

**Extension of Enactments.**

THE UNEMPLOYMENT (EXTENSION OF ENACTMENTS) ORDER,  
(NORTHERN IRELAND), 1934, DATED THE 29TH DAY OF  
JUNE, 1934.

1934. No. 51.

BY THE LORDS JUSTICES IN THE PRIVY COUNCIL OF NORTHERN  
IRELAND.

(Signed),

*William Moore.*

*James Andrews.*

*H. B. Armstrong.*

WHEREAS by section fifty-six of the Unemployment Act (Northern Ireland), 1934 (in this Order referred to as "the Northern Ireland Act") it is provided, among other things, that in the event of any amendment being made, after the fifth day of June nineteen hundred and thirty-four, in the Bill for the United Kingdom Act (as in the Northern Ireland Act defined), the Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, extend or modify the provisions of the Northern Ireland Act so far as may appear to the said Governor necessary for making the provisions of the Northern Ireland Act correspond with the provisions of the United Kingdom Act; and that any such Order in Council shall come into force upon the date specified therein in that behalf:

And whereas, after the said fifth day of June, amendments were made in the Bill for the United Kingdom Act and it appears to us necessary, for making the provisions of the Northern Ireland Act correspond with the provisions of the United Kingdom Act, to extend and modify certain provisions of the Northern Ireland Act in the manner and to the extent hereinafter appearing:

Now we, the Lords Justices for the government of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance and by virtue of the enactments hereinbefore mentioned and of all other powers enabling us in this behalf, do hereby order as follows:—

*Part I. of the Northern Ireland Act.*

1. In sub-section (5) of section three of the Northern Ireland Act, for the words "for the purposes of this section" there shall be substituted the words "for the purposes of this and the next following section."

2. Sub-section (1) of section four of the Northern Ireland Act shall be modified to such extent as is necessary in order that the same may be read and have effect as follows :—

“4.—(1) For all the purposes of the Unemployment Insurance Acts, the expression ‘benefit year’ shall mean, in relation to an insured contributor, the period of twelve months beginning on the date on which, on a claim for benefit, he proves for the first time after the commencement of this Part of this Act—

- (a) that the first statutory condition is fulfilled in his case ; and
- (b) in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, also that contributions have been paid in respect of him for ten weeks since the Sunday last before the last day in that benefit year in respect of which he received benefit ;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year.”

3.—(1) Sub-section (2) of section twelve of the Northern Ireland Act shall be modified to such extent as is necessary in order that the same may be read and have effect as follows :—

“ (2) For references in article one of the said Order to regulations there shall be substituted references to orders, and any regulations made before the commencement of this Act under the said article shall be deemed to be orders, and the Ministry shall have power to make orders, under and in accordance with the provisions of article one of the said Order, for the purpose of removing any anomalies which may arise from time to time in the operation of the Unemployment Insurance Acts in connection with the classes of persons in that article mentioned.”

(2) In sub-section (4) of section twelve of the Northern Ireland Act the words “ or of this section ” shall be omitted.

4.—(1) In sub-division (iii) of paragraph (a) of the proviso set forth in sub-section (1) of section thirteen of the Northern Ireland Act, for the word “ regulations ” in both places where that word occurs, there shall be substituted the word “ orders.”

(2) The following sub-sections shall be substituted for sub-section (5) of section thirteen of the Northern Ireland Act :—

“(5) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

(6) Where the chairman of a court of referees grants leave to appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.”

5. Sub-section (2) of section twenty of the Northern Ireland Act shall be modified to such extent as is necessary in order that the same may be read and have effect as follows :—

“(2) Any question arising under this section shall be referred and determined as if it were a question arising under section seventeen of the principal Act, and the said section seventeen shall have effect accordingly.”

6. The following sub-section shall be added to section twenty-one of the Northern Ireland Act :—

“(2) For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the persons to whom the scheme applies as are for the time being payable under the enactments relating to unemployment insurance, and that the benefits under the scheme shall otherwise be not less favourable than those for the time being provided by the general provisions of those enactments (but for no other purpose), the Ministry may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme and any such order may provide for consequential amendments as to the rates of contribution and otherwise.

This sub-section shall come into operation as from the passing of this Act.”

7. The following sub-section shall be added to section twenty-five of the Northern Ireland Act :—

“(2) For all the purposes of the Unemployment Insurance Acts—

(a) the expression ‘statutory conditions’ means the conditions set out in sub-section (1) of section seven of the principal Act, as amended by any subsequent enactment, and references in the said Acts to the first,

second, third, fourth, fifth or sixth statutory condition shall be construed accordingly; and

- (b) the expression 'application for benefit' means an application for benefit made in the prescribed manner, and the expression 'claim for benefit' includes any such application as aforesaid."

8.—(1) Sub-section (3) of section twenty-seven of the Northern Ireland Act shall be modified to such extent as is necessary in order that the same may be read and have effect as follows:—

"(3) For the purposes of determining whether an insured contributor has exhausted his benefit rights in his last preceding benefit year, if it is proved by an officer of the Ministry that the insured contributor has not made a claim for benefit in respect of any days in that year in respect of which he would have been entitled thereto if he had made a claim therefor, and that there is reasonable cause to believe that his omission to make the claim was with intent to avoid the necessity of proving the matters set out in paragraph (b) of sub-section (1) of section four of this Act, the insured contributor shall be deemed to have received benefit in respect of those days unless he proves that the omission was not with the intent aforesaid."

(2) The following sub-section shall be added to section twenty-seven of the Northern Ireland Act:—

"(5) Any approved course of instruction provided by an education authority in accordance with the provisions of section fifteen of the Unemployment Insurance (Amendment) Act (Northern Ireland), 1930, shall, until courses of instruction have been approved by the Ministry under sub-section (1) of section fourteen of this Act, be deemed to be an authorised course, notwithstanding that it has not been provided under or in pursuance of that sub-section."

9.—(1) In sub-section (1) of section twenty-eight of the Northern Ireland Act, for the words "If this Part of this Act is not in operation on" there shall be substituted the words "Whereas this Part of this Act will not, save as therein otherwise expressly provided, come into operation until after."

(2) The following sub-section shall be substituted for sub-section (1) of section twenty-nine of the Northern Ireland Act:—

"(1) Save as therein otherwise expressly provided, this Part of this Act shall come into operation on the twenty-sixth day of July, nineteen hundred and thirty-four."

*Part II. of the Northern Ireland Act.*

10.—(1) In sub-section (2) of section thirty-one of the Northern Ireland Act, for the words “in accordance with a determination” there shall be substituted the words “or at any place at which he is required to be in accordance with a condition attached to a determination.”

(2) In the last paragraph of sub-section (3) of section thirty-one of the Northern Ireland Act, for the words “the Ministry shall have the same power to refer a question for decision as it has under that section” there shall be substituted the words “the Ministry shall have the same power to refer a question for decision, and the same powers as to revising decisions and the same right of appearing and being heard, as it has under that section.”

11. Sub-section (3) of section thirty-three of the Northern Ireland Act shall be modified as follows:—

In paragraph (a) thereof the words “a week” shall be inserted after the words “five shillings” and after the words “seven shillings and sixpence.”

In paragraph (b) thereof the words “a week” shall be inserted after the words “one pound.”

12.—(1) The following words shall be added at the end of sub-section (1) of section forty-six of the Northern Ireland Act:—

“as soon as may be thereafter, and if either House of Parliament within the statutory period next after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.”

(2) In sub-section (2) of section forty-seven of the Northern Ireland Act, for the word “burials” there shall be substituted the words “to burials,”

(3) The following definition shall be inserted in sub-section (1) of section forty-nine of the Northern Ireland Act after the definition of the expression “Medical or surgical”:—

“Statutory period” means a period comprising five days at least on which the Senate or the House of Commons (as the case may require) has sat, but not being in any case shorter in duration than ten days, such days being reckoned without regard to the question whether they are comprised in one or in more than one session of Parliament.”

*Part III. of the Northern Ireland Act.*

13. In sub-section (1) of section fifty-one of the Northern Ireland Act, for the words "on an application for benefit" in both places where those words occur there shall be substituted the words "on a claim for benefit," and for the words "ten contributions had been paid in respect of him" there shall be substituted the words "contributions had been paid in respect of him for ten weeks."

*Schedules to the Northern Ireland Act.*

14. Part II. of the First Schedule to the Northern Ireland Act shall be modified as follows:—

In paragraph (a) of article 1, for the words "per week" there shall be substituted the words "for each week."

The following paragraph shall be substituted for paragraph (b):—

"(b) no contributions actually paid in respect of him for weeks included in the period aforesaid shall be taken into account, and contributions actually paid in respect of him for weeks before the beginning of that period shall be taken into account only if the number of contributions actually paid in respect of him before he ceased to receive whole-time education or before he attained the age of sixteen years, as the case may be, is in excess of the number with which he is so credited as aforesaid, and in that case only to the extent of the excess."

15.—(1) So much of the Third Schedule to the Northern Ireland Act as amends section seven of the Unemployment Insurance Act, 1920, shall be modified to such extent as is necessary in order that the same may be read and have effect as follows:—

"In paragraph (i) of sub-section (1) for the word 'application' there shall be substituted the words 'a claim.'

In sub-section (2) there shall be substituted for the words from the beginning of the sub-section to the end of paragraph (i) the following words, that is to say:—

'The following provisions shall have effect in relation to the first statutory condition, and to the disqualification for the receipt of benefit, respectively:—

- (i) in determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not bona fide employed.'

In sub-section (5) for the words 'an application' there shall be substituted the words 'a claim.'

(2) The following amendment of section thirty-five of the Unemployment Insurance Act, 1920, shall be inserted in the Third Schedule to the Northern Ireland Act after the amendment of section twenty-two of the said Act of 1920 :—

" In sub-section (1) in paragraph (c) thereof, for the word 'claims' where that word first occurs, there shall be substituted the word 'applications'; and after paragraph (g) there shall be inserted the following new paragraph :—

' (h) for enabling any insured contributor, in whose case good cause is shown for delay in making a claim to benefit or in proving any matter on such a claim, to be treated for the purposes of such provisions of the Acts relating to unemployment insurance as may be specified in the regulations as if the claim had been made or the matter proved on such earlier date as may be determined in accordance with the regulations.' "

(3) In the amendment of sub-section (1) of section fourteen of the Unemployment Insurance Act (Northern Ireland), 1922, which is made by the Third Schedule to the Northern Ireland Act, for the word "certify" there shall be substituted the word "certifies."

(4) In the Third Schedule to the Northern Ireland Act, the following amendments of the Unemployment Insurance Act (Northern Ireland), 1928, shall be added to the amendments of that Act which are made by the said Schedule :—

" In sub-section (2) of section eighteen, for the words 'an application' there shall be substituted the words 'a claim' and for the words 'the application' wherever those words occur there shall be substituted the words 'the claim.' "

" In sub-section (1) of section twenty, in the definition of 'benefit year' for the words 'an application' there shall be substituted the words 'a claim.' "

(5) At the end of the Third Schedule to the Northern Ireland Act there shall be added the following amendments :—

" In article 4 of the Unemployment Insurance (Economy) (No. 2) Order (Northern Ireland), 1931, for the words 'an application for benefit' wherever those words occur there shall be substituted the words 'a claim for benefit.'

In article 2 of the Unemployment Insurance (Economy) (No. 3) Order (Northern Ireland), 1931, for the definition of 'prescribed' there shall be substituted the following definition, namely,—'Prescribed' means prescribed by an order made under article one of this Order."

16. Article ten of the Fourth Schedule to the Northern Ireland Act shall be modified to such extent as is necessary in order that the same may be read and have effect as follows :—

“ 10. The Board shall have power to acquire land for the purposes of its functions under this Act, and to dispose of any land held by it which is no longer required for those purposes.”

17.—(1) The following enactments shall be included among the enactments to be repealed by Part I. of the Seventh Schedule to the Northern Ireland Act :—

“ In section sixteen of the Unemployment Insurance (No. 2) Act, 1921, the definition of ‘ the deficiency period ’ ;

The First Schedule to the Unemployment Insurance Act (Northern Ireland), 1923 ;

In sub-section (1) of section four of the Unemployment Insurance (Amendment) Act (Northern Ireland), 1930, the words from ‘ of six weeks ’ to the end of the sub-section ;

In the Unemployment Insurance (Economy) (No. 1) Order (Northern Ireland), 1931, article two and the Second Schedule ;

In the Unemployment Insurance (Economy) (No. 3) Order (Northern Ireland), 1931, the definition of ‘ regulations ’ contained in article two and sub-section (2) of article three.”

(2) The following enactment shall be omitted from the enactments to be repealed by Part I. of the Seventh Schedule to the Northern Ireland Act :—

“ In sub-section (1) of section thirty-seven of the Widows’ Orphans’ and Old Age Contributory Pensions Act (Northern Ireland), 1925, the words ‘ and to unemployment benefit under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1925.’ ”

*Short Title and Commencement of Order.*

18. This Order may be cited as the Unemployment (Extension of Enactments) Order (Northern Ireland), 1934, and shall come into force upon the date hereof.

Given at the Royal Courts of Justice, Belfast, this twentieth day of June, 1934.

(Signed),

*H. M. Pollock,*  
*John M. Andrews,*  
*J. Milne Barbour.*