Unemployment Benefit : Residence Condition

1948. No. 207

See p 961

Unemployment and Sickness Benefit Regulations (Northern Ireland), 1948

REGULATIONS, DATED 24TH JUNE, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended SR&O (N.I.) 1949 no 197 1948. No. 248

The National Insurance Joint Authority, 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 powers conferred by sections 9 to 12, 23 and 24 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 24th June, 1948.

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

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

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

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

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

"insurance officer", "local tribunal" and "the umpire" have the same meanings as in the Determination of Claims and Questions Regulations;

"the determining authority" means, as the case may require, an insurance officer, a local tribunal or the umpire;

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

(3) References in these regulations to any enactment or regulations shall include a reference 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.

Contributions treated as equivalent to contributions of the appropriate class.

2. For the purposes of satisfying the contribution condition for unemployment benefit and sickness benefit set out in sub-paragraph (*b*) of paragraph 1 of the Third Schedule to the Act, the following provisions shall apply :—

(1) Where an insured person has paid the twenty-sixth contribution of the appropriate class since his entry into insurance, any contributions as an insured person under the Act not of the appropriate class which have been paid by or credited to him in respect of the period beginning with the commencement of the last complete contribution year before the benefit year which includes the contribution week in respect of which the said twenty-sixth contribution was paid and terminating with that week shall be treated as equivalent to contributions of the appropriate class.

(2) Notwithstanding that paragraph (1) of this regulation has been applied to an insured person in relation to sickness benefit, that insured person shall be entitled to the benefit of that provision in relation to unemployment benefit if he subsequently completes the payment of the twenty-sixth contribution of the appropriate class for the purposes of the latter benefit.

(3) Where not less than thirty-nine contributions of the appropriate class, or contributions treated as equivalent thereto by virtue of paragraph (1) of this regulation, have been paid by or credited to an insured person for the relevant year, contributions as an insured person of any class (not being contributions of the appropriate class nor contributions in the last complete contribution year treated as equivalent thereto by virtue of the said paragraph (1)) paid by or credited to that insured person in respect of the relevant year shall be treated as equivalent to contributions of the appropriate class.

(4) (*a*) References in this regulation to " contributions of the appropriate class " shall be construed—

(i) in relation to unemployment benefit, as references to contributions as an employed person ; and

(ii) in relation to sickness benefit, as references to contributions as an employed or self-employed person.

(*b*) References in the last preceding paragraph to " the relevant year " shall be construed as references to the last complete contribution year before the beginning of

the benefit year which includes the day for which benefit is claimed.

Persons deemed to be incapable of work.

3. A person who is not incapable of work shall, if an insurance officer, a local tribunal or the umpire, as the case may be, so determines, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which he satisfies the conditions specified in paragraph (*a*) or paragraph (*b*) below, namely :—

(*a*) that he is under medical care in respect of a disease or disablement as aforesaid ; that it is certified by a registered medical practitioner that by reason of such disease or disablement he should abstain from work ; and that he does not work ; or

(*b*) that he is excluded from work on the certificate of a medical officer of health of a local authority ; and that he is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

Special provisions relating to day substituted for Sunday.

4.—(1) For the purposes of paragraph (*d*) of subsection (2) of section 10 of the Act (which paragraph relates to disregarding Sunday or some other prescribed day for the purpose of unemployment and sickness benefit), in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday the said day shall be substituted for Sunday for the purposes of the said paragraph.

(2) If in any such case as is mentioned in the last preceding paragraph any unemployment or sickness benefit is payable in respect of a Sunday and industrial injury benefit under the Industrial Injuries Act is also payable in the same contribution week in which that Sunday occurs in respect of the day substituted by that paragraph any such unemployment or sickness benefit shall be treated for the purposes of the provisions of any regulations for the time being in force under the Act relating to overlapping benefits as if it were payable in respect of the said substituted day in that contribution week.

Night workers.

5.—(1) The following provisions shall apply in relation to night workers for the purposes of unemployment and sickness benefit :—

(*a*) Where a period of employment begun on a Saturday extends over midnight into Sunday, the person employed shall, in respect of such period, be treated as having been employed on Saturday only, which day shall not be treated as a day of interruption of employment ; and

(*b*) where a period of employment begun on a Sunday extends over midnight into Monday, the person employed shall, in respect of such period, be treated as

having been employed on Monday only, which day shall not be treated as a day of interruption of employment; and

(*c*) where a period of employment begun on any day other than Saturday or Sunday extends over midnight into the following day, the person employed shall, in respect of such period—

(i) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or

(ii) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) In any case where the day to be disregarded in accordance with paragraph (*d*) of subsection (2) of section 10 of the Act is a day other than Sunday, references to Sunday in the last preceding paragraph shall be construed as referring to that other day, and references to Saturday and Monday in relation to Sunday shall be construed accordingly.

Days not to be treated as days of unemployment or incapacity for work.

6.—(1) For the purposes of unemployment and sickness benefit—

(*a*) a day shall not be treated as a day of interruption of employment if it is a day in respect of which a person fails to prove, in such manner as the Ministry shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;

(*b*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;

(*c*) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness benefit;

(*d*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding that his employment has terminated, continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received for that day if the employment had not been

terminated ; and, for the purpose of this sub-paragraph, any day occurring within thirteen weeks of the termination of the employment, in respect of which a person receives payment by way of compensation for loss of remuneration, shall not be treated as a day of unemployment, if the payment of compensation for loss of remuneration in respect of that day exceeds the amount arrived at by deducting two-thirds of the benefit to which that person would be entitled if the day in question were a day of unemployment for which benefit was payable from two-thirds of the remuneration lost in respect of that day ;

(*e*) a day shall not be treated as a day of unemployment if on that day a person does no work, and—

(i) is on holiday ; or

(ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by paragraph (1) of regulation 4) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case ;

(*f*) a day shall not be treated as a day of incapacity for work if on that day a person is attending at a training course provided by the Ministry, or at a training course or course of instruction provided in pursuance of arrangements made with the Ministry by any public authority, firm or person, and payment of training allowance is made by or on behalf of the Ministry to the said person so attending for his attendance at any of the said courses ;

(*g*) a day shall not be treated as a day of incapacity for work if a person does any work on that day as an employed or self-employed person, other than such work as is referred to in sub-paragraph (iii) of paragraph (*d*) of regulation 10 ;

(*h*) (subject to the provisions of regulation 7) a day shall not be treated as a day of unemployment if on that day an insured person is following any gainful occupation, unless—

(i) that occupation could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment ; and

(ii) the earnings derived therefrom, in respect of that day, do not exceed three shillings and fourpence, or where the earnings are earned in