EXPLANATORY NOTE

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

These Regulations consolidate the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, and subsequent amending regulations which are set out in the Third Schedule and are revoked by regulation 17.

No amendments other than those of a drafting or consequential nature have been made.

1961. No. 222 **[C]**

NATIONAL INSURANCE

Unemployment and Sickness Benefit

REGULATIONS, DATED 27TH NOVEMBER, 1961, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1960.

The National Insurance Joint Authority, in exercise of powers conferred by sections 9, 10, 11, 12, 23 and 24 of the National Insurance Act (Northern Ireland), 1946(**a**), 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 the Ministry of Labour and National Insurance, in exercise of powers conferred by section 4(2) of the National Insurance Act (Northern Ireland), 1957(**b**), 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 (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1961, and shall come into operation on the 1st December, 1961.

(2) In these regulations—

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

"the Act of 1957" means the National Insurance Act (Northern Ireland), 1957;

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

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

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

(**a**) 1946. c. 23. (**b**) 1957. c. 7. (**c**) 1946. c. 21.

(**d**) S.R. & O. (N.I.) 1948, No. 185 as amended by reg. 13 of, and Third Schedule to, S.R. & O. (N.I.) 1949, No. 142; 1951, No. 157; reg. 21 of, and Second Schedule to, 1953, No. 123; 1956, No. 8; 1957, No. 169; reg. 4 of, and Schedule to, 1957, No. 225; 1957, No. 267; 1958, No. 159; 1959, No. 108; 1959, No. 138; 1960, No. 194; 1961, No. 78 and 1961, No. 86.

"the standard daily rate of unemployment benefit" means, in relation to any person, one-sixth of the weekly rate which is specified in the second column of paragraph 1 of Part I of the Second Schedule to the Act as the weekly rate of unemployment benefit in the case of a person of the same age, sex and marital status during any period during which such a person is not entitled to an increase of benefit in respect of a child or an adult dependant and, if a married woman, is not unable to obtain any financial assistance from her husband;

"the Commissioner" has the same meaning as in the Family Allowances and National Insurance (Commissioner—Transitional and Consequential Provisions) Regulations (Northern Ireland), 1961(**a**);

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

"contributions" has the same meaning as in the Act save that it does not include graduated contributions under the National Insurance Act (Northern Ireland), 1959(**b**).

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 beginning of 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:

(*a*) 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.

(*b*) 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

(a) S.R. & O. (N.I.) 1961, No. 77. (b) 1959. c. 21.

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.

(*c*) 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.

Persons deemed to be incapable of work

3. A person who is not incapable of work shall, if an insurance officer, a local tribunal or the Commissioner, as the case may be, so determines, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which he satisfies the conditions specified in paragraph (*a*) or paragraph (*b*), namely:

(*a*) that he is under medical care in respect of a disease or disablement as aforesaid; that it is certified by a registered medical practitioner that by reason of such disease or disablement he should abstain from work; and that he does not work; or

(*b*) that he is excluded from work on the certificate of a medical officer of health of a local authority; and that he is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

4. A person who at the commencement of any day is or thereafter on that day becomes incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed or self-employed person on that day shall be deemed to be so incapable of work throughout that day.

Special provisions relating to day substituted for Sunday

5.—(1) In the case of a person who,—

(*a*) in any week in which, in the normal course, he would work as an employed person on not more than six days including the Sunday, is unemployed on that Sunday; and

(*b*) claims unemployment benefit for that Sunday;

the day of that week on which, in the normal course, he would not work as an employed person, or (if that week contains more than one day on which in

the normal course he would not so work) the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of the provisions of paragraph (*d*) of sub-section (2) of section 10 of the Act, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Act relating to unemployment or sickness benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(2) In the case of a person who,—

(*a*) in any week, in the normal course, would not work as an employed person on the Sunday;

(*b*) objects on religious grounds to working on a specific day in each week other than Sunday, but does not so object to working on Sunday; and

(*c*) in respect of that week is unemployed on and claims unemployment benefit for Sunday;

that specific day shall in that week be substituted for Sunday as a day which, by virtue of the provisions of paragraph (*d*) of sub-section (2) of section 10 of the Act, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Act relating to unemployment benefit or sickness benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(3) In the application to a person of sub-paragraph (*a*) of paragraph (1), no account shall be taken of any period of short time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed person on not more than six days including the Sunday.

(4) In this regulation, the expression "week" means a period of seven days commencing with the midnight between Saturday and Sunday.

Night workers

6.—(1) The following provisions shall apply in relation to night workers for the purposes of unemployment and sickness benefit:

(*a*) Where a period of employment begun on any day extends over midnight into the following day, the person employed shall, in respect of such period—

(i) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or

(ii) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person—

(*a*) is, by virtue of the provisions of paragraph (1), to be treated as having been employed on one day only of two days; and

(*b*) throughout that part of the other of those two days during which that person is not employed, is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employ-

ment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of unemployment or sickness benefit, be deemed to be so available for employment, or, as the case may be, to be so incapable of work, throughout that other of those two days.

(3) Where a person—

(*a*) is, by virtue of the provisions of sub-paragraph (*a*) of paragraph (1), to be treated as having been employed on the second day only of two days; and

(*b*) throughout the day immediately preceding the first of those two days, is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of sickness benefit, be deemed to be so incapable of work throughout the first of those two days.

Days not to be treated as days of unemployment or incapacity for work

7.—(1) For the purposes of unemployment and sickness benefit—

(*a*) a day shall not be treated as a day of interruption of employment if it is a day in respect of which a person fails to prove, in such manner as the Ministry shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;

(*b*) where in respect of any day a person places restrictions on the nature, hours, rate of remuneration or locality or other conditions of employment which he is prepared to accept and as a consequence of those restrictions has no reasonable prospects of securing employment, that day shall not be treated as a day of unemployment unless—

(i) he is prevented from having reasonable prospects of securing employment consistent with those restrictions only as a result of adverse industrial conditions in the locality or localities concerned which may reasonably be regarded as temporary, and, having regard to all the circumstances, personal and other, the restrictions which he imposes are reasonable; or

(ii) the restrictions are nevertheless reasonable in view of his physical condition; or

(iii) the restrictions are nevertheless reasonable having regard both to the nature of his usual occupation and also to the time which has elapsed since he became unemployed;

(*c*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;

(*d*) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness benefit;

(*e*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding that his employment has terminated, continues to receive wages or receives, by way of compensation for the loss of the remuneration which he would have received for that day if the employment had not been terminated, payment of an amount which exceeds the amount arrived at by deducting the standard daily rate of unemployment benefit from two-thirds of the remuneration lost in respect of that day;