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.

Appointed Day
1948. No. 32
See p. 681.

Approved Societies
1948. No. 92
See p. 682.
1948. No. 243
See p. 685.

Asylum Officers
1948. No. 70
See p. 687.

Claims and Payments
1948. No. 196
See p. 692.

Classification Regulations

REGULATIONS, DATED 2ND JULY, 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. 222

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 powers conferred by sections 1 and 8 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Classification) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 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 for Northern Ireland;

"nurse" means any person who is a registered nurse, an enrolled assistant nurse, or a certified midwife within the meaning of the Nurses Acts (Northern Ireland), 1919 and

1946, or the Midwives (Ireland) Act, 1918, as the case may be, and any other person who is within a class of persons prescribed in any regulations for the time being in force under subsection (1) of section 7 of the Nurses Act (Northern Ireland), 1946;

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics and out-patient departments maintained in connection with any such institution or home as aforesaid;

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.

Classification of insured persons.

2. For the purposes of the Act, the classification of insured persons shall be modified in manner following, that is to say:—

(1) Subject to the provisions of paragraphs (2) and (3) of this regulation, every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part I of the First Schedule to these regulations, be treated as an employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part.

(2) Subject to the provisions of paragraph (3) of this regulation, every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part II of the said First Schedule, be treated as a self-employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part.

(3) Every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part III of the said First Schedule, be treated as a non-employed person, and any such employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph of column (B) of that Part.

Employments treated as continuing.

3. For the purposes of the Act, the employment of a person shall be treated as continuing in the circumstances specified in the Second Schedule to these regulations.

Special provisions with respect to persons declared by Supreme Court to be included in a particular class of insured persons.

4.—(1) Where, under the provisions of the Act relating to references and appeals to the Supreme Court, the Supreme Court decide any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Ministry, then, if the Ministry is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, it may, if it appears to it that it would be in the interests of the person by or in respect of whom such contributions have been paid, or of any claimant or beneficiary by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution weeks for which contributions of a prior class were so paid before the date on which the decision of the Supreme Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(2) In any case where the Ministry, on new facts being brought to its notice, has revised a determination of a question previously given by it, the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the Supreme Court have given a decision inconsistent with a determination previously given by the Ministry.

(3) In this regulation, the expression "contributions of a prior class" means, in relation to a non-employed person, contributions as an employed or self-employed person and employer's contributions, and, in relation to a self-employed person, contributions as an employed person and employer's contributions.

Persons to be treated as employers.

5. In relation to any employment specified in column (A) of the Third Schedule to these regulations, the person specified opposite thereto in column (B) of that Schedule shall for the purposes of the Act be treated as the employer of the employed person concerned.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of July, 1948, in the presence of

L.S.

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

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of July, 1948, in the presence of

L.S.

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

Regulation 2.

FIRST SCHEDULE

PART I

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons. (A)	*Persons excepted from the operation of column (A).* (B)
1. Employment under a public or local authority constituted in Northern Ireland (not being employment under the Crown) notwithstanding that it is not employment under a contract of service.	1. Any person in employment specified in paragraph 1 of column (A) where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment, the aggregate service performed by him in those employments) is part-time service only, or where that employment is— (*a*) as a medical practitioner or dental practitioner on the list of the Northern Ireland General Health Services Board under the Health Services Act (Northern Ireland), 1948; (*b*) as a chaplain or other minister of religion; (*c*) otherwise than as an officer or servant of a public or local authority.
2. Employment of a medical practitioner or a dental practitioner— (*a*) involving whole-time service in any hospital; or (*b*) in which he is wholly or mainly engaged and is remunerated by salary.	2. None.
3. Employment of a nurse (as defined in regulation 1 (2)) as nurse for the sick or as midwife, notwithstanding that the employment is not under a contract of service.	3. Any person in employment specified in paragraph 3 of column (A) in any contribution week in which that person is not exclusively so employed by one employer for at least one day.
4. Employment in Northern Ireland in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.	4. None.