except that a local tribunal or the umpire, instead of themselves or himself referring a question for determination in accordance with subparagraph (*a*) of the last foregoing paragraph, shall direct it to be so referred by the insurance officer.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 12th day of June, 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 12th day of June, 1948, in the presence of

(L.S.) *John I. Cook,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

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**Determination of Claims and Questions (Transitional)**

1948. No. 233

*See* p 844

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**General Benefit**

1948. No. 208

*See* p 849

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**General Transitional Regulations**

1948. No. 239

*See* p 860

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**Guardian's Allowances**

1948. No. 235

*See* p 875

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SCHEDULE

QUESTIONS TO BE DETERMINED BY THE MINISTRY UNDER REGULATION 2 (1)

1. Whether any employment or any class of employment was employment within the meaning of any of the repealed enactments, or whether a person was a person employed within the meaning of any of those enactments.

2. Whether any employment or class of employment was an excepted employment or any particular class of excepted employment within the meaning of the Health Insurance Acts, or is an employment which would, but for the Act, have been an excepted employment or any particular class of excepted employment within the meaning of those Acts.

3. Whether any employment which was, or is alleged to have been, the normal occupation of any person within the meaning of the Fourth Schedule to the Contributory Pensions Act of 1936 was employment in respect of which contributions under that Act would have been payable if that Act had been in force, or, as the case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Health Insurance Act of 1936.

4. Whether a person was engaged in an excepted employment within the meaning of the Unemployment Insurance Acts or the Health Insurance Acts, or is engaged in an employment which would, but for the Act, have been an excepted employment within the meaning of the Health Insurance Acts.

5. As to who was the employer of any person employed within the meaning of the Unemployment Insurance Acts or the Health Insurance Acts or engaged in an excepted employment within the meaning of the Health Insurance Acts.

6. Whether a person or class of persons was a person or class of persons to whom a special scheme under the Unemployment Insurance Acts applied.

7. Whether any person was entitled to be a voluntary contributor under the Health Insurance Act of 1936 or the Contributory Pensions Acts other than a special voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937.

8. Whether any person was an exempt person under the Health Insurance Acts or the Unemployment Insurance Acts.

9. As to the rate of contribution which was payable by or in respect of any person under any of the repealed enactments (other than the rate of contribution which was payable by a voluntary contributor under the Contributory Pensions Act of 1936 by virtue of the provisions of the Contributory Pensions Act of 1937), and as to the rates of contributions which were so payable in respect of an employed person by the employer and that person respectively.

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## General Benefit Regulations

REGULATIONS, DATED 1ST 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.

Amended S.R.&O. 1949 (N.I.) 195 & 196

1948. No. 208

The National Insurance Joint Authority, 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 9 (4), 28, 30 (1), 33, 74 (1) and 74 (5) of the National Insurance Act (Northern Ireland), 1946, and the Ministry of Labour and National Insurance, acting in conjunction with the Ministry of

Finance, in exercise of the powers conferred by section 45 of that Act, 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 (General Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st 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;

"the Determination of Claims and Questions Regulations" means the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948;

"the determining authority" means, as the case may require, an insurance officer or a local tribunal appointed or constituted in accordance with the Determination of Claims and Questions Regulations, or an umpire or deputy umpire appointed by the Governor of Northern Ireland for the purposes 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.

Definitions of "contribution year" and "benefit year".

**2.**—(1) (*a*) A contribution year in relation to any person shall be the period of fifty-two or fifty-three contribution weeks beginning in any year with the relevant contribution week and ending with the contribution week next preceding the relevant contribution week in the following year.

(*b*) In this paragraph the expression "relevant contribution week" means in relation to any person the first complete contribution week in the month of March, June, September or December as may be determined by the Ministry to be applicable in his case.

(2) A benefit year in relation to any person shall be the period of fifty-two or fifty-three contribution weeks beginning in any year with the first complete contribution week in the fifth month after the month in which the said relevant contribution week applicable to that person occurs, and ending with the last contribution week beginning in the fourth month after the last mentioned month in the following year.

**3.** For the purposes of subsection (4) of section 9 of the Act (which subsection relates to the calculation of the yearly average of contributions), the yearly average of contributions paid by or credited to any person in relation to widow's benefit or a retirement pension shall be calculated by dividing, by the number of years comprised in the period over which, under the said subsection, the average is to be calculated, the sum total of the contributions as an insured person paid by or credited to that person in respect of that period other than the following contributions:— Calculation of yearly average of contributions.

(*a*) contributions which are not paid on their due dates and are not treated in accordance with regulations under the Act as so paid for the purposes of widow's benefit and retirement pension;

(*b*) contributions credited under the Act only for purposes other than for the purposes of widow's benefit and retirement pension;

(*c*) (in relation only to a retirement pension by virtue of a person's own insurance) contributions credited to a widow by reason only of her being in receipt of widow's benefit if, on attaining pensionable age, she is entitled to any benefit specified in paragraph 7 of Column 1 of the schedule to the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1948, under or by virtue of any enactment, scheme or instrument specified in the corresponding paragraph of Column 2 of that schedule.

**4.**—(1) For the purposes of subsection (5) of section 74 of the Act (which subsection empowers the Ministry to prescribe the basis on which the amount of a person's earnings for any period shall be calculated or estimated for the purposes of the Act) the following provisions shall apply:— Computation of earnings.

(*a*) The earnings to be taken into account shall be limited to the net remuneration or profit derived by the person from any gainful occupation or occupations, and, in particular, in so far as the earnings consist of salary or wages, no account shall be taken of—

(i) any sums the deduction of which from salary or wages is authorised by statute;

(ii) the reasonable expenses, if any, incurred by the person in connection with the employment.

(*b*) Where the earnings of a person for any week are, by reason of the circumstances of the occupation in which he is engaged, not immediately ascertainable, the earnings for that week shall be calculated or estimated in such manner and on such basis as may be decided by the determining authority to be appropriate, having regard to all the circumstances of the case.

(*c*) Where under the provisions of the Act the rate of a pension or allowance for any week is to be determined by reference to the earnings of a person in the preceding week, the word "week", wherever it occurs in the Act in connection therewith, shall mean the period of seven days preceding the day of the week prescribed for the payment of the pension or allowance.

(2) For the purposes of subsection (1) of section 23 of the Act (which subsection provides for an increase of unemployment benefit, sickness benefit or retirement pension in respect of the wife of a beneficiary if her weekly earnings from any gainful occupation or occupations do not exceed twenty shillings), the weekly earnings of the wife shall, subject to the provisions of paragraph (1) of this regulation, be ascertained in the following manner—

(*a*) in the case of a retirement pension, if there are earnings by the wife in the period of seven days immediately preceding the day in the week prescribed for the payment of the pension, by reference to those earnings;

(*b*) in the case of any other benefit—

(i) where the wife is employed in one employment only in respect of which she receives a regular weekly wage of a fixed amount, by reference to that wage; or

(ii) where the wife is not so employed or does not receive a regular weekly wage of a fixed amount, and a claim for the increase is made in respect of a period of seven days (including the Sunday), by reference to her earnings in that period;

(*c*) in any case not covered by either of the foregoing sub-paragraphs, in such manner as the determining authority may decide to be appropriate, having regard to all the circumstances of the case.

**Provisions as to maintenance.**

**5.**—(1) For the purposes of the provisions of Part II of the Act (which relates to benefit), a beneficiary shall not be deemed to be wholly or mainly maintaining another person unless the beneficiary—

(*a*) when unemployed, or incapable of work, or, as the case may be, retired from regular employment, contributes towards the maintenance of that person an amount not less than the amount of the increase of benefit received in respect of that person; and

(*b*) when in employment, or not incapable of work, or, as the case may be, not so retired (except in a case where the dependency did not arise until after that time) contributed more than one half of the actual cost of maintenance of that person: