



# National Insurance Act 1965

## 1965 CHAPTER 51

### PART II

#### BENEFIT.

##### *Unemployment benefit and sickness benefit.*

#### **19 Unemployment or sickness benefit.**

- (1) Subject to the provisions of this Act, a person who satisfies the requirements of subsection (2) or (3) of this section shall be entitled—
- (a) to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment;
  - (b) to sickness benefit in respect of any day of incapacity for work which forms part of such a period,
- at the weekly rate provided for by the said subsection (2) or, as the case may be, the said subsection (3).

- (2) If the person claiming unemployment benefit or sickness benefit for any day—
- (a) is under pensionable age on that day ; and
  - (b) satisfies the contribution conditions set out in paragraph 1 of Schedule 2 to this Act,
- the benefit shall be payable at the appropriate weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act.

- (3) If the person claiming unemployment benefit or sickness benefit for any day—
- (a) is over pensionable age but has not retired from regular employment; and
  - (b) would on that day be entitled to a retirement pension if he had retired from regular employment on attaining pensionable age and made the necessary claim,
- the benefit shall be payable at the weekly rate at which, apart from any increase by virtue of any provision of this Act, the retirement pension would have been payable.

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- (4) In determining for the purposes of subsection (3) of this section the rate at which a retirement pension would have been payable, section 30(7) of this Act shall be deemed not to apply.
- (5) In relation to a claimant or beneficiary who is a woman and is or has been married, the reference in subsection (3)(b) of this section to a retirement pension shall be construed as referring only to a retirement pension payable under section 30 of this Act by virtue of her own insurance.
- (6) A person shall not be entitled either to unemployment benefit or to sickness benefit for the first three days of any period of interruption of employment unless, within the period of thirteen weeks beginning with the first of those days, he has a further nine days of interruption of employment forming part of the same period of interruption of employment.
- (7) A woman who has been confined and is entitled to a maternity grant in respect of that confinement (or would be so entitled if she made the necessary claim) shall not be entitled to unemployment benefit or sickness benefit in respect of any day falling within the period of four weeks beginning with the date of the confinement; and this subsection shall apply in relation to a woman whose pregnancy is terminated otherwise than by confinement after she has become entitled to a maternity grant an expectation of her confinement as if she had been confined and the date of the confinement were the date on which her pregnancy is so terminated.
- (8) The amount payable by way of benefit under this section for any day of unemployment or of incapacity for work shall be one-sixth of the appropriate weekly rate.

## **20 Determination of days for which unemployment or sickness benefit is payable.**

- (1) For the purposes of any provision of this Act relating to unemployment benefit or sickness benefit—
  - (a) a day shall not be treated in relation to any person—
    - (i) as a day of unemployment unless on that day he is capable of work and is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment;
    - (ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;
  - (b) where a person is employed in any employed contributor's employment which has not been terminated, then, in any period of seven days commencing with the midnight between Saturday and Sunday, a day on which in the normal course that person would not work in that or any other employed contributor's employment shall not be treated as a day of unemployment unless each other day in that period (other than the day referred to in paragraph (e) of this subsection) on which in the normal course he would so work is a day of interruption of employment;
  - (c) the expression "day of interruption of employment" means a day which is a day of unemployment or of incapacity for work;
  - (d) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment, and any two such periods not separated by

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a period of more than thirteen weeks shall be treated as one period of interruption of employment;

- (e) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.

(2) Regulations may—

- (a) make provision (subject to subsection (1) of this section) as to the days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or of incapacity for work;
- (b) prescribe respective circumstances in which, for the purposes of subsection (1) (b) of this section—
  - (i) an employed contributor's employment which has not been terminated may be treated as if it had been terminated; or
  - (ii) a day which falls during a period when a person's employment in an employed contributor's employment is suspended but does not fall to be treated as aforesaid and which, apart from the provisions of the regulations, would not fall to be treated as a day of interruption of employment may be treated as such a day.

## **21 Exhaustion of and requalification for benefit.**

- (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for one hundred and eighty days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit:

Provided that, in the case of a person who before exhausting his right to unemployment benefit under this subsection has qualified in accordance with regulations for additional days of unemployment benefit (depending on the contributions of the appropriate class paid by him and the unemployment benefit to which he has been entitled), this subsection shall apply with the substitution for the reference to one hundred and eighty days of a reference to such greater number of days as may be allowed by the regulations.

(2) A person who—

- (a) in respect of the period between his entry into insurance and any day of incapacity for work has paid less than one hundred and fifty-six contributions of the appropriate class; and
- (b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not), to sickness benefit for three hundred and twelve days,

shall not be entitled to sickness benefit for that day unless since the last of the said three hundred and twelve days and before that day he has requalified for benefit.

(3) Where a person has exhausted his right to either of the said benefits—

- (a) he shall requalify therefor when he has paid thirteen contributions of the appropriate class in respect of contribution weeks begun or ended since the last day for which he was entitled to that benefit;
- (b) on his requalifying therefor, subsection (1) or (2), as the case may be, of this section shall again apply to him, but, in a case where the period of interruption

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of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

- (4) Regulations may provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice :

Provided that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under this section.

## 22 Disqualifications and special conditions.

- (1) A person who has lost employment in an employed contributor's employment by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage of work continues, except in a case where, during the stoppage of work, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Provided that this subsection shall not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.
- (2) A person shall be disqualified for receiving unemployment benefit for such period not exceeding six weeks as may be determined in accordance with Part IV of this Act if—
- (a) he has lost his employment in an employed contributor's employment through his misconduct, or has voluntarily left such employment without just cause;
  - (b) after a situation in any suitable employment has been notified to him by an employment exchange or other recognised agency, or by or on behalf of an employer, as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him ;
  - (c) he has neglected to avail himself of a reasonable opportunity of suitable employment;
  - (d) he has without good cause refused or failed to carry out any written recommendations given to him by an officer of an employment exchange with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides; or
  - (e) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Minister of Labour in his case for the purpose of becoming or keeping fit for entry into or return to regular employment.

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- (3) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding six weeks as may be determined in accordance with Part IV of this Act if—
- (a) he has become incapable of work through his own misconduct; or
  - (b) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.
- (4) Regulations may also provide for imposing in the case of any class of persons additional conditions with respect to the receipt of unemployment benefit or sickness benefit and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Minister necessary so to do for the purpose of preventing inequalities, or injustice to the general body of employed persons or of employed and self-employed persons, as the case may be.
- (5) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—
- (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or
  - (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed ; or
  - (c) employment in his usual occupation in any other district at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised in that district by good employers;
- but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised by good employers.
- (6) In this section—
- (a) the expression " place of employment" in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so, however, that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be ;
  - (b) the expression " trade dispute" means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.