a period of unemployment or incapacity for work, as the case may be.

(*d*) Any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (*a*) of sub-section (1) of section 28 of the Act (which paragraph relates to disqualification for benefit by reason of being absent from Northern Ireland) shall not be a period of unemployment or incapacity for work, as the case may be:

Provided that any day in respect of which industrial injury benefit is payable to an insured person under the Industrial Injuries Act shall be treated as a day of incapacity for work.

(4) For the purposes of the application of regulation 2 to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—

(*a*) the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the National Insurance (Classification) Regulations (Northern Ireland), 1948(**d**), or, being employment in Her Majesty's Forces, by virtue of regulation 3 of the National Insurance (Members of the Forces) Regulations, 1949(**e**), is to be disregarded) and the occupation in which he is so employed is consistent with that full time employment and, if he is following that occupation under a contract of service, it is not his usual main occupation; or

(*b*) the employment (not being employment which falls within sub-paragraph (*a*)) is one in respect of which, by virtue of paragraph 11 of

(**a**) See reg. 12 of S.R. & O. (N.I.) 1961, No. 222.
(**b**) Reg. 14B (inserted by reg. 4 of S.R. & O. (N.I.) 1949, No. 50) of S.R. & O. (N.I.) 1948, No. 236; S.R. & O. (N.I.) 1950, No. 139 as amended by S.R. & O. (N.I.) 1952, No. 172 and 1960, No. 194.
(**c**) S.R. & O. (N.I.) 1962, No. 64.
(**d**) See Sch. to S.R. & O. (N.I.) 1957, No. 270.
(**e**) S.I. 1949/875.