

Sealed with the Official Seal of the Ministry of Health and Local Government this tenth day of April, nineteen hundred and fifty-nine, in the presence of

(L.S.)

C. D. Hoey,
Assistant Secretary.

Approved by the Ministry of Finance this tenth day of April, nineteen hundred and fifty-nine.

(L.S.)

D. C. B. Holden,
Second Secretary.

1959. No. 64

[C]

NATIONAL INSURANCE

Unemployment and Sickness Benefit

REGULATIONS, DATED 10TH APRIL, 1959, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1957.

The National Insurance Joint Authority, in exercise of powers conferred by section 10(3) of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 4(2) of the National Insurance Act (Northern Ireland), 1957(b), and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit) Amendment Regulations (Northern Ireland), 1959, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(c) (hereinafter referred to as "the principal regulations") and shall come into operation on the 15th April, 1959.

Amendment of regulation 6 of the principal regulations

2. Regulation 6 of the principal regulations (which 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) shall be amended by the addition thereto, after paragraph (4), of the following paragraphs:

(a) 1946. c. 23.

(b) 1957. c. 7.

(c) S.R. & O. (N.I.) 1948. No. 248 as amended by S.R. & O. (N.I.) 1949. No. 197; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1955. No. 19; S.R. & O. (N.I.) 1956. No. 32; S.R. & O. (N.I.) 1957. No. 168; S.R. & O. (N.I.) 1957. No. 234.

“(5) In the application to a person of head (ii) of sub-paragraph (e) of paragraph (1), no account shall be taken, in determining either the number of days in a week on which he ordinarily works or the full extent of employment in a week which is normal in his case, of any period of short-time working due to adverse industrial conditions.

(6) A day shall not be treated as a day of unemployment for the purposes of unemployment benefit and sickness benefit if—

(a) were no account taken, in determining a person's normal course of work, of any period of short-time working due to adverse industrial conditions, it would have been treated as not being a day of unemployment by virtue of the provisions of subsection (1) of section 4 of the National Insurance Act (Northern Ireland), 1957 (which, in relation to a person who is employed in any employed contributor's employment which has not been terminated, imposes a condition with respect to the treatment, as a day of unemployment, of a day on which in the normal course that person would not work); but

(b) it is excluded from the operation of that subsection by the provisions of sub-paragraph (d) of paragraph (3) of regulation 7A.”

Amendment of regulation 7A of the principal regulations

3.—(1) Regulation 7A of the principal regulations shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule.

(2) In paragraph (3) of the said regulation 7A after sub-paragraph (c), there shall be inserted the following:

“or

(d) in the application of the said subsection (1) of section 4 to that week, account falls to be taken, in determining the person's normal course of work, of any period of short-time working due to adverse industrial conditions;”.

(3) In head (i) of sub-paragraph (b) of paragraph (4) of the said regulation 7A, after the words “by virtue of”, there shall be inserted the words “sub-paragraph (a), (b) or (c) of”.

Given under the Official Seal of the National Insurance Joint Authority
this 10th day of April, nineteen hundred and fifty-nine.

(L.S.)

Ian G. Gilbert,

Secretary.

Given under the Official Seal of the Ministry of Labour and National
Insurance for Northern Ireland this 10th day of April, nineteen hundred
and fifty-nine.

(L.S.)

R. W. Steele,

Assistant Secretary

SCHEDULE

Regulation 3

Regulation 7A of the Principal Regulations as Amended*

Provisions relating to treatment of days as days of unemployment

7A.—(1) For the purposes only of subsection (1) of section 4 of the National Insurance Act (Northern Ireland), 1957 (which, in relation to a person who is employed in any employed contributor's employment which has not been terminated, imposes a condition with respect to the treatment, as a day of unemployment, of a day on which in the normal course that person would not work), the following provisions of this regulation shall apply.

(2) Where a person is employed in an employed contributor's employment which has not been terminated but has been indefinitely suspended, that employment shall be treated as if it had been terminated on the date on which it was suspended if the period of the suspension consists of not less than twelve consecutive week-days exclusive of any day or days of recognised or customary holiday in connection with the employment which has been suspended.

(3) Where, in any week, a person is employed in an employed contributor's employment which has not been terminated, if—

- (a) in relation to that person, that employment is casual employment; or
- (b) in the normal course, that person would not work for the employer by whom he is employed in that employment; or
- (c) the earnings derived from that employment for that week do not exceed forty shillings and that person's work in that employment could ordinarily have been performed by him in addition to his work in, and outside the ordinary working hours of, his usual employment; or
- (d) *in the application of the said subsection (1) of section 4 to that week, account falls to be taken, in determining the person's normal course of work, of any period of short-time working due to adverse industrial conditions;*

that employment shall be treated, as respects that week, as if it had been terminated immediately after its commencement.

(4) If, as respects any day, a person satisfies the following conditions, that is to say:—

- (a) in the normal course, he would work on that day in an employed contributor's employment which has not been, and does not fall to be treated as if it had been, terminated but has been suspended; and
- (b) on that day, he works either—
 - (i) in some other employed contributor's employment which, by virtue of *sub-paragraph (a), (b) or (c) of the last foregoing paragraph, falls, or (if it had not been terminated) would fall, to be treated, as respects the week in which that day occurs, as if it had been terminated; or*
 - (ii) in an employment which, if it were an employed contributor's employment, would be such an employment as is described in head (i) of this sub-paragraph;

that day shall be treated as a day of interruption of employment if, but for his having so worked on that day, it would have been so treated.

(5) In this regulation, the expression "week" has the same meaning as in the said subsection (1).

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