REGULATIONS, DATED 18TH JULY, 1950, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1950. No. 131

The Ministry of Labour and National Insurance, in exercise of the powers conferred by section 27 of the National Insurance Act (Northern Ireland), 1946, 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 (Claims and Payments) Amendment (No. 2) Regulations (Northern Ireland), 1950, shall be read as one with the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, as amended (hereinafter referred to as " the principal regulations ") and shall come into operation on the 19th July, 1950.

Amendment of the principal regulations

2. Regulation 11 and regulation 15 of the principal regulations shall be amended in accordance with the following provisions of these regulations, and shall accordingly have effect as set out in the schedule hereto.

Amendment of regulation 11 *of the principal regulations*

3. The following amendments shall be made in regulation 11 of the principal regulations :—

(1) The words " the following provisions " shall be substituted for the words " paragraphs (2) and (3) " in the opening words of paragraph (1).

(2) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of paragraph (1) :—

" (*b*) in the case of sickness benefit (and subject to the provisions relating to the time for giving notice of incapacity contained in regulation 15), payment in respect of any period more than ten days before the date on which the claim is made ; or "

(3) The words " (subject to the provisions of paragraph (5) of regulation 15) " shall be added at the beginning of paragraph (ii) of the proviso to paragraph (1), and after the word " proves " in the proviso to paragraph (2).

(4) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of paragraph (2) :—

" (*b*) in the case of sickness benefit (not being an increase of benefit in respect of a child or adult dependant),—

(i) where the proviso to paragraph (1) of regulation 15 is applicable, the period of twenty-one days, or

(ii) where the said proviso to paragraph (1) is not applicable, the period of ten days,

from the day in respect of which the claim is made ; or "

Amendment of regulation 15 *of the principal regulations*

4.—(1) For paragraphs (1) and (2) of regulation 15 of the principal regulations, there shall be substituted the following paragraphs :—

" (1) If a person fails, on becoming or again becoming incapable of work, to give to the Ministry written notice of that fact within the time prescribed in paragraph (2) of this regulation, he shall be disqualified for receiving sickness benefit in respect of any period more than three days before the date on which the notice is given :

Provided that the provisions of this paragraph shall not operate to disqualify a person for the receipt of such benefit if he has not previously made a claim for sickness benefit under the Act (including, for this purpose, a claim for any other benefit, whether under the Act or the Industrial Injuries Act, which has been treated as a claim for sickness benefit).

(2) The time within which a notice shall be given by any person for the purpose of the foregoing paragraph shall be the period of three days from the date on which that person becomes or again becomes incapable of work :

Provided that, where a person proves (subject to the provisions of paragraph (5) of this regulation) that, throughout a period commencing on or after the last day of the said period of three days and ending immediately before the day on which the notice is given, there was good cause for delay in giving such notice, the time shall, subject to the condition contained in the next succeeding paragraph, be extended to the date on which the notice is given, but in that event that person shall be disqualified for receiving sickness benefit in respect of any period more than three days before the commencement of the period throughout which there was good cause for delay in giving notice."

(2) The following paragraphs shall be added after paragraph (4) of regulation 15 of the principal regulations :—

" (5) In determining whether paragraph (ii) of the proviso to paragraph (1), or the proviso to paragraph (2), of regulation 11, or the proviso to paragraph (2) of this regulation, has been satisfied by a person who is, or has been, an in-patient in a hospital, and who either gives to the Ministry written notice that he has become or again become incapable of work, or makes a claim for sickness benefit, any such proviso shall, in relation only to that notice or claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose of any such proviso :—

(*a*) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending thirteen weeks thereafter or three weeks after the date of his discharge, whichever period is the shorter ; or

(*b*) where the person concerned has not been so discharged, the period of thirteen weeks from the date of his admission to the hospital as an in-patient.

(6) For the purposes of the last foregoing paragraph —

(*a*) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods, any such period shall be taken into account, provided the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in that paragraph does not exceed three weeks ;

(*b*) the expression " hospital " means any institution for the reception and treatment of persons suffering from illness or arrested or incomplete development of mind and any maternity home (and, for this purpose, " illness " includes mental illness and any injury or disability requiring medical treatment or nursing) ; and

(*c*) the expression " in-patient " means a person admitted as an in-patient to a hospital for the purpose of receiving there treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 18th day of July, 1950, in the presence of

(L.S.)

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

REGULATION 11 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Prescribed time for claiming benefit and disqualification where benefit not claimed within the prescribed time

11.—(1) Subject to the provisions of subsection (3) of section 27 of the Act (which subsection relates to retirement pension for a widow in receipt of widow's benefit), if a person fails to make a claim for any benefit within the prescribed time in accordance with the following provisions of this regulation, he shall be disqualified for receiving —