EXPLANATORY NOTE

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

This Order has effect on and from 2nd September, 1959. Part I of the Schedule amends the Brush and Broom Wages Council (Northern Ireland) Wages Regulation Order, 1948 (Order N.I.B.B. (56)) as amended by the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Amendment) Order, 1958 (Order N.I.B.B. (79)) by increasing the statutory minimum remuneration fixed by those Orders. Part II of the Schedule continues the amendment to the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1953 (Order N.I.B.B. (69)) contained in Part II of Order N.I.B.B. (79)), which is revoked.

1959. No. 138 **[C]**

NATIONAL INSURANCE

Determination of Claims and Questions

REGULATIONS, DATED 21ST AUGUST, 1959, 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, AND THE FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

The National Insurance Joint Authority and the Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by sections 40, 45 and 62 of the National Insurance Act (Northern Ireland), 1946(**a**), and by section 1 of the Family Allowances and National Insurance Act (Northern Ireland), 1959(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:

PART I

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment (No. 2) Regulations (Northern Ireland), 1959, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**c**) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 7th September, 1959.

(**a**) 1946. c. 23.
(**b**) 1959. c. 7.
(**c**) S.R. & O. (N.I.) 1948, No. 185 as amended by reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations (Northern Ireland), 1949 (S.R. & O. (N.I.) 1949, No. 142); S.R. & O. (N.I.) 1951, No. 157; reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1956, No. 8; S.R. & O. (N.I.) 1957, No. 169; S.R. & O. (N.I.) 1958, No. 159; and S.R. & O. (N.I.) 1959, No. 108.

PART II

Amendment of regulation 1 *of the principal regulations*

2. In paragraph (2) of regulation 1 of the principal regulations there shall be inserted immediately after the definition of "the Family Allowances Act" the following definition:

"'the Act of 1959' means the Family Allowances and National Insurance Act (Northern Ireland), 1959;".

Amendment of regulation 2 *of the principal regulations*

3. In regulation 2 of the principal regulations (which regulation relates to persons to determine claims and questions) for paragraph (3) there shall be substituted the following paragraph:

"(3) Any such question as is mentioned in sub-section (2) of section 40 of the Act shall be determined in accordance with the provisions of sub-section (1) of section 1 of the Act of 1959 and the regulations made by virtue of that sub-section".

Amendment of regulation 6 *of the principal regulations*

4.—(1) Regulation 6 of the principal regulations (which provides that certain decisions shall be conclusive for the purposes of proceedings under the Act) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the First Schedule.

(2) Paragraph (2) of the said regulation 6 shall be omitted.

(3) In paragraph (3) of the said regulation 6 there shall be substituted for the words "either of the preceding paragraphs" the words "paragraph (1) of this regulation", and the words "or under the Family Allowances Act, as the case may be" shall be omitted.

(4) In paragraph (4) of the said regulation 6 there shall be substituted for the words "in the preceding paragraphs" the words "in paragraph (1)", and the words "or any such application for a reference has been made" and the words "or making such an application" shall be omitted.

Amendment of regulation 11 *of the principal regulations*

5.—(1) Regulation 11 of the principal regulations (which regulation relates to appeals to local tribunals) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Second Schedule.

(2) In the proviso to paragraph (1) of the said regulation 11 for the words "sub-section (2) of section 40 of the Act" there shall be substituted the words "the proviso to sub-section (1) of section 1 of the Act of 1959".

Amendment of regulation 18 *of the principal regulations*

6.—(1) Regulation 18 of the principal regulations (which regulation relates to the review of decisions of an insurance officer, a local tribunal or the Umpire) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Third Schedule.

(2) In sub-paragraph (*c*) of paragraph (1) of the said regulation 18 for the words "the Family Allowances Act and the regulations made thereunder" there shall be substituted the words "the regulations made by virtue of sub-section (1) of section 1 of the Act of 1959".

PART III

Addition to the principal regulations

7.—(1) The following provisions shall be added after regulation 23 of the principal regulations:

"PART V

Transitional provisions

Definitions

24. In this Part and in the Schedule, unless the context otherwise requires—

"the Unemployment Insurance Acts" means the Unemployment Insurance Acts (Northern Ireland), 1936 to 1944;

"the Unemployment Insurance Act" means the Unemployment Insurance Act (Northern Ireland), 1936(a);

"the Health Insurance Acts" means the National Health Insurance Acts (Northern Ireland), 1936 to 1946;

"the Health Insurance Act" means the National Health Insurance Act, 1936(b);

"the Contributory Pensions Acts" means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946;

"the Contributory Pensions Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936(c);

"the repealed Acts" means the Unemployment Insurance Acts, the Health Insurance Acts and the Contributory Pensions Acts (other than those provisions thereof not repealed by the Act) or any one or more of those Acts;

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

Determination of questions arising under the repealed Acts

25. Where a question arising under or in connection with the repealed Acts—

(*a*) arises on or in connection with a claim to any benefit under those Acts; or

(*b*) affects or may affect any person's right or prospective right to any benefit under the Act or to any benefit the right to which is preserved by or under the Act; or

(*c*) affects or may affect any person's liability or entitlement to pay or to be credited with a contribution under the Act;

that question shall, subject to the modifications prescribed in this Part, be determined as if it were a question arising under or in connection with the Act and the provisions of the foregoing Parts shall apply and shall, for the purpose of such application, be construed accordingly.

Special provisions as to determination of questions by the Ministry

26. Where, by virtue of this Part or otherwise, any question which arises under or in connection with the repealed Acts or which is dependent upon or affected by the provisions of those Acts falls to be determined

(a) 26 Geo. 5 & 1 Edw. 8. c. 30 (N.I.).
(b) 26 Geo. 5 & 1 Edw. 8. c. 32.
(c) 26 Geo. 5 & 1 Edw. 8. c. 32 (N.I.).
(d) S.R. & O. (N.I.) 1948, No. 233.