General Transitional Regulations

REGULATIONS, DATED 3RD JULY, 1948, 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.

1948. No. 239

The National Insurance Joint Authority and the Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by sections 62 and 66 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (General Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 3rd July, 1948.

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

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

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

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

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

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

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

"the Contributory Pensions Act of 1937" means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937;

"the Health and Pensions Act of 1939" means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

"the Family Allowances Act" means the Family Allowances Act (Northern Ireland), 1945;

" the repealed enactments " means the Unemployment Insurance Acts, the Health Insurance Acts and the Contributory Pensions Acts (other than those provisions thereof not repealed by the Act);

" the Residence and Persons Abroad Regulations " means the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948;

" the Contributions Regulations " means the National Insurance (Contributions) Regulations (Northern Ireland), 1948;

" the Married Women Regulations " means the National Insurance (Married Women) Regulations (Northern Ireland), 1948;

" the Pensions Existing Beneficiaries Regulations " means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948;

" the Pensions Existing Contributors Regulations " means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948;

" the Employment Outside the United Kingdom Regulations " means the Unemployment Insurance (Employment Outside the United Kingdom) Regulations (Northern Ireland), 1939;

" the Arrears Regulations " means the National Health Insurance (Arrears) Regulations, 1937;

" the Claims and Payments Regulations " means the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948;

" the Overlapping Benefits Regulations " means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1948;

" the Increase Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946;

" the Sickness Benefit Transitional Regulations " means the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland), 1948;

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

" existing old age pensioner " means an existing beneficiary who immediately before the appointed day was entitled to an old age pension under or by virtue of the Contributory Pensions Acts;

" existing widow pensioner " means an existing beneficiary, being a woman, who immediately before the appointed day was, or but for any disqualification would have been, entitled to a widow's pension under the Contributory Pensions Acts;

" existing pensions contributor " means an existing contributor who immediately before the appointed day was insured under the Contributory Pensions Acts;

" first normal contribution year " means the contribution year applicable to a person under regulation 2 of the National Insurance (General Benefit) Regulations (Northern Ireland), 1948, commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

" first normal benefit year " means the benefit year applicable to a person under the said regulation 2 commencing, as the case may be, on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

" health insurance contribution year " means a contribution year as defined in section 226 of the Health Insurance Act of 1936;

" special voluntary contributor " means a voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937;

" pensions voluntary contributor " means a voluntary contributor by virtue of the said Act other than a special voluntary contributor;

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.

PART II

Insurance and contributions

Certain existing contributors to be insured under the Act.

2.—(1) As from the appointed day—

(*a*) every existing contributor under the Unemployment Insurance Acts who on that day is in employment outside Northern Ireland to which the Employment Outside the United Kingdom Regulations applied immediately before that day; and

(*b*) every existing contributor under the Health Insurance Acts or the Contributory Pensions Acts who on that day is outside Northern Ireland;

shall, if he is then under pensionable age, become insured under the Act and thereafter continue throughout his life to be so insured.

(2) Every existing contributor under the Contributory Pensions Acts, who attains pensionable age on the appointed day and who has been continuously insured under those Acts for the purpose of old age pensions for the period of five years immediately preceding that day, shall become insured under the Act on that day and thereafter continue throughout his life to be so insured.

Contributions by certain existing contributors outside Northern Ireland.

3.—(1) In the application of regulation 3 of the Residence and Persons Abroad Regulations (which regulation relates to contributions as a self-employed person or a non-employed person in respect of periods outside Northern Ireland) to a person who becomes insured under the Act by virtue of these regulations and who—

(*a*) was employed outside Northern Ireland immediately before the appointed day in an employment to which the Employment Outside the United Kingdom Regulations applied; or

(*b*) was employed outside Northern Ireland immediately before that day in an employment which was an employment prescribed for the purposes of section 1 of the Health and Pensions Act of 1939 (which section relates to certain war occupations outside the United Kingdom being treated as employment within the meaning of the Health Insurance Acts);

the conditions contained in sub-paragraph (*b*) (i) of paragraph (2) thereof shall be deemed to be satisfied.

(2) Notwithstanding the repeal of the Contributory Pensions Acts, any person who on the appointed day would, but for the Act, have been entitled to pay contributions in accordance with paragraph (*c*) of subsection (1) of section 2 or by virtue of section 4 of the Health and Pensions Act of 1939 (which sections relate to the extension of insurance of persons engaged in certain war occupations) in respect of any employment before that day prescribed for the purposes of the said section 2, shall be entitled to pay any such contributions within the period of six months from the termination of the employment or within twelve months from the appointed day, whichever ends first, and the provisions of these regulations relating to existing contributors shall apply accordingly.

Exceptions and credits for certain existing contributors, etc.

4.—(1) For the purposes of regulation 2 of the Contributions Regulations (which regulation relates to exceptions and credits for unemployment), Condition I of the schedule to those regulations shall be deemed to be satisfied—

(*a*) in the case of an existing contributor under the Health Insurance Acts and the Contributory Pensions Acts (other than a voluntary contributor under those Acts), in respect of any week in the period before the 4th October, 1948; and

(*b*) in the case of an existing contributor entitled to unemployment benefit, in respect of any week in the period before the commencement of his first normal benefit year.

(2) For the purposes of regulation 3 of the said regulations (which regulation relates to exceptions and credits for incapacity), the said Condition I shall be deemed to be satisfied in the case of an existing contributor under the Health Insurance Acts by or in respect of whom not less than twenty-six contributions under those Acts have been paid or deemed to have been paid or are treated as paid or are left out of account for the purpose of calculating arrears in the relevant health insurance contribution year, in respect of any week in the period from the appointed day to the commencement of his first normal benefit year.

(3) For the purposes of the said regulation 3, Condition III of the said schedule shall be deemed to be satisfied—

(*a*) in the case of an existing contributor under the Health Insurance Acts or the Contributory Pensions Acts (other than a person to whom the following sub-paragraph applies) who fails to satisfy Condition I or II of the said schedule, but in respect of whom no account is taken of arrears of contributions accruing by reason of incapacity occurring immediately before the appointed day, in respect of any week in the period during which he continues to be incapable of work; and

(*b*) in the case of a person who is an existing contributor under the Contributory Pensions Acts only (being a pensions voluntary contributor or a special voluntary contributor) who is normally engaged in some gainful occupation and by whom not less than one hundred and four contributions have been paid under those Acts and who was immediately before the appointed day incapable of work and continued to be so incapable for not less than thirteen weeks, in respect of any week in the period from the end of the thirteenth week of incapacity during which he continues to be incapable of work:

Provided that, in the case of an existing contributor under the Contributory Pensions Acts only, contributions shall be credited to him as a non-employed person and not as a self-employed person.

(4) In the application of regulation 8 or 9 of the said regulations (which regulations relate respectively to attendance allowance and maternity allowance) to an existing contributor under the Health Insurance Acts, paragraph (*a*) of the said regulation 8 shall be deemed to be satisfied—

(*a*) in respect of any week in the period for which she is in receipt of an attendance allowance which was awarded in respect of a confinement occurring before the commencement of her first normal contribution year, if not less than twenty-