Increase of Unemployment Benefit Regulations

REGULATIONS, DATED 26TH MAY, 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. 162

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 :—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Increase of Unemployment Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 26th May, 1948.

(2) In these regulations, unless the context otherwise requires—

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

" the Act " means the National Insurance Act (Northern Ireland), 1946 ;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946 ;

" the Unemployment Insurance Act " means the Unemployment Insurance Act (Northern Ireland), 1936 ;

" the Unemployment Insurance Acts " means the Unemployment Insurance Acts (Northern Ireland), 1936 to 1944 ;

" the Insurance Industry Special Scheme " means the approved scheme referred to in the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1947 ;

" the Increase of Contributory Pensions Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946 ;

" the appropriate date " means the commencement of a period in respect of which benefit at the modified rates first becomes due to be paid under regulation 2 on or after 3rd June, 1948 ;

" death benefit " means any benefit, pension or allowance which, apart from these regulations, is payable in respect of the death of any person ;

" disablement pension " includes a disablement payment on a pension basis and retired pay or a pension in respect of any disablement, wound, injury or disease ;

" the determining authority " means an insurance officer, a court of referees, or the umpire, as the case may require, appointed or constituted in accordance with the Unemployment Insurance Acts ;

" Personal Injuries Scheme " means any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 ;

" Service Pensions Instrument " means any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a disablement pension may be paid out of public funds in respect of any disablement, wound, injury or disease attributable to or aggravated by service in the naval, military or air forces of the Crown or in any nursing service or other auxiliary service of any of the said forces or in the Home Guard or in any other organisation established under the control of the Admiralty, the Army Council or the Air Council or under which any pension or allowance may be paid out of public funds to any person after the death of some other person in continuation of any payments made during the lifetime of that person in respect of his service in any of the said forces, services and organisations ;

" 1914-1918 War Injuries Scheme " means any scheme made under the Injuries in War (Compensation) Act, 1914, or under the Injuries in War Compensation Act, 1914 (Session 2), or under the Injuries in War (Compensation) Act, 1915, or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War ;

" treatment allowance " means an allowance payable to a person undergoing a course of medical, surgical or rehabilitative treatment in consequence of a disablement in respect of which a pension under a Personal Injuries Scheme or Service Pensions Instrument may be or has been paid, or an allowance payable to any such person pending the determination of the question whether he is entitled to receive such a pension ;

" training allowance " means an allowance (whether by way of periodical grants or otherwise) payable out of public funds by a Government department to a person for his maintenance, or in respect of any dependant of his, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him ;

" training scheme " means a scheme or arrangement under which a training allowance may be paid ;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment, Scheme, Warrant, order, instrument or regulations shall include references to such enactment, Scheme, Warrant, order, instrument or regulations as amended by any subsequent enactment, Scheme, Warrant, order, instrument or regulations.

(4) For the purposes of Part III of these regulations where for any period for which disablement pension is payable, there is payable with that disablement pension otherwise than by way of an increase thereof, an allowance for constant attendance or supplement on account of unemployability or an allowance for special hardship, the amount of the disablement pension payable for that period shall, subject to the provisions of regulation 6, be treated as increased by the amount of the allowance or supplement payable for that period.

(5) 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

Increase of benefit

Modification of rates of benefit.

2. Subject to the provisions of these regulations, the weekly rates of benefit (whether agricultural benefit or benefit other than agricultural benefit) under the Unemployment Insurance Acts, and of increases of benefit in respect of dependent children and adult dependants payable to an insured contributor under those Acts shall, in relation only to any benefit which under those Acts and the orders and regulations made thereunder first becomes due to be paid on or after 3rd June, 1948, be modified by the substitution for those rates of the rates of unemployment benefit and of increases thereof for children and adult dependants provided in Part I of the Second Schedule to the Act, which said substituted rates are set out in the schedule to these regulations.

Modification of conditions for increases of benefit for children and adult dependants.

3.—(1) The provisions of sections 38 and 39 of the Unemployment Insurance Act, as amended, shall, as from the appropriate date, no longer apply to the payment of increases of benefit in respect of children and adult dependants, but in lieu of those provisions the provisions of sections 22 and 23 of the Act (which sections relate to increases of benefit for children and adult dependants respectively) shall apply thereto as if they were increases of unemployment benefit under the Act, and the provisions of subsections (1) and (2) of section 40 of the Unemployment Insurance Act (which section contains general provisions as to increase of benefit) and of the regulations made under that section shall be construed accordingly, but the provisions of subsection (4) of that section shall cease to have effect :

Provided that no increase of benefit shall be payable to an insured contributor under the Unemployment Insurance Acts in respect of a wife or any other female who is in receipt of benefit under those Acts.

(2) For the purposes of paragraph (*b*) of subsection (2) of section 23 of the Act as applied by this regulation, the relatives shall be the persons who bear any of the following relationships to the beneficiary :-

(*a*) lineal descendant or ascendant in a direct line, and

(*b*) stepfather, stepmother, stepson, stepdaughter, brother, sister, half-brother, half-sister, stepbrother, stepsister ;

and shall not include any person who is a child, but shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

(3) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph :—

(*a*) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such relative for any period during which that relative —

(i) is undergoing penal servitude, imprisonment or detention in legal custody ; or

(ii) (if a woman) is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in accordance with paragraph (5) of this regulation) exceed twenty shillings.

(*b*) Where any such relative is a man, the increase shall not be payable for any period other than a period during which he is incapable of self-support.

(*c*) Where any such relative is a married woman, the increase shall not be payable for any period other than a period during which —

(i) she is not residing with and is unable to obtain any financial assistance from her husband ; or

(ii) her husband is incapable of self-support.

(*d*) The increase shall not be payable for any period during which any such relative is absent from the United Kingdom.

(4) For the purposes of paragraph (*c*) of subsection (2) of section 23 of the Act as applied by this regulation, the following further conditions shall apply in relation to a female person, not being a child, who has the care of a child or children of the beneficiary's family :—

(*a*) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless —

(i) she is residing with the beneficiary and is wholly or mainly maintained by him ; or

(ii) she is employed by the beneficiary in an employment from which her weekly earnings calculated or estimated in accordance with paragraph (5) of this regulation are not less than sixteen shillings, and was so employed by him before he became unemployed, subject to the

qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter.

(*b*) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of such female person for any period during which that female person —

(i) is undergoing penal servitude, imprisonment or detention in legal custody ; or

(ii) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary) from which her weekly earnings (calculated or estimated in accordance with paragraph (5) of this regulation) exceed, in the case of such person who is residing with the beneficiary, twenty shillings, or, in any other case, thirty shillings ; or

(iii) is absent from the United Kingdom.

(*c*) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family, as specified in paragraph (*c*) of that subsection or would be so entitled but for the provisions of regulation 8.

(5) For the purposes of this regulation the following provisions shall constitute the basis on which the amount of a woman's earnings for any period shall be calculated and the manner in which her weekly earnings shall be ascertained :—

(*a*) The earnings to be taken into account shall be limited to the net remuneration or profit derived by the woman 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 woman in connection with the employment.

(*b*) Where the earnings of a woman for any week are, by reason of the circumstances of the occupation in which she 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 a woman is employed in one employment only in respect of which she receives a regular weekly wage of a fixed amount her weekly earnings shall be ascertained by reference to that wage.