Given under the Official Seal of the Ministry of Labour for Northern Ireland this 21st day of September, in the year One thousand nine hundred and thirty-nine.

(L.S.)

R. R. Bowman,
Assistant Secretary to the Ministry of Labour for Northern Ireland.

Insurance Industry: Special Scheme.

REGULATIONS, DATED 18TH SEPTEMBER, 1939, MADE BY THE MINISTRY OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936.

1939. No. 137.

The Ministry of Labour for Northern Ireland, by virtue of the powers conferred on it by sections 77 and 111 of the Unemployment Insurance Act (Northern Ireland), 1936, and of all other powers in that behalf, with the approval of the Ministry of Finance, hereby makes the following Regulations :—

Short title and commencement

1.—(1) These Regulations may be cited as the Unemployment Insurance (Special Scheme) (Transfer) Regulations (Northern Ireland), 1939, and shall come into force on the date hereof.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

"*The Act*" means the Unemployment Insurance Act (Northern Ireland), 1936, as amended by any subsequent order or enactment;

"*Benefit*" means benefit (other than agricultural benefit) under the State Scheme or benefit under the Insurance Industry Scheme, as the case may be;

"*Benefit scheme*" means the scheme under which a person is entitled to have his claim for benefit determined;

"*Benefit year*" means benefit year under the State Scheme or claim year under the Insurance Industry Scheme, as the case may be;

"*The State Scheme*" means the general provisions of the Act;

"*The Insurance Industry Scheme*" means the special scheme approved, varied and amended by the Unemployment

Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1938, or any subsequent order;

"*Scheme*" means the State Scheme, or the Insurance Industry Scheme, as the case may be;

"*Insurable employment*" means employment (not being employment which is or is deemed to be employment in agriculture or employment in the case of a person who is an excluded person within the meaning of the Act) which is or is deemed to be insurable employment within the meaning of the Act or which makes the person employed a person to whom the Insurance Industry Scheme applies or employment in respect of which contributions are by virtue of section 96 of the Unemployment Insurance Act, 1935, to be treated as having been paid in respect of the person employed;

"*Insurably employed*" means employed in insurable employment.

(2) Except where otherwise required by the context, all other expressions used in these Regulations have the same meaning as in the Act.

Rules for determining benefit scheme of persons passing from one scheme to the other

3.—(1) The benefit scheme of a person who at any time passes from one scheme to the other (hereinafter referred to as a "transferred person") shall be either—

(*a*) the scheme (if any) under which a benefit year is for the time being current in his case (hereinafter referred to as a "current benefit scheme"); or

(*b*) the scheme of his last employment in any case in which he has no current benefit scheme, if—

(i) he has been insurably employed under that scheme in each of thirty calendar weeks within the period of two years immediately preceding the date of his application for benefit; or

(ii) during the said period of two years, the number of calendar weeks in which he has been insurably employed under that scheme though less than thirty is not less than the number of such weeks under the other scheme; or

(iii) he has not been insurably employed during the said period of two years; or

(*c*) in any other case, the scheme of his normal employment.

(2) For the purposes of this Regulation—

"Benefit year" does not include—

(*a*) a benefit year under the State Scheme which began by reason of the fact that on a particular date the claimant proved (amongst other matters) that the first statutory condition for the receipt of agricultural benefit was fulfilled in his case; or

(*b*) a benefit year or claim year which is deemed to have begun on any date by reason of the claimant having been treated in error as having begun his benefit year or claim year on that date; or

(*c*) a benefit year or claim year which began on any date by reason of the scheme under which it began having been wrongly treated as the claimant's benefit scheme.

" Scheme of his last employment " means the scheme under which before the date of his application for benefit the transferred person was last insurably employed in employment which terminated before that date;

" Scheme of his normal employment " means the scheme under which the transferred person has been insurably employed in the largest number of calendar weeks during the period of two years immediately preceding his application for benefit.

(3) Where more than one benefit year is current in the case of a transferred person at the date of his application for benefit the benefit year current in his case shall for the purposes of this Regulation and Regulation 6 hereof be taken to be that benefit year which began nearest to the said date.

Exception in case of certain persons not entitled to benefit under the benefit scheme

4.—Notwithstanding the provisions of Regulation 3 of these Regulations, the State Scheme shall be the benefit scheme of a transferred person in any case in which and for any period or periods in respect of which he is not disqualified for but nevertheless is not entitled to benefit under his benefit scheme as determined under Regulation 3 hereof and he would have been entitled to benefit or agricultural benefit under the State Scheme if that scheme had been his benefit scheme.

Decisions and provisional allocations

5.—(1) If any question arises as to which scheme is or was the benefit scheme of a transferred person that question shall be decided by the Ministry; provided that the Ministry may in any case after consultation with the body charged with the administration of the Insurance Industry Scheme instead of deciding any such question make a provisional allocation of the claim of the person concerned to such scheme as it may determine and in that event that scheme shall be deemed to be the benefit scheme of that person during such period as the provisional allocation remains in force.

(2) A decision by the Ministry of a question arising under this Regulation shall be final but any such decision may be revised on new facts being brought to the knowledge of the Ministry.