

“ and any such payment may be made at any time before the end of the fourth contribution year following the contribution year in which the education or apprenticeship terminated ”.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 11th day of July, 1949, in the presence of

(L.S.)

William Allen,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

REGULATIONS, DATED 10TH AUGUST, 1949, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1949. No. 149

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 7 (1) (b) of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment (No. 2) Regulations (Northern Ireland), 1949, shall be read as one with the National Insurance (Contributions) Regulations (Northern Ireland), 1948, as amended (hereinafter referred to as “ the principal regulations ”) and shall come into operation on the 10th August, 1949.

Amendment of regulation 1 of principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations the following definition shall be added immediately after the definition of “ an employed contributor’s employment ” :—

“ ‘ due date ’ in Part IV of these regulations means, in relation to any contribution under the Act, the date on which that contribution was due to be paid ; ”

Provisions to be added to the principal regulations

3. The following provisions shall be added after regulation 20 of the principal regulations :—

“ PART IV

PROVISIONS RELATING TO CONTRIBUTIONS WHICH ARE NOT PAID OR WHICH ARE PAID AFTER THE DUE DATE

Treatment for purpose of any benefit of late paid or unpaid contributions, without consent, connivance or negligence of employed person

21.—(1) Where a contribution under the Act payable by an employer on behalf of an insured person is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Ministry not to have been with the consent or connivance of, or attributable to any negligence on the part of the insured person, the contribution shall, for the purpose of any right to benefit, be treated as paid on the due date.

(2) The following provisions of these regulations shall, in their application to a contribution under the Act payable by an employer on behalf of an insured person, have effect subject to the provisions of the last foregoing paragraph.

Treatment for purpose of unemployment or sickness benefit of late paid contributions

22.—(1) For the purpose of any right to unemployment or sickness benefit, a contribution under the Act paid after the due date shall, in determining whether the relevant contribution conditions are satisfied as respects the number of contributions paid in respect of the period between entry into insurance and the day for which the benefit is claimed, be treated —

- (a) for the purpose of the right to any such benefit in respect of any day before the date on which payment of the contribution is made — as not paid ; and
- (b) for the purpose of the right to any such benefit in respect of any other day — as paid on the date on which payment of the contribution is made.

(2) For the purpose aforesaid, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the number of contributions paid or credited in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which unemployment or sickness benefit is claimed, a contribution under the Act paid after the due date shall be treated —

- (a) if paid before the beginning of the said benefit year—as paid on the due date ;
- (b) if paid on or after the beginning of the said benefit year—as not paid in relation to the right to either of the said benefits in respect of any day before the expiry of a period of 42 days (including Sundays) from the date on which payment of

that contribution is made and as paid at the expiry of that period in relation to the right to either of the said benefits in respect of any other day :

Provided that such a contribution shall, in such cases as the Ministry may in special circumstances allow, be treated as paid on the due date.

Treatment for purpose of maternity benefit of late paid contributions

23.—(1) For the purpose of any right to a maternity allowance, a contribution under the Act paid after the due date shall be treated as paid on the due date.

(2) For the purpose of any right to a maternity grant or attendance allowance for which a claim has been made, a contribution under the Act paid after the due date shall be treated —

- (a) if paid before the expiry of the appropriate time prescribed by paragraph (2) of regulation 11 of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, for making that claim—as paid on the due date ;
- (b) if not paid before the expiry of the said appropriate time—as not paid :

Provided that in determining whether the relevant contribution conditions are satisfied as respects the number of contributions paid or credited in respect of the last complete contribution year before the relevant time such a contribution shall, in such cases as the Ministry may in special circumstances allow, be treated as paid on the due date.

(3) For the purpose of the proviso to sub-paragraph (b) of paragraph (2) of this regulation the expression “ relevant time ” has the same meaning as in paragraph 2 of the Third Schedule to the Act.

Treatment for purpose of widow's benefit or retirement pension of late paid contributions

24.—(1) For the purpose of any right to widow's benefit or to a retirement pension, a contribution under the Act paid after the due date and before the relevant time shall be treated —

- (a) if paid before the end of the benefit year beginning next after the end of the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date ;
- (b) if paid after the end of the said benefit year—as not paid :

Provided that such a contribution, if it is paid within three years of the end of the said contribution year and the Ministry is satisfied that there is good cause for the delay in making payment, shall be treated as paid on the due date.

(2) For the purpose aforesaid, a contribution under the Act paid after the due date and after the relevant time shall, if it is a contribution —

(a) payable in respect of a week

(i) commencing before the relevant time in the contribution year which includes that time ; or

(ii) in the contribution year immediately preceding that year ; and

(b) paid before the end of the period of one year from the relevant time ;

be treated as paid on the due date and any other contribution paid after the due date and after the relevant time shall be treated as not paid.

(3) In this regulation the expression “ relevant time ” has the same meaning as in paragraph 4 of the Third Schedule to the Act.

Treatment for the purpose of increase of rate of retirement pension of late paid contributions

25. For the purpose of subsection (4) of section 19 of the Act (which subsection provides for the increase of the weekly rate of retirement pension where contributions are paid in respect of the period after the attainment of pensionable age), a contribution under the Act paid after the due date shall be treated —

(a) if paid before the end of the period of one year beginning immediately after the end of the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date ;

(b) if not paid before the end of the said period—as not paid.

Treatment for purpose of death grant of late paid contributions

26.—(1) For the purpose of any right to a death grant, a contribution under the Act paid after the due date shall, subject to the provisions of the next following paragraph, be treated as not paid if —

(a) the grant is claimed in respect of the death of the relevant person and the contribution is paid after the date of that death ;

(b) the grant is claimed in respect of the death of a person dying during the life time of the relevant person and the contribution is paid after the date of such death ;

(c) the relevant person has predeceased the person in respect of whose death the grant is claimed and the contribution (not being a contribution which by virtue of paragraph (2) of regulation 24 has been treated as paid on the due date for the purpose of a claim for widow’s benefit or for retirement pension by the relevant person) is paid after the date of the death of the relevant person :

and in any other case shall, subject as aforesaid, be treated as paid on the due date.

(2) For the purpose aforesaid and notwithstanding the provisions of the last foregoing paragraph, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the yearly average of contributions paid or credited to any person,—

- (a) a contribution under the Act paid after the due date and before the relevant time shall be treated —
 - (i) if paid before the end of the benefit year beginning next after the end of the contribution year which includes the contribution week in respect of which it is payable — as paid on the due date ;
 - (ii) if paid after the end of the said benefit year—as not paid :

Provided that such a contribution, if it is paid within three years of the end of the said contribution year and the Ministry is satisfied that there is good cause for the delay in making payment, shall be treated as paid on the due date.

- (b) a contribution under the Act paid after the due date and after the relevant time, being a contribution payable in respect of any week in the contribution year immediately preceding the contribution year which includes the relevant time, shall be treated as paid on the due date.

(3) In this regulation the expressions “relevant person” and “relevant time” have the same meanings as in paragraph 5 of the Third Schedule to the Act.”

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 10th day of August, 1949, 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 10th day of August, 1949, in the presence of

(L.S.)

John I. Cook,

Second Secretary to the Ministry of Finance for Northern Ireland.