Given under the Official Seal of the National Insurance Joint Authority this 22nd day of December, nineteen hundred and forty-eight.

L.S.

S. S. Menneer,
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of December, nineteen hundred and forty-eight.

L.S.

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

Pensions

1948. No. 39
See p. 730.
1948. No. 129
See p. 743.

Reciprocal Arrangements with Great Britain

1948. No. 45
See p. 760.

Residence and Persons Abroad 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. 210 Amended 1949 S.R.&O. (N.I.) 120

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, 13, 28 and 57 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 (Residence and Persons Abroad) 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;

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.

Residence condition

Condition as to residence in Northern Ireland.

2. For the purposes of subsection (1) of section 1 of the Act (which subsection provides for persons who are in Northern Ireland becoming insured under the Act subject to such conditions as may be prescribed as to residence in Northern Ireland), the condition as to residence in Northern Ireland shall be that a person must have been resident in Northern Ireland for a continuous period of twenty-six weeks terminating on or after the appointed day and on or after attaining school leaving age:

Provided that—

(*a*) this condition shall not apply to the following persons as from the respective dates mentioned below:—

(i) (subject to the provisions of paragraph (*b*) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person—as from the date on which he becomes such a person;

(ii) in the case of a person who came to Northern Ireland from a place outside the British Islands and but for the said foregoing provision would be a self-employed person or a non-employed person and who notifies the Ministry that this condition shall not apply to him—as from the date of such notification;

(iii) in the case of a person over school leaving age and under the age of eighteen who came to Northern Ireland for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied—as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still existing on, the appointed day, as from that day;

(*b*) where an employed person (not being an existing contributor within the meaning of any regulations made under section 62 of the Act) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in the United Kingdom and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in the United Kingdom, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Act.

Payment of contributions in respect of periods abroad

Contributions as a non-employed or self-employed person in respect of periods outside Northern Ireland, etc.

3.—(1) Where an insured person is throughout any contribution week outside Northern Ireland and is not in that week an employed person, he shall not be liable to pay any contributions as an insured person for that week.

(2)—(*a*) Subject to the conditions specified in sub-paragraph (*b*) of this paragraph, an insured person shall, for any week during the whole of which he is outside Northern Ireland, and for which by virtue of paragraph (1) of this regulation he is not liable to pay a contribution as an insured person, be entitled to pay a contribution as a non-employed person or, if he so desires and is gainfully occupied in that week, as a self-employed person.

(*b*) The conditions referred to in the preceding sub-paragraph are:—

(i) either that, subject to the provisions of sub-paragraph (*c*) of this paragraph, not less than one hundred and fifty-six contributions of any class under the Act had been paid by him as an insured person, or, alternatively, that he had been resident in Northern Ireland for a continuous period of not less than three years at any time before the week in question; and

(ii) that in either case he exercises the option to pay contributions in respect of any period during which he is outside Northern Ireland before the expiration of twenty-six weeks from the date on which the period commenced.

(*c*) For the purposes of the first of the alternative conditions contained in sub-paragraph (*b*) (i) of this paragraph, the following provisions shall apply:—

(i) 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 an insured person