

ORDER IN COUNCIL MADE UNDER THE ECONOMY ACT (NORTHERN IRELAND), 1931, WITH RESPECT TO UNEMPLOYMENT INSURANCE.

1931. No. 150.

BY THE GOVERNOR AND PRIVY COUNCIL OF NORTHERN IRELAND.
(Signed) ABERCORN.

WHEREAS by the Economy Act (Northern Ireland), 1931, it is enacted that the Governor of Northern Ireland may, in respect of certain services, including Unemployment Insurance, make such Orders in the Privy Council of Northern Ireland as appear to the said Governor to be expedient for the purposes of effecting economies in the expenditure falling to be defrayed out of moneys provided by Parliament, or out of any fund established by the enactments relating to any of the said services, and of effecting improvements in the arrangements for meeting such expenditure :

And whereas it is enacted by the said Act that any such Order may (among other things) make provision—

for altering the respective proportions in which expenditure in respect of any such service is to be defrayed out of any fund so established as aforesaid and out of moneys provided by Parliament and for making transfers and adjustments between any such funds, or between any such fund and any other statutory fund ;

for imposing duties and conferring powers on local authorities in connection with the administration of any such service, for the performance or exercise of any such duties or powers by committees, sub-committees and officers of local authorities, and for the appointment or co-option of persons to be additional members of local authorities or their committees for any purposes of the Order ;

for increasing the contributions to be made to the Northern Irish unemployment fund, and for securing that, as from such date as the Ministry of Finance may certify to be the date on which the deficiency on the current account of the said fund is in a state of parity with the maximum statutory deficiency on the unemployment fund of Great Britain, any further deficiency shall be met out of such moneys as may be provided by Parliament for that purpose ; and

for the modification or termination of statutory or contractual rights, obligations and restrictions subsisting at the date when the provisions of the Order take effect :

And whereas it is enacted by the said Act that the Minister or Ministry designated in any such Order may make regulations for giving effect to the provisions of that Order in respect of such matters as may be specified therein, and that such regulations shall, if that Order so provides, be presented to Parliament, and be subject to annulment, in such manner as that Order may specify :

And whereas it is enacted by sub-section (4) of section two of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1931, that the provisions of that section may be amended or repealed by any Order in Council made under the aforesaid Economy Act :

And whereas it is expedient for the purposes aforesaid that the provisions hereinafter contained shall have effect :

Now, therefore, I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, by virtue of the enactments hereinbefore recited and of all other powers enabling me in that behalf, do hereby order as follows :—

Transitional Payments to Replace Benefit in Certain Cases.

1.—(1) Subject to the provisions hereinafter contained with respect to the making of transitional payments to persons whose circumstances are such that whilst unemployed they are in need of assistance by way of such payments—

- (a) as from and after the 12th day of November, 1931, a person shall not be entitled to benefit by virtue of the provisions of sub-section (2) of section eighteen of the Act of 1928 ; and
- (b) as from and after the said date, a person who has become entitled to benefit in respect of one hundred and fifty-six days in a benefit year shall not be entitled to benefit in respect of any day during the remainder of that benefit year, nor in respect of any day before the Thursday next after the end of the calendar week for which he proves that there has been paid in respect of him the last of ten contributions so paid since the Sunday preceding the last day of the said one hundred and fifty-six days.

(2) As from and after the 12th day of November, 1931, where a person who has attained the age of eighteen years proves that he fulfils the following conditions, namely—

- (a) that he is normally employed in, and will normally seek to obtain his livelihood by means of, insurable employment ; and
- (b) that he would, but for the operation of the preceding paragraph of this Article, have been entitled to benefit,

and also proves that his circumstances are such that whilst unemployed he is in need of assistance by way of transitional payments, such payments shall, subject to the provisions of this Order be made to him so long as he continues to fulfil the said conditions.

(3) Any question arising under the last preceding paragraph, as to whether the circumstances of an applicant for transitional payments are such that, whilst unemployed, he is in need of assistance by way of such payments, shall be remitted to the local authority of the area in which he is resident and shall stand referred to the public assistance committee of the local authority appointed in accordance with regulations under this Order ; and that committee shall determine that question, and, if they determine that he is in such need, shall include in their determination directions as to the amount of any transitional payments to be made to him.

Subject as hereinafter provided, a determination of a public assistance committee under this paragraph shall be final and shall, subject to review in accordance with regulations under this Order, have effect for such period as may be prescribed, and so long as the applicant continues to fulfil the conditions specified in subparagraphs (a) and (b) of paragraph (2) of this Article, transitional payments shall be made to him in accordance with that determination :

Provided that the payment made to him in respect of any day or other period shall not in any case exceed the benefit to which he would, but for the operation of paragraph (1) of this Article, have been entitled in respect of that day or period.

(4) A public assistance committee in giving directions as to the amount of any transitional payments to be made to an applicant shall ensure that those payments shall in no case exceed the benefit to which he would, but for the operation of paragraph (1) of this Article, have been entitled.

(5) Any question arising in connection with an application for transitional payments, other than a question to be determined as aforesaid by a public assistance committee, shall be examined and determined as if it were a question arising in connection with

a claim for benefit, and the provisions of the Acts relating to the examination and determination of claims shall apply accordingly.

Interim Payments.

2. Where an applicant for transitional payments has proved that he fulfils the conditions specified in sub-paragraphs (a) and (b) of paragraph (2) of the preceding Article, interim transitional payments may, pending a determination with respect to his needs be made to him in respect of any days of unemployment not exceeding six in number :—

- (a) in a case where a previous determination has been given with respect to him within such period as may be prescribed, in accordance with that determination, so however that the payment made to him in respect of any day shall not in any case exceed the benefit to which he would, but for the operation of paragraph (1) of the preceding Article, have been entitled in respect of that day ; and
- (b) in any other case in accordance with the rate of benefit to which he would, but for the operation of paragraph (1) of the preceding Article, have been entitled.

Regulations.

3. The power of the Ministry to make regulations under section thirty-five of the principal Act, as amended by this Order, shall extend to the making of regulations—

- (a) providing for the appointment of the public assistance committee of a local authority to whom questions under paragraph (3) of Article 1 of this Order are to stand referred, and for the appointment by the local authority of officers for the purposes of this Order ;
- (b) authorising the appointment of persons to serve as additional members of any public assistance committee, and the appointment of special sub-committees to deal with cases of urgency ;
- (c) with respect to the methods to be adopted by public assistance committees and sub-committees in dealing with applications, the production to officers of the Ministry of documents relating to matters arising under this Order, and the attendance of such officers at meetings of committees and sub-committees ;
- (d) with respect to the information to be furnished, either orally or in writing, in support of applications for transitional payments ;
- (e) with respect to the form in which determinations of committees and sub-committees are to be given, notified and recorded ;
- (f) with respect to the review of such determinations ;
- (g) prescribing any period which under this Order is to be prescribed ;

- (h) with respect to the making of interim determinations by officers of the local authority, pending full inquiries and consideration ;
- (i) referring to a public assistance committee or sub-committee any questions which may arise under section seventeen of the principal Act as amended by this Order, being questions analogous to questions under paragraph (3) of Article 1 of this Order ;
- (j) applying to the calculation of amounts payable by way of transitional payments any rules applicable to the calculation of amounts payable by way of benefit ; and
- (k) with respect to the accounts of the expenses incurred by local authorities under this Order and the audit of those accounts.

Application and Modification of Enactments.

4.—(1) References to benefit in the enactments specified in the Schedule to this Order (as amended by any subsequent enactment) shall be deemed to include references to transitional payments under this Order.

(2) In the definition of “ benefit year ” in section twenty of the Act of 1928, the reference to an application for benefit shall be deemed to include a reference to an application for transitional payments, and the reference to the first statutory condition shall, in relation to any application for transitional payments, be construed as a reference to the conditions specified in paragraphs (a) and (b) of sub-section (2) of section eighteen of that Act.

(3) For the purposes of any inquiry as to whether an applicant for transitional payments would, but for the operation of paragraph (1) of Article 1 of this Order, have been entitled to benefit, and, if so, to what benefit he would have been entitled—

- (a) his application for transitional payments shall be treated as if it were an application for benefit ; and
- (b) paragraph (f) of sub-section (2) of section two of the Act of 1930 shall have effect as if for the words “ the increase of benefit received ” there were substituted the words “ the appropriate increase of benefit.”

(4) Section two of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1931, is hereby repealed so far as is necessary to give effect to this Order.

(5) The period of forty-eight months applicable in the case of benefit under sub-section (2) of section eighteen of the Act of 1928 shall not apply in the case of transitional payments under this Order.

Transitory Provisions.

5.—(1) In the case of a person who is affected by the provisions of paragraph (1) of Article 1 of this Order, transitional payments equal to the payments to which, if he had made an application

for benefit, he would, but for the operation of that paragraph, have been entitled as benefit may be made to him, pending the making and determination of an application for transitional payments.

(2) The provisions of this Article shall have effect only during a period of three months commencing on the 12th day of November, 1931, or during such longer period, not exceeding six months, commencing on that date as the Ministry may, as respects any particular area, direct.

Expenses of Local Authorities.

6. Any additional expenses incurred by a local authority by reason of the provisions of this Order shall be defrayed as expenses incurred in the execution of the Poor Law Relief Acts (Northern Ireland), 1838 to 1928, but, subject to the consent of the Ministry of Finance, the Ministry may, on the application of the local authority, repay to them a sum as nearly as may be equal to the amount of such additional expenses as the Ministry may approve.

Emergency Provisions.

7. If in the opinion of the Ministry any local authority, committee or sub-committee do not, or do not efficiently, carry out the duties imposed on them by, or by virtue of, this Order, the powers and duties conferred or imposed on them as aforesaid shall be exercised and performed in their stead by such person or persons as the Ministry may from time to time appoint.

The remuneration and expenses of any person so appointed, and of any officer appointed by the Ministry to assist it, may be defrayed by the Ministry as expenses incurred by it in carrying the Act into effect.

Financial Provisions.

8.—(1) The cost—

- (a) of the transitional payments made from time to time under this Order; and
- (b) properly attributable to the administration of those payments, including any sums repaid to a local authority under Article 6, or expenses incurred under Article 7, of this Order:

as determined by the Ministry, with the concurrence of the Ministry of Finance, shall be defrayed out of moneys provided by Parliament.

(2) For the purposes of the last preceding paragraph, the appropriate proportion of any payments made to a society or association under section seventeen of the principal Act, any payments made under Article 2 or Article 5 of this Order and any payments of benefit made since the 31st day of March, 1931, under sub-section (2) of section eighteen of the Act of 1928 (as amended by any subsequent enactment) shall be treated in the

same manner as transitional payments made under Article 1 of this Order, and the cost of administration properly attributable thereto shall be dealt with accordingly.

(3) As from the date upon which the Ministry of Finance certifies that the deficiency on the current account of the Unemployment Fund is in a state of parity with the maximum statutory deficiency on the Unemployment Fund of Great Britain there shall, out of moneys provided by Parliament, be paid into the first-mentioned fund from time to time and credited to the Insurance Account, as income, a sum to be known as "the parity deficiency grant," which shall be a proportion, calculated on the basis of the insured populations of Great Britain and Northern Ireland respectively, of the amount paid into the Unemployment Fund of Great Britain under paragraph (4) of Article 8 of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, but not exceeding such amount as may be required to maintain the Unemployment Fund in parity with the Unemployment Fund of Great Britain :

Provided that this paragraph shall cease to have effect at the end of the first financial year in which no payment is made thereunder out of moneys provided by Parliament.

Interpretation.

9.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

"the Acts" means the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931 :

"the principal Act," "the Act of 1928," and "the Act of 1930" mean respectively the Unemployment Insurance Act, 1920, the Unemployment Insurance Act (Northern Ireland), 1928, and the Unemployment Insurance (Amendment) Act (Northern Ireland), 1930 :

"benefit" means unemployment benefit :

"benefit year" and "insurable employment" have the same meanings as in the Act of 1928, as amended by this Order :

"Unemployment Fund" means the Northern Irish Unemployment Fund :

"the Ministry" means the Ministry of Labour for Northern Ireland :

"local authority" means the board of guardians of a poor law union and "area" means a poor law union :

(2) This Order and the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931, shall be construed together, and any reference in any Act or other document to those Acts,

or to the enactments relating to unemployment insurance in Northern Ireland, shall be deemed to include a reference to this Order.

(3) The Interpretation Act, 1921, applies in relation to this Order, as it applies in relation to an Act of the Parliament of Northern Ireland.

Short Title and Commencement.

10. This Order may be cited as the Unemployment Insurance (Economy) (No. 2) Order (Northern Ireland), 1931, and shall come into operation forthwith.

Given at the Council Chamber, Belfast, this 29th day of October, 1931.

Craigavon.

R. Dawson Bates.

John M. Andrews.

J. Milne Barbour.

A. B. Babington.

SCHEDULE.

ENACTMENTS IN WHICH REFERENCES TO BENEFIT ARE TO BE DEEMED TO INCLUDE REFERENCES TO TRANSITIONAL PAYMENTS.

Title of Act.	Sections and Schedules.
Unemployment Insurance Act, 1920 ..	Sections 9, 17 and 22; sub-section (1) of section 28; section 35; and the Fifth Schedule.
Unemployment Insurance (No. 2) Act, 1921.	Section 13.
Unemployment Insurance Act (Northern Ireland), 1922	Section 14.
Unemployment Insurance (No. 2) Act (Northern Ireland), 1924	Sections 7 and 10 and Part I of the First Schedule.
Unemployment Insurance Act (Northern Ireland), 1928	Sub-section (2) of section 4 and section 15.
Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929	Section 23.
Unemployment Insurance (Amendment) Act (Northern Ireland), 1930	Sub-section (2) of section 12.