Classification

1948. No. 222

See p 797

Compensation

1948. No. 351

See p 810

Compensation (Temporary Provisions)

REGULATIONS, DATED 31ST JANUARY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 28

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 66 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Compensation) (Temporary Provisions) Regulations (Northern Ireland), 1948.

(2) In these regulations, unless the context otherwise requires —

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

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

" the appointed day " means the day appointed by the Ministry by order under subsection (1) of section 70 of the Act for the purpose of the transfer of the assets of the funds mentioned in the first column of the schedule to these regulations under subsection (1) of section 63 of the Act ;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Employments. (A)	*Persons treated as employers.* (B)
4. Employment of a nurse (as defined in regulation 1 (2)) as nurse for the sick or as midwife, whether under contract of service or not, not being employment specified in paragraph 3 of column (B) of the First Schedule, or paragraph 15 of column (A) of that Schedule, where the pecuniary remuneration in respect of the employment is received from a patient or from a third person (not being a person, authority or body specified in sub-paragraphs (*a*), (*b*) and (*c*) of the last preceding paragraph of this column) on behalf of such a patient.	4. The patient.

Compensation Regulations, 1948

REGULATIONS, DATED 30TH DECEMBER, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 351

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 64 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Compensation) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st January, 1949.

(2) In these regulations, unless the context otherwise requires—

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

" the Health Insurance Act " means the National Health Insurance Act, 1936;

" the Compensation (Temporary Provisions) Regulations " means the National Insurance (Compensation) (Temporary Provisions) Regulations (Northern Ireland), 1948;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland;

" existing employee " has the meaning given to that expression in regulation 2;

" cause of the claim " has the meaning given to that expression in regulation 4;

" war service " has the meaning given to that expression in regulation 8;

" normal maximum retiring age " means, in relation to an existing employee, the age at which, under any pension scheme applying to the last employment of that person by virtue of which he is an existing employee, that person would have been expected to retire from the employment in the ordinary course, or, where that person was not subject to any such provision, the age of sixty-five, in the case of a man, and sixty, in the case of a woman;

" local office " includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit;

" alternative State employment " means employment in an established capacity in the permanent civil service of Northern Ireland within the meaning of section 17 of the Superannuation Act, 1859, as applied to the civil service of Northern Ireland by the Superannuation Act, 1921;

" absorbed person " means an existing employee who has suffered an attributable loss of employment and has, not later than the 5th July, 1949, commenced alternative State employment or employment in the civil service of Northern Ireland in an unestablished capacity undertaken under arrangements made by the Civil Service Commission for Northern Ireland or the Ministry of Finance for assisting persons who lose their employment in consequence of the passing of the Act, and any reference to employment by virtue of which a person is an absorbed person shall be construed as referring to alternative State employment or employment in the civil service of Northern Ireland in an unestablished capacity so undertaken;

" non-absorbed person " means an existing employee who is not an absorbed person;

" attributable " means, in relation to loss of employment or to loss or diminution of emoluments or of pension rights, directly attributable to the passing of the Act or the making of any regulations thereunder;

" loss of employment " means the loss by an existing employee of employment by virtue of which he is an existing employee;

" loss or diminution of emoluments or of pension rights " means the loss or diminution in the case of an existing employee of emoluments or of pension rights associated with an employment by virtue of which he is an existing employee;

" pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions to a pension fund;

" pension fund " means, subject to the provisions of paragraph (3) of this regulation, a fund established for the purpose of paying pensions;

" pension rights" includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person;

" pension scheme " includes, subject to the provisions of paragraph (3) of this regulation, any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

" pensionable employee " has the meaning given to that expression in regulation 20;

" non-pensionable employee " means an existing employee who is not a pensionable employee;

" emoluments " means all salary, wages, commission, fees and other similar payments, together with any bonus, allowance or overtime pay incorporated in the general wages structure, including any regularly recurring overtime, and the money value of any personal travel privileges appertaining to an employment, but does not include payments for travelling on duty, subsistence, clerical assistance, office accommodation or overtime pay not incorporated as aforesaid;

" net emoluments ", in relation to an existing employee who suffers an attributable loss of employment or loss or diminution of emoluments or of pension rights, means the normal annual rate of his salary or wages immediately before such loss or diminution (or immediately before the appointed day, if that is earlier) together with the amount of any other emoluments during the preceding twelve months after deducting from such rate or amount the like percentage (if any) thereof as he was then liable to contribute under any pension scheme associated with his employment:

Provided that, where the sum of that rate and amount before such deduction exceeds four thousand pounds, the excess shall be disregarded;

" the Superannuation Regulations " means the National Insurance and Civil Service (Superannuation) Regulations (Northern Ireland), 1948;

" tribunal " means a referee or board of referees appointed by the Minister of Labour and National Insurance;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to a pension scheme or pension fund shall not apply to any such scheme or fund unless provision is made, either by statute relating to the scheme or fund or by trust deed,

rules or other instrument made for the purposes thereof, as to the conditions upon which—

(*a*) in the case of a contributory scheme or fund, persons may become and cease to be contributors; and

(*b*) in every case, persons may become, and cease to be, entitled to benefits.

(4) References in these regulations to any enactment, rules or regulations shall include references to such enactment, rules or regulations as amended by any subsequent enactment, order, rules or regulations.

(5) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Persons eligible for award of compensation

Existing employees.

2.—(1) These regulations apply to persons (in these regulations called "existing employees") in respect of whom the following conditions are fulfilled, that is to say—

(*a*) that they were on the 31st July, 1946, employed full time and had either during the period from the 5th July, 1940, to the 31st July, 1946, or during the period from the 1st August, 1944, to the 31st July, 1946, been so employed—

(i) by an approved society or by some other body (including a body of which the society was a branch or section) administering the affairs of an approved society, not being persons who were so employed wholly or mainly on business other than health insurance business, or

(ii) in connection with any special scheme under section 77 of the Unemployment Insurance Act (Northern Ireland), 1936, by the body charged with the administration of the scheme; and

(*b*) that they attained the age of eighteen years before the 5th July, 1940, and were, or continued to be, employed full time by such society or body as is mentioned in the foregoing condition during such part or parts of the period from that date until the appointed day (or, where the cause of the claim under these regulations arises before the appointed day, until the date of its arising) as are not included in the period of employment applicable to them under that condition.

(2) For the purposes of the preceding paragraph, employments under successive employers shall be aggregated, and the conditions as to full time employment shall be deemed to be satisfied notwithstanding