General Benefit Amendment (No. 2) Regulations (Northern Ireland), 1957

REGULATIONS, DATED 15TH NOVEMBER, 1957, 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 ACTS (NORTHERN IRELAND), 1946 TO 1957.

1957. No. 239 [C]

The National Insurance Joint Authority in exercise of the powers conferred by sections 23(2)(*c*) and 74(5) of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, 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 the powers conferred by sections 23(2)(*c*), 33, 45 and 74(3) of that Act and sections 6(3) and 9(1)(*a*) 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, interpretation and commencement

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

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the following definition shall be inserted after the definition of "the Industrial Injuries Act":—

> "'the Act of 1957' means the National Insurance Act (Northern Ireland), 1957".

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4 of the principal regulations (which relates to the computation of earnings) shall be amended in accordance with the following provisions and shall accordingly have effect as set out in the Schedule.

(2) In sub-paragraph (*a*) of paragraph (1) of the said regulation 4, 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(d) (which provides for the disregarding of the employment of certain persons in Her Majesty's Forces)", and sub-paragraph (*c*) of the said paragraph (1) shall be omitted.

(a) 1946. c.23. (b) 1957. c.7.
(c) S.R. & O. (N.I.) 1948. No. 208 as amended by S.R. & O. (N.I.) 1949. No. 195; S.R. & O. (N.I.) 1949. No. 196.
(d) S.I.1949/875 (1949 I, p. 2731).

(3) In paragraph (2) of the said regulation 4, for the word "twenty" there shall be substituted the word "forty", and in sub-paragraph (*a*) of the said paragraph (2), for the words "period of seven days immediately preceding", there shall be substituted the words "calendar week ending last before".

Provisions added to the principal regulations

4.—(1) The following provisions shall be added after regulation 4 of the principal regulations:—

"*Increase of benefit for wife*

4A. For the purposes of an increase of unemployment benefit, sickness benefit or a retirement pension under section 23 of the Act (which relates to increase of benefit for adult dependants) two spouses shall not be deemed to have ceased to reside together by reason of any absence of either or both of them while receiving medical or other treatment as an in-patient in a hospital or similar institution, notwithstanding that such absence is not temporary.

Increase of benefit for female person having care of child

4B. For the purposes of paragraph (*c*) of subsection (2) of section 23 of the Act (which paragraph relates to increase of unemployment benefit or sickness benefit for a female person, not being a child, who has the care of a child or children of the beneficiary's family) and of subsection (2A) of the said section 23 (which subsection has effect by virtue of section 3 of the Act of 1957 and relates to increase of retirement pension in respect of such a female person), the following further conditions shall apply in relation to any such female person:—

(1) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) or (2A) in respect of any such female person unless—

(*a*) she is residing with the beneficiary; or

(*b*) she is employed by the beneficiary in an employment from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of the said subsection (1) of section 23) are not less than the amount set out in the fifth column of Part I of the Second Schedule to the Act, and was so employed by him before he became unemployed or incapable of work or retired from regular employment, as the case may be, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter; or

(*c*) the beneficiary is contributing to her maintenance at a weekly rate of not less than the amount set out in the fifth column of Part I of the Second Schedule to the Act.

(2) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) or (2A) in respect of any such female person for any period during which that female person—

(*a*) is undergoing imprisonment or detention in legal custody; or

(*b*) (not being a person who is employed by, but is not residing with, the beneficiary) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary in caring for a child or children of the beneficiary's family) from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of the said subsection (1) of section 23) exceed forty shillings; or

(*c*) is absent from Northern Ireland, except in the case of sickness benefit or a retirement pension for any period during which she is residing with the beneficiary outside Northern Ireland and for which, by virtue of the provisions of regulation 5 of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948(a), the beneficiary is not disqualified for receiving that benefit.

(3) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) or (2A) in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family as specified in paragraph (*c*) of the said subsection (2), or would be so entitled but for the provisions of any regulations for the time being in force under the Act relating to overlapping benefits."

(2) The following provisions shall be added after regulation 5 of the principal regulations:—

"*Contribution to maintenance of adult dependant*

5A. For the purposes of subsection (1) of section 23 of the Act (which relates to an increase of unemployment benefit, sickness benefit or a retirement pension in respect of a wife) or of sub-paragraph (*c*) of paragraph (1) of regulation 4B—

(*a*) a beneficiary shall not be deemed to satisfy the requirement contained in the said subsection (1) or sub-paragraph (*c*) that he is contributing to the maintenance of the wife or female person, as the case may be, at a weekly rate of not less than the amount set out in the fifth column of Part I of the Second Schedule to the Act, unless when in employment, or not incapable of work, or not retired from regular employment, as the case may be (except in a case where the dependency did not arise until after that time) he contributed to her maintenance at a weekly rate of not less than that amount; and

(*b*) in a case where an increase of benefit is, apart from the said requirement, payable at a weekly rate less

(a) S.R. & O. (N.I.) 1948. No. 210 as amended by S.R. & O. (N.I.) 1949. No. 120; S.R. & O. (N.I.) 1950. No. 155; S.R. & O. (N.I.) 1951. No. 39; S.R. & O. (N.I.) 1952. No. 134; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1955. No. 117; S.R. & O. (N.I.) 1956. No. 211.

than that specified in the Second Schedule to the Act, a beneficiary shall, subject to the foregoing paragraph, be deemed to satisfy the said requirement, if he is contributing to the maintenance of the wife or female person, as the case may be, at a weekly rate of not less than that of the increase.

Children treated as included in family for increase of certain benefits

5B. For the purposes of subsection (3) of section 6 of the Act of 1957 (which provides for treating a child as included in a man's family for the purpose of an increase of unemployment benefit, sickness benefit or a retirement pension under section 22 of the Act where the beneficiary is contributing to the cost of providing for the child at a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of subsection (2) of section 3 of the Family Allowances Act (Northern Ireland), 1945(a)), the prescribed rate in relation to the said section 22 shall be a rate equal to the amount specified in the fourth column of Part I of the Second Schedule to the Act in relation to the benefit in question:

Provided that a person shall not be deemed for the purposes of the said subsection (3) to be so contributing at a weekly rate not less than the prescribed rate unless on the day for which the increase of benefit is claimed another child was, or was under subsection (2) of the said section 22 treated as, or could under paragraph 3 of the Schedule to the Family Allowances Act (Northern Ireland), 1945, have been treated as, included in his family.

Contribution towards cost of providing for child

5C.—(1) For the purposes of paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (4) of section 6 of the Act of 1957 (which, in relation to certain benefits and increases of benefit under the Act in respect of a child, makes it a condition of payment of the benefit that, unless the child is living with the beneficiary, contributions towards the cost of providing for the child are being made at a weekly rate not less than that of the amount in question), a person shall be deemed to be contributing towards the cost of providing for a child at a weekly rate not less than that required by the said subsection (4)—

(*a*) as respects any period in respect of which the child is treated as included in the person's family by virtue of subsection (3) of the said section 6 and the person is, apart from the said subsection (4), entitled to receive payment—

(i) in respect of the child, of an amount under section 22 of the Act by way of an increase of unemployment benefit, sickness benefit or a retirement pension, at the rate appropriate to the elder or eldest child of a family; and

(a) 1945. c. 19.