Insurance Industry Special Scheme

1948. No. 199

See p 877

Mariners

1948. No. 236

See p 879

Married Women

1948. No. 220

See p 890

Maternity Benefit

REGULATIONS, DATED 21ST JUNE, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended S Roo 1949(No.1)75 1948. No. 238

The National Insurance Joint Authority, in exercise of the powers conferred by sections 13 (3) and (6), 14 and 15 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 (Maternity Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 21st June, 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;

"the determining authority" means an insurance officer, a local tribunal or the umpire, as the case may require, appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948;

Married Women 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. 220

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by sections 12 (4) and 56 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 (Married Women) 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 Insurance Act" means the National Health Insurance Act, 1936;

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

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

"contribution year" and "benefit year" have the same meanings as in the National Insurance (General Benefit) Regulations (Northern Ireland), 1948;

"week" means a contribution week;

"marriage" includes any remarriage, and the word "married", wherever it occurs, shall be construed accordingly;

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.

2.—(1) (*a*) A woman may elect not to be, and thereafter (subject to the provisions of paragraph (2) of this regulation) shall not be, liable to pay contributions under the Act in respect of any employment as an employed person for any period during which she is married. Married women who are employed persons.

(*b*) Nothing in this regulation shall relieve an employer of any liability imposed on him by the Act in relation to employer's contributions.

(2)—(*a*) Any such election by a married woman not to pay contributions as an employed person may be made by her at any time by giving notice in writing to the Ministry to that effect, and the election shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Ministry may allow.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice to the Ministry to that effect, and such cancellation shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Ministry may allow:

Provided that such cancellation shall be without prejudice to the right of the person concerned again to make any such election from time to time.

(3)—(*a*) A married woman who has elected not to pay contributions in accordance with the provisions of this regulation, and who is at the time of the election in an employed contributor's employment or thereafter enters such employment, shall, at that time or at the commencement of the subsequent employment, as the case may be, make application to the Ministry for a certificate of such election, which shall be issued to her by the Ministry on any such application, and the married woman shall produce such certificate to her employer forthwith.

(*b*) If a married woman cancels any such election in accordance with the provisions of this regulation, she shall surrender the certificate to the Ministry at the time of the cancellation, and forthwith notify her employer of the cancellation.

(4) Where a married woman has cancelled her election not to pay contributions as an employed person, any contributions paid by or credited to her as an employed person (or, if she becomes self-employed, as a self-employed person) on or after the date on which the cancellation became operative shall not be taken into account for the purpose of determining her right to unemployment benefit or sickness benefit under the Act unless, before the day for which benefit is claimed, in the case of unemployment benefit, Condition I of the schedule to these regulations has been satisfied, and, in the case of sickness benefit, Condition II of that schedule has been satisfied, and unless in either case the contributions so paid or credited are in respect of weeks commencing on or after the operative date of the said cancellation.

Married women who are self-employed persons.

3.—(1) (*a*) A woman shall be excepted from liability to pay contributions in respect of any employment as a self-employed person for any period during which she is married unless she elects (in accordance with paragraph (2) of this regulation) to be liable to pay those contributions.

(*b*) Where a married woman has not elected under the foregoing provision of this paragraph to pay contributions as a self-employed person, she may elect (subject to the provisions of regulations 5 and 6) to pay contributions as if she were a non-employed person, notwithstanding that she is a self-employed person.

(2)—(*a*) (i) Any such election by a married woman to pay contributions, either as a self-employed person or as if she were a non-employed person, in respect of self-employment existing at the date of her marriage (or at the appointed day if the marriage took place before the appointed day) shall be made by her by giving notice in writing to the Ministry not later than thirteen weeks after the date of the marriage or the appointed day, as the case may require, or within such longer period as the Ministry may, having regard to all the circumstances of the case, allow, and, if so made, such election shall (subject to the provisions of regulations 5 and 6) be operative from the date of the marriage or the appointed day, as the case may be; but, if not so made within the foregoing appropriate period, any such election shall (subject as aforesaid) be operative from the beginning of the week in which the said notice was given.

(ii) Any such election by a married woman to pay contributions either as a self-employed person or as if she were a non-employed person in respect of self-employment commencing after the date of the marriage or after the appointed day, as the case may be, shall be made by her by giving notice in writing to the Ministry not later than eight weeks after the commencement of the employment, or within such longer period as the Ministry may, having regard to all the circumstances of the case, allow, and, if so made, such election shall (subject to the provisions of regulations 5 and 6) be operative from the commencement of the employment; but, if not so made within the foregoing appropriate period, any such election shall (subject as aforesaid) be operative from the beginning of the week in which the said notice was given.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Ministry to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

(3) Where a married woman did not elect to pay contributions as a self-employed person under the Act, or elected to pay contributions as if she were a non-employed person, and subsequently elects to pay contributions as a self-employed person, any contributions paid by or credited to her as a self-employed person (or, if she becomes employed,

as an employed person) on or after the date on which such latter election became operative shall not be taken into account for the purpose of determining her right to sickness benefit under the Act unless, before the day for which benefit is claimed, Condition II of the schedule to these regulations has been satisfied, and unless the contributions so paid or credited are in respect of weeks commencing on or after the operative date of such election.

Married women who are non-employed persons.

4.—(1) A woman shall be excepted from insurance under the Act during any period during which she is married and is a non-employed person unless she elects (in accordance with paragraph (2) of this regulation, but subject to the provisions of regulations 5 and 6) either to be liable to pay contributions as a non-employed person or to remain in insurance under the Act without paying contributions:

Provided that no such person—

(*a*) shall be entitled to make either of the foregoing elections if immediately before the appointed day she was a married woman and not insured or treated as insured within the meaning of the Insurance Act or the Contributory Pensions Act unless and until Condition II of the schedule to these regulations has been satisfied in respect of weeks commencing on or after the appointed day;

(*b*) shall be entitled to elect to remain in insurance without paying contributions unless immediately before the date on which the election would otherwise be effective she satisfies one of the following conditions, namely:—

(i) that not less than one hundred and fifty-six contributions, whether as an employed person or self-employed person, have been paid in respect of her since her entry into insurance under the Act; or

(ii) in the case of a person who became insured under the Insurance Act or the Contributory Pensions Act before the 30th September, 1946, and who continued to be insured or treated as insured under either of those Acts up to immediately before the appointed day, that not less than one hundred and four contributions have been paid in respect of her before that day under those Acts since her last entry into insurance under either of those Acts; or

(iii) in the case of a person who became so insured on or after the said 30th September, or, having become so insured before that day, had had less than one hundred and four such contributions so paid in respect of her before the appointed day, and who in either case continued to be insured or treated as insured under either the Insurance Act or the Contributory Pensions Act up to immediately