Contributions 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.

Amended 1949 SR&O (N.I.) 123 & 149

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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 the powers conferred by sections 2 (5), 4 (4), 5, 7 and 58 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 (Contributions) 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 Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;

" 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;

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

" certificate of exception " means, except in relation to regulation 6; a certificate issued for the purposes of the provisions of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of section 5 of the Act;

" an employed contributor's employment " includes (in relation to regulations 2 and 3 only) any employment before the appointed day which would have been treated as an employed contributor's employment if the Act and the regulations made thereunder had been in operation during that employment;

and other expressions have the same meanings as in the Act, or, as the case may require, the Industrial Injuries 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

Exceptions and credits

Unemployment.

2. Subject to the provisions of paragraphs (1), (3) and (4) of regulation 4,—

(*a*) an insured person shall be excepted from liability to pay a contribution under the Act for any week of unemployment if Condition I or Condition II of the schedule to these regulations has been satisfied, and a contribution as an employed person shall be credited to him for that week;

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied if the insured person proves to the satisfaction of the Ministry that he has become unemployed following employment in an employed contributor's employment and that he will normally rely upon such employment for his livelihood;

(*b*) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of unemployment, not being a week of unemployment in respect of which a contribution is credited under paragraph (*a*) of this regulation.

Incapacity for work.

3.—(1) Subject to the provisions of paragraph (2) of this regulation and paragraphs (2), (3) and (4) of regulation 4,—

(*a*) an insured person shall be excepted from liability to pay a contribution under the Act for any week of incapacity for work if any one of the Conditions contained in the schedule to these regulations has been satisfied, and a contribution shall be credited to him for that week as follows:—

(i) if Condition I or Condition II of the said schedule has been satisfied, a contribution as an employed person:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Ministry that he became

incapable of work following employment in an employed contributor's employment, and that he will normally rely upon such employment for his livelihood;

(ii) if Condition III or Condition IV of the said schedule has been satisfied (but not Condition I or Condition II thereof), a contribution as a self-employed person:

Provided that if the said Condition IV is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Ministry that he became incapable of work following employment in an employed contributor's employment or as a self-employed person, and that he will normally rely upon any such employment for his livelihood;

(*b*) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of incapacity for work if none of the Conditions contained in the said schedule has been satisfied.

(2) Notwithstanding anything contained in the foregoing provisions of this regulation, where industrial injury benefit is payable to an insured person under the Industrial Injuries Act in respect of a week of incapacity for work, that person shall be excepted from liability to pay a contribution under the Act, and a contribution as an employed person shall be credited to him for that week.

Provisions determining days of unemployment or incapacity for work.

4.—(1) For the purposes of regulation 2 (which relates to unemployment), a day shall not be a day of unemployment unless on that day the person concerned is capable of work, and is, or is deemed in accordance with any regulations made under sub-paragraph (i) of paragraph (*a*) of subsection (2) of section 10 of the Act (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(2) For the purposes of regulation 3 (which relates to incapacity for work), the following provisions shall apply:—

(*a*) A day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations made under sub-paragraph (ii) of the said paragraph (*a*) (which sub-paragraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(*b*) Any period in respect of which a person is, under subsection (1) of section 32 of the Industrial Injuries Act, disqualified

for receiving industrial injury benefit, or in respect of which a forfeiture of such benefit is operative by reason of regulations made under subsection (2) of the said section (other than a a forfeiture for failure to make a claim for benefit within the prescribed time), shall not be a period of incapacity for work.

(3) For the purposes of regulation 2 and regulation 3, the following provisions shall apply:—

(*a*) A day which is, in accordance with any regulations made under subsection (3) of the said section 10 (which subsection relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes.

(*b*) Any period in respect of which a person is disqualified for receiving either unemployment benefit or sickness benefit by reason of the provisions of section 12 of the Act (which section relates to disqualification for unemployment benefit and sickness benefit) or any regulations made thereunder, shall not be a period of unemployment or incapacity for work, as the case may be.

(*c*) Any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (*a*) of subsection (1) of section 28 of the Act (which paragraph relates to disqualification for benefit by reason of being absent from Northern Ireland) shall not be a period of unemployment or incapacity for work, as the case may be.

(4) For the purposes of regulation 2 and regulation 3, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of that week, if Condition I or Condition II of the schedule to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition III or Condition IV of that schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulations shall be construed accordingly.

Penal servitude, imprisonment or detention in legal custody.

5.—(1) (*a*) An insured person shall be excepted from liability to pay a contribution under the Act for any week during the whole of which he is undergoing penal servitude, imprisonment or detention in legal custody, but contributions under these regulations shall not be credited in respect of any such week except in respect of any week for which on release sickness benefit or industrial injury benefit is payable in accordance with regulations made under the Act or the Industrial Injuries Act, as the case may be, and then only in accordance with and subject to the provisions of regulations 3 and 4.

(*b*) If any person to whom sub-paragraph (*a*) of this paragraph is applicable so desires, he may for any such week pay a contribution as a non-employed person, and if immediately before the commencement of any such penal servitude, imprisonment or detention in legal custody he was a self-employed person, he may instead for any such week pay a contribution as a self-employed person (in either case not being a week for which a contribution is credited under the provisions of the said sub-paragraph (*a*)).

Unemployability supplement.

(2)—(*a*) An insured person shall be excepted from liability to pay a contribution under the Act as a non-employed person for any week in respect of which he is receiving an unemployability supplement, but contributions shall not be credited in respect of any such week under this provision, although, if he so desires, the insured person may for any such week pay a contribution as a non-employed person.

(*b*) The expression "unemployability supplement" means, for the purposes of this regulation, a payment by way of unemployability supplement under the provisions of section 13 or section 81 of the Industrial Injuries Act or a supplement on account of unemployability payable by virtue of any Service Pensions Instrument as defined in paragraph (2) of regulation 1 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1948.

Persons in receipt of widow's benefit or retirement pension by virtue of husband's insurance.

6.—(1) A woman shall be excepted from liability to pay a contribution under the Act to the extent and subject to the conditions set out below in respect of any week for which widow's benefit (not being a widow's basic pension within the meaning of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948), or a retirement pension by virtue of her husband's insurance (not being a contributory old age pension within the meaning of the last mentioned regulations), is payable to her as the widow of her husband, or would be so payable but for the provisions of subsection (3) of section 16 or subsection (5) of section 19 of the Act (which subsections relate to the reduction, based on earnings, of certain allowances and pensions), namely:—

(*a*) if she has made application to the Ministry for a certificate of exception from such liability and that application has been