7. If the Ministry, after having made a payment under this Scheme finds that such payment ought not to have been made in whole or in part or that the payment was in excess of the amount properly payable it may recover from the person to whom such payment has been made the whole or any part of the sum already paid, or may withhold or cause to be withheld any subsequent payment which would otherwise be or become due to that person under this or any other Scheme under which payment becomes due by the Ministry. The Ministry may also recover from a person producing home-bred cattle by way of deduction from a payment which might otherwise be made to him under this Scheme any monies due by that person to the Ministry or to any other Government Department.

H. W. West,
Minister of Agriculture.

I approve the foregoing Scheme.

Terence O'Neill,
Minister of Finance.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables the Ministry of Agriculture to pay to farmers Headage Payments in respect of home-bred cattle certified under the Fatstock Guarantee Scheme, 1961/62.

1961. No. 76 **[C]**

NATIONAL INSURANCE

Mariners

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

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 55 of the National Insurance Act (Northern Ireland), 1946(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Mariners) Amendment Regulations (Northern Ireland), 1961, shall be read as one with the National Insurance (Mariners) Regulations (Northern Ireland), 1948(**b**) (hereinafter referred to as "the principal regulations"), and shall come into operation on the third day of April, 1961.

(**a**) 1946. c. 23.
(**b**) S.R. & O. (N.I.) 1948, No. 236 as amended by S.R. & O. (N.I.) 1949, No. 50; 1951, No. 174; 1953, No. 72; 1958, No. 10; 1958, No. 132 and 1959, No. 66.

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations (which provides for the insurance of mariners) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in Part I of the First Schedule.

(2) At the end of the said regulation 2, there shall be added the following paragraphs:

"(3) Where—

(*a*) in relation to a mariner employed in an employment as master or a member of the crew of a ship or vessel, not being a ship or vessel used wholly or mainly for the disposal of sludge, the provisions of sub-paragraph (*a*) or (*b*) of paragraph (1) are satisfied, and he is not excepted from insurance in respect of that employment by virtue of paragraph (2), and

(*b*) upon the termination of a voyage ending during the period of that employment, he is entitled to a day or days of leave on pay, and

(*c*) that employment is terminated before the end of the period of leave on pay,

the mariner shall be treated as if that employment continued throughout the period (hereafter in this paragraph referred to as "the said period") from the termination of that employment to the end of the period of leave on pay; and accordingly the mariner, if he would otherwise have ceased to be insured under the Act, shall continue to be so insured throughout the said period, and the employer who was the mariner's employer in that employment shall be treated, for the purposes of the provisions of the Act relating to contributions, as his employer throughout the said period.

(4) In paragraph (3) and in the following provisions of these regulations, a "period of leave on pay" means, in relation to a mariner who, upon the termination of a voyage, is entitled to a day or days of leave on pay, a period immediately following the day on which that termination occurs and equal in length to the period of that leave.".

Amendment of regulation 5 of the principal regulations

3.—(1) Regulation 5 of the principal regulations (which relates to contributions in respect of mariners employed as masters or members of the crews of any ships or vessels other than home-trade ships) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part II of the First Schedule.

(2) In paragraph (1) of the said regulation 5, after the words "home-trade ship", there shall be inserted the words "including a mariner so employed who, by virtue of the provisions of paragraph (3) of regulation 2, is treated as if his employment as such continued until the end of a period of leave on pay,".

(3) At the end of sub-paragraph (*a*) of paragraph (2) of the said regulation 5, there shall be added the words "or by virtue of paragraph (3) of that regulation".

Provisions to be added to the principal regulations

4. The following regulation shall be inserted after regulation 6 of the principal regulations:

"*Contributions paid for weeks of double employment*

6A.—(1) The following provisions of this regulation apply to a mariner as respects any period of leave on pay (hereafter in this regulation referred to as "the period").

(2) If, in any contribution week falling wholly or partly in the period, he is (apart from his being employed, or treated as employed, in continuation of his employment on the voyage to which the period relates) employed in an employed contributor's employment (hereafter in this regulation referred to as "the new employment"), he and his employer in the new employment shall be entitled (but not liable) to pay a contribution as an employed person and an employer's contribution respectively for that week, if they would have been respectively liable to pay such contributions had he not been employed, or treated as employed, in continuation of his employment on the voyage until the end of the period.

(3) If, by virtue of the foregoing provisions of this regulation, a contribution as an employed person is paid in respect of the new employment for a contribution week falling wholly or partly in the period (which contribution week is hereafter in this regulation referred to as "the week of double employment"), it shall, except for the purpose of the application of the provisions of paragraph (4), be treated as not having been paid for that week; but, if and when—

(*a*) such a contribution has been so paid, and

(*b*) the mariner is liable or entitled to pay a contribution as a non-employed person for a contribution week, or for each of two or more contribution weeks, in the period of three consecutive contribution years beginning with the contribution year which includes the week of double employment,

the contribution so paid—

(i) shall be so applied as to terminate the mariner's liability or entitlement to pay a contribution for, and shall be treated as a contribution as an employed person properly paid by the mariner for, that contribution week or, if more than one, for the earlier or earliest of them; but

(ii) shall not be taken into account for the purpose either of any right to benefit for any period before the day on which it was paid or of the application of the provisions of sub-section (4) of section 19 of the Act, which sub-section provides for increasing a retirement pension by reference to contributions paid by the beneficiary in respect of the period after his attaining pensionable age.

(4) If—

(*a*) by virtue of the foregoing provisions of this regulation, a contribution as an employed person is paid in respect of the new employment for the week of double employment, and

(*b*) during the period of three consecutive contribution years mentioned in paragraph (3), that contribution does not fall to be applied in accordance with sub-paragraph (i) of that paragraph,

then, in its application in relation to that contribution, regulation 18 of the National Insurance (Contributions) Regulations (Northern Ireland), 1948(a) (which relates to contributions paid in error) shall have effect as if that contribution had been paid under the erroneous belief that it was payable and as if it had been paid and payable on the last day of that period.".

5. The following provisions shall be added after regulation 16 of the principal regulations:

(a) S.R. & O. (N.I.) 1948, No. 217.

"PART II

SEAMAN'S GRADUATED CONTRIBUTIONS

Definitions

17. In this Part—

'seaman' has the same meaning as in regulation 34 of the Income Tax (Employments) Regulations, 1950(**a**);

'pay period' in relation to any payment of a seaman's remuneration means the period in respect of which the payment is made;

'voyage period' means a pay period comprising an entire voyage or series of voyages (including any period of leave on pay which immediately follows the day on which the termination of that voyage or series of voyages occurs).

Seaman's liability for graduated contributions and their assessment

18.—(1) Subject to the following provisions of this Part, in relation to a person's employment as a seaman those provisions of Part I of the National Insurance Act (Northern Ireland), 1959, which relate to liability to pay graduated contributions shall be modified in accordance with the following provisions of this regulation.

(2) Liability to pay graduated contributions in relation to a person's employment as a seaman shall be in respect of a payment of remuneration for any pay period and shall not be in respect of payments in any income tax week, nor shall the amounts of those graduated contributions be determined by reference to any payment or payments in any income tax week.

(3) Subject to the provisions of regulation 20, in respect of any payment of a seaman's remuneration for any pay period (not being a voyage period) of one week, one month or three months—

(*a*) where the pay period is one week, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of the First Schedule, to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount in column (2) opposite to the next smaller amount in column (1), if any, which is so shown;

(*b*) where the pay period is one month, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of the Second Schedule, to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount in column (2) opposite to the next smaller amount in column (1), if any, which is so shown;

(*c*) where the pay period is three months, sub-paragraph (*b*) shall apply subject to the substitution for each of the amounts shown in column (1) and column (2) of the Second Schedule of that amount multiplied by three.

(4) Subject as aforesaid, in respect of any payment of a seaman's remuneration for a voyage period or for any pay period (not being a voyage period) other than one week, one month or three months—

(*a*) where the employer is liable to pay no or only one weekly employer's contribution in respect of the employment of the seaman for that

(**a**) S.I. 1950/453.

period, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of the First Schedule, to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount shown in column (2) opposite to the next smaller amount in column (1), if any, which is so shown; and

(*b*) where the employer is liable to pay more than one weekly employer's contribution in respect of the employment of the seaman for that period, sub-paragraph (*a*) shall apply subject to the substitution for each of the amounts shown in column (1) and column (2) of the First Schedule of that amount multiplied by the number of weekly employer's contributions which the employer is liable to pay as aforesaid:

Provided that, for the purposes of this paragraph—

(*a*) an employer shall be deemed to be liable to pay any weekly employer's contribution which is paid by him by virtue of the provisions of paragraph (2) of regulation 6A; and

(*b*) in calculating the number of employer's weekly contributions, no account shall be taken of any such contribution which would not be payable but for a delay in the ending of a voyage to which the provisions of paragraph (*b*) of regulation 19 apply.

(5) The provisions of the National Insurance (Assessment of Graduated Contributions) Regulations (Northern Ireland), 1960(a), shall not apply to or in respect of any payment of remuneration in respect of the employment of a seaman as such.

Remuneration to be disregarded

19. For the purposes of graduated contributions, there shall be excluded from remuneration in respect of the employment of any seaman any payment insofar as it is—

(*a*) either—

(i) an interim payment of remuneration by way of an advance, or

(ii) a payment to some other person of any part of a seaman's remuneration allotted by him to that person,

so, however, that this paragraph shall not prevent any sum deducted on account of any such payment from another payment of remuneration being treated as paid on account of that remuneration in accordance with sub-section (4) of section 2 of the National Insurance Act (Northern Ireland), 1959, (which sub-section provides for any sum deducted from a payment of remuneration being treated as paid on account of that remuneration);

(*b*) a payment of remuneration to a seaman in respect of a voyage in excess, by reason of delay in the ending of the voyage, of the payment which but for such delay the seaman would have received:

Provided that the provisions of this paragraph shall apply only to a delay where—

(i) the delay is beyond the time the master had expected the voyage to end when in anticipation of the voyage so ending calculations of the payment to be made to the seaman at the end of the voyage were completed; and

(a) S.R. & O. (N.I.) 1960, No. 114.