

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 25th day of June, nineteen hundred and fifty-nine.

(L.S.)

H. A. Lowry,  
Assistant Secretary.

## SCHEDULE

Regulation 2

**Containing the Definition of "Claimant" in Regulation 1(2) of the  
Principal Regulations as amended\***

"claimant" means, for the purposes of Part IV of these regulations, a person who has claimed benefit under the Act or whose right to be excepted from liability to pay or to be credited with a contribution is in question;

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948, in order to give effect to Regulation 5(3) of the National Insurance (Contributions) Amendment Regulations (Northern Ireland), 1959, under which certain disqualifications applicable to claims to benefit are to apply also to the right to be excepted from liability to pay and to be credited with contributions because of unemployment or sickness.

Regulation 3 provides that questions whether a person would, if otherwise entitled thereto, have been disqualified for receiving unemployment or sickness benefit by virtue of sub-section (2) or (3) of section 12 of the National Insurance Act (Northern Ireland), 1946, or of regulations made thereunder, shall not be decided by the Ministry; instead they are to be decided by insurance officers, local tribunals or the Umpire in the same way as other questions as to the right to benefit. Regulation 2 makes a minor and consequential amendment.

1959. No. 109

[C]

## NATIONAL INSURANCE

## Contributions

REGULATIONS, DATED 25TH JUNE, 1959, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the

\*The words added by these regulations are shown in italics.

Ministry of Finance has so directed, in exercise of powers conferred by sections 2(5), 5(1) and 7(1) of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment (No. 2) Regulations (Northern Ireland), 1959, shall be read as one with the National Insurance (Contributions) Regulations (Northern Ireland), 1948(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 6th July, 1959.

*Amendment of regulation 1 of the principal regulations*

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation), the following definition shall be inserted immediately after the definition of "week":

"'local office' includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit;"

*Amendment of regulation 2 of the principal regulations*

3. In regulation 2 of the principal regulations (which relates to exception and credits for weeks of unemployment), the following words shall be substituted for the words "Subject to the provisions of paragraphs (1), (3) and (4) of regulation 4":

"Subject to the provisions of paragraphs (1), (3), (3A), (4) and (5) of regulation 4 and paragraph (2) of regulation 11".

*Amendment of regulation 3 of the principal regulations*

4. In paragraph (1) of regulation 3 of the principal regulations (which relates to exception and credits for weeks of incapacity for work) immediately after the words "Subject to the provisions of paragraph (2) of this regulation", the following words shall be substituted for the words "and paragraphs (2), (3) and (4) of regulation 4":

"paragraphs (2), (3), (4) and (5) of regulation 4 and paragraph (1) of regulation 11".

*Amendment of regulation 4 of the principal regulations*

5.—(1) Regulation 4 of the principal regulations (which contains provisions determining days of unemployment or incapacity for work for the purposes of regulations 2 and 3 of those regulations) shall be amended in accordance with the following paragraphs of this regulation and shall accordingly have effect as set out in Part I of the Schedule.

(2) At the end of the proviso to sub-paragraph (a) of paragraph (3) of the said regulation 4, there shall be added the following head:

"(iii) any Sunday which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (ii) of sub-paragraph (e) of paragraph (1) of regulation 6

(a) 1946, c. 23.

(b) S.R. & O. (N.I.) 1948, No. 217 as amended by S.R. & O. (N.I.) 1949, No. 149; S.R. & O. (N.I.) 1950, No. 67; S.R. & O. (N.I.) 1951, No. 38; S.R. & O. (N.I.) 1952, No. 139; S.R. & O. (N.I.) 1953, No. 69; S.R. & O. (N.I.) 1953, No. 123; S.R. & O. (N.I.) 1953, No. 157; S.R. & O. (N.I.) 1954, No. 35; S.R. & O. (N.I.) 1955, No. 101; S.R. & O. (N.I.) 1956, No. 212; S.R. & O. (N.I.) 1957, No. 173; S.R. & O. (N.I.) 1957, No. 268; S.R. & O. (N.I.) 1959, No. 43.

of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(a) (which head relates to days on which a person is a person who has been employed to the full extent normal in his case) shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will thereby fall to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5).”

(3) For head (i) of sub-paragraph (b) of the said paragraph (3) the following words shall be substituted:

“(i) by reason of the provisions of sub-section (1) of section 12 of the Act is, or by reason of the provisions of sub-section (2) or sub-section (3) thereof or of any regulations(b) made thereunder is or would if he had otherwise had a right thereto have been, disqualified for receiving either unemployment benefit or sickness benefit; or”.

(4) Immediately after paragraph (4) of the said regulation 4, the following paragraph shall be added:

“(5) For the purposes of regulation 2 and regulation 3 where under the foregoing provisions of this regulation any week would be a week of unemployment or a week of incapacity in respect of any person if the Sunday occurring in that week were a day of unemployment or a day of incapacity for work, as the case may be, that Sunday shall be treated as such a day unless on it that person does any work as an employed or self-employed person other than such work as is referred to in sub-paragraph (iii) of paragraph (d) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(a) (which relates to work undertaken as part of a patient’s treatment):

Provided that—

- (i) in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday the said day shall be substituted for Sunday for the purposes of the foregoing provisions of this paragraph; and
- (ii) no day in any week shall be treated by virtue of the provisions of this paragraph as a day of incapacity for work unless some other day in that week is or but for the provisions of paragraph (4) would be such a day.”

#### *Amendment of regulation 5 of the principal regulations*

6. In sub-paragraph (b) of paragraph (2) of regulation 5(c) of the principal regulations (which defines “unemployability supplement” for the purposes of that regulation), the following words shall be substituted for the words “as defined in paragraph (2) of regulation 1 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949”:

“Personal Injuries Scheme or 1914-1918 War Injuries Scheme”.

#### *Amendment of regulation 6 of the principal regulations*

7. For sub-paragraph (b) of paragraph (1) of regulation 6 of the principal regulations the following sub-paragraph shall be substituted:

(a) S.R. & O. (N.I.) 1948, No. 248.

(b) See reg. 10 of S.R. & O. (N.I.) 1948, No. 248.

(c) See Sch. Pt. II to S.R. & O. (N.I.) 1957, No. 173.

“(b) whether or not any such certificate is in operation if she is a non-employed person she shall be excepted from liability but shall nevertheless be entitled to pay contributions as a non-employed person.”

*Amendment of regulation 6A of the principal regulations*

8.—(1) Regulation 6A(a) of the principal regulations (which relates to exception and credits for certain widows) shall be amended in accordance with the following paragraph and shall accordingly have effect as set out in Part II of the Schedule.

(2) In paragraph (1) of the said regulation 6A, the following words shall be substituted for the words “personal benefit by way of a widow’s pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme is payable to her”:

“any of the specified benefits as defined in paragraph (4) of regulation 2(b) of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949, is payable to her as a widow”.

*Amendment of regulation 8 of the principal regulations*

9. In paragraph (1) of regulation 8(c) of the principal regulations (which relates to exception and credits for weeks of confinement and succeeding weeks) immediately after the words “three succeeding weeks, and”, there shall be inserted the words “subject to the provisions of paragraph (1) of regulation 11”.

*Amendment of regulation 11 of the principal regulations*

10. For regulation 11(d) of the principal regulations the following regulation shall be substituted:

*“Conditions for the crediting of contributions*

11.—(1) It shall be a condition of a person’s right to be credited with a contribution for any week under the provisions of regulation 3 or regulation 8 that he shall furnish to the Ministry notice in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Ministry may in a particular case allow:

Provided that where in respect of any week a person has claimed sickness benefit such claim shall be sufficient notice in respect of that week for the purposes of regulation 3 and where a person has claimed maternity benefit such claim shall be sufficient notice for the purposes of regulation 8.

(2) It shall be a condition of a person’s right to be credited with a contribution for any week under the provisions of regulation 2 that he shall attend at a local office on every working day in that week for which he does not claim unemployment benefit and, if directed to do so, shall sign a register kept there for that purpose and that he shall so attend at such times as the Ministry may direct:

Provided that—

(a) a person residing at a distance of more than three miles, but not more than five miles, from the local office nearest or most convenient to

(a) See reg. 4 of S.R. & O. (N.I.) 1957, No. 268.

(b) See reg. 3 of and Pt. I of Sch to S.R. & O. (N.I.) 1951, No. 181.

(c) See reg. 5(1) and Pt. I of Second Sch. to S.R. & O. (N.I.) 1954, No. 35.

(d) See reg. 7 of S.R. & O. (N.I.) 1957, No. 173.

his place of residence, shall be required to attend only on alternate days; or

- (b) a person residing more than five miles from such local office shall be required to attend on only one day in the week;
  - (c) the Ministry may in any case—
    - (i) dispense with the foregoing requirements of this paragraph; or
    - (ii) vary the said requirements by permitting any person to attend at longer intervals; and
    - (iii) impose the further or alternative requirement upon any person that he furnish within a specified time such evidence or such further evidence as the Ministry may direct that any day or days for which he has not claimed unemployment benefit was a day or were days of unemployment for the purposes of regulation 2.
- (3) "Working day" for the purposes of paragraph (2) means every day other than—
- (a) Sunday; and
  - (b) any day which in the case of any person falls to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5) of regulation 4; and
  - (c) any day upon which a person is incapable of work but is treated as unemployed by virtue of paragraph (4) of regulation 4."

*Amendment of regulation 19 of the principal regulations*

**11.**—(1) For head (ii) of sub-paragraph (a) of paragraph (3) of regulation 19 of the principal regulations the following words shall be substituted:

"(ii) in the case of any such conviction as is mentioned in paragraph (1) of this regulation, of the failure on his part to pay on behalf or in respect of any other person employed by him any contributions under the Act or under the Industrial Injuries Act on that date or during those two years; and"

(2) For paragraph (6) of the said regulation 19 the following paragraph shall be substituted:

"(6) Any sum paid under the foregoing provisions of this regulation shall be treated as a payment in satisfaction of the unpaid contributions and no part of any such sum paid by an employer shall be recoverable by him from the insured person in respect of whom it is paid."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 25th day of June, nineteen hundred and fifty-nine.

(L.S.)

H. A. Lowry,  
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of June, nineteen hundred and fifty-nine.

(L.S.)

W. W. Arthur,  
Assistant Secretary.

## SCHEDULE

## PART I

## Regulation 5

## Containing Regulation 4 of the Principal Regulations as amended\*

Provisions determining days of unemployment or incapacity for work

4.—(1) For the purposes of regulation 2 (which relates to unemployment) and subject to the provisions of this regulation, a day shall not be a day of unemployment unless on that day the person concerned is capable of work and is, or is deemed in accordance with any regulations made under sub-paragraph (i) of paragraph (a) of sub-section (2) of section 10 of the Act (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(2) For the purposes of regulation 3 (which relates to incapacity for work), the following provisions shall apply:—

(a) A day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations made under sub-paragraph (ii) of the said paragraph (a) (which sub-paragraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(b) Any period in respect of which a person is, under sub-section (1) of section 32 of the Industrial Injuries Act, disqualified for receiving industrial injury benefit, or in respect of which a forfeiture of such benefit is operative by reason of regulations made under sub-section (2) of the said section (other than a forfeiture for failure to make a claim for benefit within the prescribed time), shall not be a period of incapacity for work.

(3) For the purposes of regulation 2 and regulation 3 and subject to the provisions of this regulation the following provisions shall apply:—

(a) A day which is, in accordance with any regulations made under sub-section (3) of the said section 10 (which sub-section relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes:

Provided that—

(i) subject to the provisions of head (ii) any day which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (i) of sub-paragraph (e) of paragraph (1) of regulation 6 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(a) (which relates to days on which a person is on holiday), shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended, unless it is a day in respect of which remuneration is deemed to be paid under the provisions of regulation 11 of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948(b) (which relates to the payment of contributions in respect of weeks of holiday); and

(a) S.R. & O. (N.I.) 1948, No. 248.

(b) S.R. & O. (N.I.) 1948, No. 258.

\*The words added or substituted by these regulations are shown in italics.

- (ii) no day in any week shall fail to be a day of unemployment by reason that a person receives or is entitled to receive any remuneration which is, or which if his employment had not terminated would have been, deemed not to be remuneration paid in respect of any day in that week under the provisions of regulation 10A of the last mentioned regulations<sup>(a)</sup> (which relates to the payment of contributions in respect of weeks in respect of which no services are rendered and remuneration does not exceed forty shillings); and
- (iii) any Sunday which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (ii) of sub-paragraph (e) of paragraph (1) of regulation 6 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948 (which head relates to days on which a person is a person who has been employed to the full extent normal in his case) shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will thereby fall to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5).
- (aa) Any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section 27 of the Act (which relates to claims and notices) and regulations made thereunder, shall be treated as a period of unemployment or incapacity for work, as the case may be.
- (b) Any period in respect of which a person—
- (i) by reason of the provisions of sub-section (1) of section 12 of the Act is, or by reason of the provisions of sub-section (2) or sub-section (3) thereof or of any regulations<sup>(b)</sup> made thereunder is or would if he had otherwise had a right thereto have been, disqualified for receiving either unemployment benefit or sickness benefit; or
- (ii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations made under sub-section (4) of the said section 12, other than the National Insurance (Married Women) Regulations (Northern Ireland), 1948<sup>(c)</sup>;
- shall not be a period of unemployment or incapacity for work, as the case may be.
- (c) Any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (a) of sub-section (1) of section 28 of the Act (which paragraph relates to disqualification for benefit by reason of being absent from Northern Ireland) shall not be a period of unemployment or incapacity for work, as the case may be.

(3A) For the purposes of the application of regulation 2 of these regulations to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—

- (a) the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the National Insurance (Classification) Regulations (Northern Ireland), 1948<sup>(d)</sup>, or, being employment in Her Majesty's Forces, by virtue of regulation 3 of the National Insurance

(a) See S.R. & O. (N.I.) 1959, No. 26.

(b) See reg. 10 of S.R. & O. (N.I.) 1948, No. 248.

(c) S.R. & O. (N.I.) 1948, No. 220.

(d) S.R. & O. (N.I.) 1948, No. 222.

(Members of the Forces) Regulations, 1949(a), is to be disregarded) and that occupation is consistent with and different in nature from the full time employment for which he is so available; or

- (b) the employment (not being employment which falls within sub-paragraph (a) of this paragraph) is one in respect of which, by virtue of paragraph 11 of Part II of the First Schedule to the said National Insurance (Classification) Regulations (Northern Ireland), 1948(b) (which paragraph relates to employment by one employer in a week in which a person renders part time services in that employment) he is treated as a self-employed person or would be so treated but for Part III of the said First Schedule and in which he is occupied on one day only in that week:

Provided that, where in the same week a person is occupied in employment which falls within sub-paragraph (a) and in employment which falls within sub-paragraph (b) of this paragraph, the provisions of this paragraph shall not apply to that person's case in that week if he is occupied in such employments for more than eight hours in the aggregate in that week.

(4) For the purposes of regulation 2 and regulation 3, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of that week, if Condition I or Condition II of the Schedule to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition III or Condition IV of that Schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulations shall be construed accordingly:

Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (3A) of this regulation unless—

- (i) Condition I or Condition II of the Schedule to these regulations has been satisfied, and
- (ii) in respect of any day to which sub-paragraph (b) of the said paragraph (3A) applies, he is unemployed on at least one other day in that week.

(5) *For the purposes of regulation 2 and regulation 3 where under the foregoing provisions of this regulation any week would be a week of unemployment or a week of incapacity in respect of any person if the Sunday occurring in that week were a day of unemployment or a day of incapacity for work, as the case may be, that Sunday shall be treated as such a day unless on it that person does any work as an employed or self-employed person other than such work as is referred to in sub-paragraph (iii) of paragraph (d) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(c) (which relates to work undertaken as part of a patient's treatment):*

*Provided that—*

- (i) *in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday the said day shall be substituted for Sunday for the purposes of the foregoing provisions of this paragraph; and*
- (ii) *no day in any week shall be treated by virtue of the provisions of this paragraph as a day of incapacity for work unless some other day in that week is or but for the provisions of paragraph (4) would be such a day.*

(a) S.I. 1949/875.

(b) S.R. & O. (N.I.) 1948, No. 222.

(c) S.R. & O. (N.I.) 1948, No. 248.



## PART II

## Regulation 8

**Containing Regulation 6A of the Principal Regulations as amended\****Persons in receipt of certain widows' benefits*

**6A.**—(1) A woman shall be excepted from liability to pay a contribution under the Act in respect of any week for which *any of the specified benefits as defined in paragraph (4) of regulation 2 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(a), is payable to her as a widow* at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of the Second Schedule thereto if she has made application to the Ministry for a certificate of exception from such liability under this regulation and such a certificate has been issued and is in operation for the whole of that week:

Provided that—

- (i) she may give notice to the Ministry at any time during the operation of the certificate that she desires the certificate to be cancelled and, if such notice is given, the certificate shall cease to be in operation from such date as the Ministry may determine;
- (ii) she shall produce forthwith to her employer any such certificate of exception issued to her and that, if she exercises the foregoing right to cancel such a certificate, she shall surrender her certificate at the time of the cancellation and forthwith notify her employer of the cancellation;
- (iii) if immediately before the death of her husband occurring on or after the date of coming into operation of this regulation she was an employed person who had elected not to be liable to pay or was a self-employed person or non-employed person who had not elected to be liable to pay, contributions as an employed person, self-employed person or non-employed person as the case may be, such application shall be deemed to have been made and granted unless she notifies the Ministry to the contrary.

(2) A contribution as a non-employed person shall be credited to a woman, if and when she remarries, for every week in respect of which she was excepted from liability in accordance with the foregoing paragraph of this regulation.

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the National Insurance (Contributions) Regulations (Northern Ireland), 1948.

Regulation 5 provides for the purposes of exception and credits for weeks of unemployment or incapacity for work that Sunday (or any other sabbath day which a person may observe) is to be disregarded, in the sense that it is not to prevent a week from being a week of unemployment or incapacity, unless the person concerned works on that day as an employed or self-employed person and that certain disqualifications which would have applied on a claim to benefit are to apply. It further provides for the purposes of exception and credits for weeks of unemployment that Sunday is to be treated as a day of unemployment notwithstanding a person's subsequent employment to the full extent normal in his case if some other sabbath day has been substituted for that Sunday as the disregarded day.

Regulation 10 makes it a condition of a person's right to be credited with contributions for weeks of unemployment that he shall attend at a local office

(a) S.R. & O. (N.I.) 1949, No. 154.

\*The words added or substituted by these regulations are shown in italics.