

Insurance Industry Special Scheme.

THE UNEMPLOYMENT INSURANCE (INSURANCE INDUSTRY SPECIAL SCHEME) (VARIATION AND AMENDMENT) SPECIAL ORDER (NORTHERN IRELAND), 1935, DATED 25TH MARCH, 1935, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE UNEMPLOYMENT INSURANCE ACT, 1920 (10 AND 11 GEO. V, c. 30).

1935. No. 57.

WHEREAS the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") by the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1934, approved for the purposes of Section 18 of the Unemployment Insurance Act, 1920, a Special Scheme for the Insurance Industry, and subsequently varied and amended the same, and the same as so varied and amended is hereinafter referred to as "the scheme."

And whereas application has been made to the Ministry for the further variation and amendment of the provisions of the scheme.

Now, therefore, the Ministry by virtue of the powers conferred by the said Section 18, and all other powers in that behalf, hereby makes the following Special Order:—

1. The provisions of the scheme shall be varied and amended by the substitution of the provisions contained in the schedule to this Order for the provisions of the scheme contained in the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1934, and the respective schedules thereto.

2. This Order shall be deemed to have come into operation on the first day of April, 1935.

3. This Order may be cited as the Unemployment Insurance (Insurance Industry Special Scheme) (Variation and Amendment) Special Order (Northern Ireland), 1935, and this Order and the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1934, may be cited together as the Unemployment Insurance (Insurance Industry Special Scheme) Orders (Northern Ireland), 1921 to 1935, and shall be construed as one.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 25th day of March, 1935.

(L.S.)

R. R. Bowman,
Assistant Secretary to the Ministry of
Labour for Northern Ireland.

This Order having lain before both Houses of Parliament for ten days, in accordance with Section 4 (1) of the Rules Publication Act (Northern Ireland), 1925, duly came into force.

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THE SCHEME.

SCOPE OF SCHEME.

1. The scheme shall be called "Insurance Industry Unemployment Insurance Scheme (Northern Ireland)." Name.
2. For the purposes of the scheme the insurance industry shall consist of the undertakings of all persons or bodies of persons, whether corporate or unincorporate and whether established within or without Northern Ireland engaged in Northern Ireland in the granting of insurances under contract or the administration of any system of insurance established by statute. Insurance industry.
3. All persons of either sex whether British subjects or not being persons of insurable age employed in Northern Ireland in the insurance industry under any contract of service or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person and whether under one or more employers and whether paid by time or by the piece or partly by time and partly by the piece or otherwise or except in the case of a contract of apprenticeship without any money payment, shall be insured against unemployment under the scheme, except— Scope.
- (i) persons who are ordinarily engaged, whether under a single employer or under two or more employers, partly in the insurance industry and partly outside that industry in some occupation employment in which makes them employed persons within the meaning of the Unemployment Insurance Acts, if such persons are ordinarily and mainly dependent for their livelihood on their earnings in the occupation outside the insurance industry;
 - (ii) blind persons in receipt of pensions paid pursuant to any statute having effect in Northern Ireland relating to old age pensions or to blind persons;
 - (iii) persons engaged in any of the following employments, namely:—
 - (a) employment by or under the Crown or under any Government department (including any department or office declared by a Minister of the Crown to be under his ultimate control) or public or local authority;
 - (b) employment specified in Part II of the First Schedule to the principal Act as amended by any subsequent enactment.
 - (c) employments included among or added to the employments which are excepted employments under the Unemployment Insurance Acts by regulations made under those Acts.
4. Persons employed outside the United Kingdom and the Irish Free State who by virtue of regulations made under the Unemployment Insurance Acts are to be deemed for the purposes of the said Acts to be employed persons within the meaning thereof, shall, subject to the provisions of such regulations, be insured against unemployment under the scheme if they are persons who if employed upon the same work in Northern Ireland would be so insured. Scope (employment abroad).
5. The expression "persons of insurable age" shall mean persons who have attained the minimum age for the time being for entry into insurance under the Unemployment Insurance Acts. Insurable age.

ADMINISTRATION OF SCHEME.

Insurance Unemployment Board.

6. Insurance Unemployment Board (being the body incorporated in Great Britain charged with the administration of Insurance Industry Unemployment Insurance Scheme the special scheme for the insurance industry in Great Britain) shall be the body charged with the administration of the scheme. Administration of scheme.
7. The powers and duties of the Board as the body administering the scheme in Northern Ireland (which may be exercised and performed notwithstanding any vacancy in the membership of the Board) shall be:— Powers and duties.
- (a) to control and administer the affairs of the scheme;
 - (b) to make provision for the working expenses of the scheme;
 - (c) to sell and dispose of any real and personal property vested in the Board as the body administering the scheme in Northern Ireland;
 - (d) to make standing orders governing the conduct of their business;

- (e) to keep proper records of their proceedings ;
- (f) to appoint such officers and servants as may be necessary to carry out the provisions of the scheme, to prescribe their duties and fix their remuneration ;
- (g) to establish and carry into effect a scheme for the superannuation of the officers and servants of the Board ;
- (h) to appoint appeal committees for the purposes of the scheme ;
- (i) to appoint such other committees consisting of members of their own body as they may consider desirable and to delegate to such committees any powers and duties they may think fit ;
- (k) to appoint such Local Committees as may be required for the purposes of the scheme ;
- (l) to establish, maintain and direct an organisation for the re-employment of persons insured under the scheme who are unemployed ;
- (m) subject to the approval of the Ministry, to make rules for any of the purposes for which rules may be made under the scheme, for prescribing anything which is to be prescribed thereunder, and generally for carrying the scheme into effect.

Ministerial directions.

8. The Board shall in exercising their powers and in performing their duties under the scheme give effect to any general directions which from time to time may be given by the Ministry after consultation with the Board.

Exercise of powers.

9. Subject to the provisions of the scheme, anything required or authorised under the scheme to be done by, to, or before the Board may be done by, to, or before the secretary of the Board or other person in that behalf authorised by the Board.

Common seal.

10.—(1) The common seal of the Board shall not be affixed to any instrument except by the authority of a resolution of the Board and in the presence of at least two members and of the secretary or such other person as the Board may appoint for the purpose and the members present and the secretary or other person as aforesaid shall sign every instrument to which the common seal is so affixed in their presence.

(2) Impressions of the common seal of the Board shall be judicially noticed and admitted in evidence.

Banking accounts.

11. The Board may from time to time open banking accounts with such bank or banks as they may select and such banking accounts shall be operated on by such members or officers of the Board authorised in that behalf by the Board and under such conditions as the Board shall from time to time determine.

Principal office and North Irish office.

12. The principal office of the Board shall be situate in London and the Board may maintain an office in Northern Ireland.

Rules

13.—(1) Rules made by the Board under the scheme and approved by the Ministry shall have effect as if enacted in the scheme.

(2) Evidence of any rule made by the Board under the scheme and of the Ministry's approval thereof may be given by the production of a copy or copies of the rule and of the instrument or writing containing the Ministry's approval respectively purporting to be sealed with the common seal of the Board.

Expenses.

14. Such proportion of the yearly sum of one thousand pounds mentioned in clause 20 of the Insurance Industry Unemployment Insurance Scheme as the Board with the approval of the Ministry may determine shall be deemed to be part of the working expenses of the scheme.

Appeal Committees.

Appeal Committees.

15.—(1) For the purposes of the scheme the Board shall appoint appeal committees consisting of an even number of members of their own body of whom one half shall be representative of persons insured under the scheme and the other half representative of employers in the insurance industry.

(2) An appeal committee shall have power to appoint their own chairman but unless more than one half of the members of the committee are in agreement as to the person to be appointed, the chairman shall be appointed by the Board.

(3) The chairman of an appeal committee shall in the case of an equality of votes, have a second or casting vote.

Local Committees.

16. The Board shall have power to establish such Local Committees as the Board may consider requisite for the better administration of the scheme and shall assign (with power from time to time to vary the same) an area to every Local Committee so established, and may make provision for paying the reasonable expenses of members of Local Committees. Local Committees

17. Every Local Committee shall consist of such even number of members as the Board may determine of whom one half shall be representative of persons insured under the scheme and the other half representative of employers in the insurance industry. Members of Local Committees

18. The Board shall determine the qualification for membership of a Local Committee and shall nominate the members thereof. Qualification and appointment of members.

19. Any member of a Local Committee may be removed from office by the Board. Removal from office.

20. The duties of a Local Committee shall be prescribed by the Board and may include all or any of the following duties, namely:— Duties of Local Committees.

- (a) to organise within their area the machinery for placing in employment such of the persons to whom the scheme applies as are for the time being unemployed;
- (b) to administer any funds the administration of which for any of the purposes of the scheme is entrusted to them by the Board;
- (c) to advise the Board upon the administration of the scheme within the area in which the Local Committee operates.

21. Every Local Committee shall in performing their duties give effect to such general or special directions as may from time to time be given to them by the Board. Directions of Board.

Local Referees.

22. The Board shall from time to time appoint such local referees as shall be required in connection with claims to benefit under the scheme. Local Referees

23. The local referees appointed in connection with any claim shall be persons engaged in the insurance industry who are resident or employed in the area in which such claim arises, and shall in all cases include one or more persons as the Board may determine who are representative of persons insured under the scheme and the same number of persons who are representative of employers in the insurance industry. Qualification of Local Referees.

24. The Board shall have power to make provision for paying the reasonable expenses of local referees. Expenses of Local Referees.

Determination of Scheme.

25. If the Ministry shall at any time be satisfied that it has become impracticable for the affairs of the scheme to continue to be administered by the Board, or that the affairs of the scheme are being administered in a manner prejudicial to the interests of persons insured under the scheme or of employers in the insurance industry, the Ministry may provide in such manner as it shall think fit for the temporary administration of the affairs of the scheme, and may for that purpose empower any person or persons selected by it to exercise any of the powers or carry out any of the duties of the Board in Northern Ireland. Temporary administration of scheme.

26. The Ministry may, if in its opinion circumstances so require, provide by special order (to which the provision of the Unemployment Insurance Acts relating to special orders shall be applicable) for the determination of the scheme and any matters incidental thereto. Determination of scheme.

27. If at any time the Board shall for any reason with the consent of the Ministry pass a resolution for the winding-up of the scheme, the affairs of the scheme shall be wound up in such manner as the Ministry may direct, and as soon as the affairs of the scheme have been completely wound up, the Ministry shall make an order that the scheme be determined and the scheme shall be determined accordingly. Winding-up of scheme.

RECORDS OF INSURANCE UNDER SCHEME.

Entry into insurance.

28. Entry into insurance under the scheme and other matters affecting the position of persons to whom the scheme applies or has applied in regard to insurance against unemployment thereunder shall be recorded in returns made to the Board (either at the Principal Office of the Board in London or at such other office or place as the Board may require) by the employers of such persons and upon certificates issued by such employers.

Returns.

29.—(1) The returns to be made by an employer to the Board shall be (a) an originating return (b) a quarterly return and (c) such other returns as may be prescribed.

(2) Such returns shall be made to the Board at their principal office or at such other office or place as the Board may require and shall be in the prescribed forms.

Originating return.

30.—(1) An originating return—

- (i) shall be made by every employer who has in his employment any persons to whom the scheme applies and shall comprise all such persons who are in his employment at the date as on which the return is made ; and
- (ii) shall contain all particulars which may be required in order that the entry of such persons into insurance under the scheme may be duly recorded.

Provided that any employer who has duly complied with the requirements of any rules made by the Board for the time being in force relating to a corresponding return shall be deemed to have complied with the requirements of this sub-clause.

- (2) Without prejudice to anything contained in the last preceding sub-clause—
 - (i) the Board may at any time serve an employer with a notice requiring him to make an originating return within such period as the Board may fix and in any case where such a notice is served the return shall be made to the Board at their principal office or at such other office or place as the Board may require within the period so fixed ;
 - (ii) an originating return shall also, where the Board shall so require, comprise all persons to whom the scheme applies or has applied who have at any period between the fourth day of July, 1921, and the date as on which the return is rendered been in the employment of the employer making the return and shall in addition to the particulars referred to in paragraph (ii) of sub-clause (1) of this clause contain particulars of all changes and events which have occurred during the last-mentioned period and which affect or have affected the benefit rights or status as regards insurance against unemployment of such last-mentioned persons.

Quarterly return.

31. A quarterly return—

- (i) shall be made on each day of January, April, July and October in each year on which a quarterly contribution is payable ; and
- (ii) shall contain all particulars which may from time to time be required in order that the entry into insurance under the scheme of persons in the employment of the employer making the return after the date of the originating return made by such employer may be duly recorded, together with particulars of all changes and events which have occurred during the period covered by the return and which affect or have affected the benefit rights or the status as regards insurance against unemployment, of persons insured under the scheme who are or have been in the employment of the employer making the return.

Provided that the Board shall have power to prescribe that a return shall be made on such date and covering such period as the Board may fix which shall be in substitution for the quarterly returns covering the same period but contain similar particulars with such modifications and additions as may be prescribed.

Certificate.

32. For the purpose of bringing the scheme to the notice of the persons to whom it applies the Board may require an employer to deliver to any such person such certificate or notice (to be supplied by the Board) as may be prescribed.

33. Upon the termination of the employment of a person to whom the scheme applies or upon his ceasing while remaining in the same employment to be a person to whom the scheme applies, the employer shall complete a leaving certificate in the prescribed form by inserting therein the prescribed particulars and shall deliver the same to him.

Leaving
Certificate.

CONTRIBUTIONS.

34.—(1) Subject to the provisions of the scheme, every employer of a person to whom the scheme applies shall in respect of such person pay to the Board quarterly contributions at the rates set out in the First Schedule hereto.

Contributions

(2) Such quarterly contributions shall be paid on the first days of January, April, July and October in each year either at the principal office of the Board in London or at such other office or place as the Board shall require and the full quarterly contribution shall be payable by an employer in respect of any person employed by the employer at any time on the day on which such contribution is due without reference to the duration of his employment.

(3) Provided that—

- (i) the Board whenever they think fit may direct that any other day of January, April, July or October, as the case may be, be substituted for the first day thereof for the purposes of this clause;
- (ii) if the first day of January, April, July or October or any day substituted therefor by the Board shall be a Sunday or shall be a Bank Holiday in Northern Ireland there shall be deemed to be substituted for that day in respect of a person employed in Northern Ireland the next following day which is a working day in Northern Ireland;
- (iii) the Board shall have power to accept from any employer in satisfaction of his total liability for contributions such annual or other periodical payment calculated according to such a scale as the Board may determine.

35. Where a person insured under the scheme is employed in the insurance industry by two or more employers on any day on which a quarterly contribution is due, the quarterly contribution due on that day shall be payable by such employers in equal shares or such other proportions as shall be determined by the Board.

Numerous
employers.

36. Notwithstanding any contract to the contrary an employer shall not be entitled to deduct from the salary or wages of or otherwise to recover from a person insured under the scheme the employer's contributions payable in respect of such person.

Employers'
contributions
not to be
deducted from
salaries.

BENEFIT.

General.

37.—(1) Subject to any regulations made by the Ministry under section 19 of the principal Act every person insured under the scheme who has attained the age of sixteen and is unemployed so long as he fulfils the conditions laid down by the scheme and is not disqualified under the Scheme from receipt of benefit shall be entitled to receive benefit in a claim year in respect of periods amounting in the aggregate to one hundred and fifty-six days together with the number (if any) of additional days for which he may be qualified under the next following sub-clause.

Right to benefit.

(2) The following provisions shall have effect in respect of additional days:—

- (a) a person insured under the scheme shall be qualified for additional days if at the beginning of the claim year five insurance industry years have elapsed since the beginning of the insurance industry year in which he first became employed as an insured person in the insurance industry, so, however, that a person shall cease to be so qualified if at the beginning of any claim year five consecutive insurance industry years have elapsed during none of which he has been insurably employed but upon his again being insurably employed he shall be treated for the purpose of this paragraph as if he had then first become employed as an insured person in the insurance industry;
- (b) no additional days shall be allowed to a person not qualified as aforesaid;

- (c) the number of additional days in any claim year allowed to a person qualified as aforesaid shall be computed by allowing to him three days for every five weeks in which he has been insurably employed during the five insurance industry years last preceding the beginning of the claim year in respect of which the computation of additional days is made less one day for every five days during the five insurance industry years aforesaid in respect of which benefit has been paid to him. Provided always that the Board may waive in whole or in part the deduction from additional days hereinbefore directed to be made on account of days in respect of which benefit has been paid.

(3) The Board may by Rules make provisos as to the circumstances in which and the extent to which sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purpose of this clause.

(4) For the purpose of this clause —

- (a) Fractions of a day shall be disregarded ;
 (b) When benefit has been paid by reference to a week a full week's benefit shall be counted as six days' benefit.

Benefit period.

38.—(1) A person shall be entitled to benefit only in respect of a continuous period of unemployment and shall not be entitled to benefit in respect of any days of such period prior to the date on which an application for benefit is made in the prescribed manner or in respect of such date of application itself or in respect of the first six days of such period including such date of application. No increase of benefit shall be payable to any person in respect of any dependant for any period before the date on which such person applies in the prescribed manner for an increase of benefit in respect of that dependant.

Provided that in either of the above cases the Board may for good reason allow some earlier date to be substituted for the date of application.

(2) No person shall receive benefit in respect of any period less than one day and where benefit is payable for a period of less than a week it shall be paid at a daily rate equal to one-sixth of the weekly rate applicable to the person receiving the benefit.

(3) Any three or more days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment and any two such continuous periods separated by a period of employment not exceeding ten weeks shall be deemed to be one continuous period of unemployment.

Provided that for the purposes of this Clause a period of consecutive days shall be exclusive of Sundays.

(4) Any time during which a person fails to fulfil the benefit conditions other than the first and fourth benefit conditions or is under the provisions of the scheme disqualified for receiving benefit or to be deemed not to be unemployed shall be excluded in the computation of continuous periods of unemployment unless that person proves that the failure to fulfil the conditions or the disqualification was due to incapacity for work arising from some specific disease or bodily or mental disablement.

Provided that the Board may for good cause waive this provision in any case.

Subsidiary occupation.

39. A person shall be deemed to be employed on any day on which he is following any occupation from which he derives any remuneration or profit unless—

- (i) that occupation could ordinarily be followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and
 (ii) the remuneration or profit received therefrom in respect of that day does not exceed three shillings and fourpence or, where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount.

Benefit conditions

40.—(1) The conditions for the receipt of benefit by a person insured under the scheme shall be—

- (a) that during a period of two years immediately preceding the date of his application for benefit in the prescribed manner he shall have been employed in insurable employment in the insurance industry in each of thirty weeks:

Provided that—

- (i) if in any claim year a person proves that this condition is fulfilled in his case then (unless it is subsequently established that he was erroneously treated as having proved that such condition was fulfilled) he shall be treated during the remainder of the claim year as though this condition continued to be fulfilled;
 - (ii) if any person proves in the prescribed manner that he was during any periods falling within the said period of two years incapacitated for work by reason of some specific disease or by bodily or mental disablement or employed in any of the employments specified in paragraph (iii) (b) or (c) of clause 3, this condition shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity or of such employment as aforesaid, but so that such substituted period shall not in any case exceed four years;
 - (iii) if any person who is or has at any time during the said period of two years been in receipt of a pension paid out of monies provided by the Parliament of the United Kingdom in respect of a disability contracted by him during the late war proves that non-fulfilment in his case of this condition is due to that disability he shall, if he proves that during the said period of two years he has been employed in insurable employment in the insurance industry in each of ten weeks, be treated for all the purposes of the scheme as if he had proved that this condition was fulfilled in his case.
- (b) that he has made application for benefit in the prescribed manner;
- (c) that he is capable of and available for work:
 Provided that a person insured under the scheme shall not be deemed to have failed to fulfil this condition by reason only that he is attending at—
- (i) a training course or course of instruction attendance at which would not of itself disentitle him to benefit under the Unemployment Insurance Acts if he were a person insured under those Acts; or
 - (ii) a training course or course of instruction approved by the Board in his case.
- (d) in the case of a person who has exhausted his rights to benefit in his last preceding continuous period of unemployment prior to the 26th July, 1934, or in his last preceding claim year, as the case may be, that since exhausting such rights he has been employed in insurable employment in the insurance industry in each of ten weeks.

(2) The conditions contained in paragraphs (a), (b), (c) and (d) of the last preceding sub-clause are in this scheme respectively referred to as the first, second, third and fourth benefit conditions.

(3) If it is proved by an officer of the Board that during a claim year there were days in respect of which a person would (if he had claimed the same) have been entitled to benefit but that such person did not in fact claim benefit in respect of such days, then, for the purpose of determining whether such person is entitled to benefit during the next succeeding claim year without first establishing that the fourth benefit condition is fulfilled in his case such person shall (subject as hereinafter provided) be deemed to have received benefit in respect of such days. Provided always that the provisions of this sub-clause shall not apply unless there is reasonable cause to believe that the omission of such person to claim benefit was with intent to avoid the necessity of establishing fulfilment of the fourth benefit condition.

41.—(1) A person insured under the scheme shall be disqualified from the receipt of benefit for such period not exceeding six weeks and from such date as may be determined by a claims officer or by an appeal committee or by the Umpire, as the case may be, if on a claim for benefit it is proved by an officer of the Board that, after a situation in any employment which is suitable in his case has been notified to him by the Board or 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 such situation or refused to accept such situation when offered to him, or that he has neglected to avail himself of a reasonable opportunity of suitable employment, or if it is proved by

Disqualifica-
tions

an officer of the Board that he has without good cause refused or failed to carry out any written directions given to him by an officer of the Board with a view to assisting him to find suitable employment (being directions which were reasonable having regard both to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides).

(2) For the purposes of sub-clause (1) employment shall not be deemed to be suitable employment in relation to any claimant if it is—

- (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 wage 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 wage 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.

(3) After the lapse of such interval from the date on which a person insured under the scheme 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 the usual occupation of such person, if it is employment at a rate of wage not lower and on conditions not less favourable than those generally observed by agreement between associations of employers and employees or failing any such agreement, than those generally recognised by good employers.

(4) A person insured under the scheme shall also be disqualified from the receipt of benefit—

- (i) if he has lost employment by reason of a stoppage of work which was due to a trade dispute at the factory, workshop, office or other premises at which he was employed, except in a case where he has during the stoppage of work become *bona fide* employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation (but such disqualification shall last only so long as the stoppage of work continues);

Provided that—

- (a) this provision shall not apply in any case in which such person proves that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work and 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 the premises at which the stoppage is taking place, any of whom are participating in or financing or directly interested in the trade dispute;
- (b) where separate branches of work carried on as separate businesses in separate premises are in any case carried on in separate departments on the same premises, each of these departments shall for the purposes of this provision be deemed to be a separate factory, workshop, or office or separate premises as the case may be;
- (ii) if he lost his employment through his misconduct, or if he voluntarily left his employment without just cause (but such disqualification shall last only for such period not exceeding six weeks from such date as may be determined by a claims officer, Appeal Committee or the Umpire as the case may be);
- (iii) while he is an inmate of any prison or any workhouse or other institution supported wholly or partly out of public funds;

Provided nevertheless that this provision shall not apply in the case of a person insured under the scheme who is an inmate of an institution used as a place of residence for workers if he proves that he was an inmate of the institution immediately before he became unemployed and that during the time when he was employed he paid the whole or a substantial part of the cost of his maintenance as such inmate:

- (iv) while he is resident temporarily or permanently outside Northern Ireland:

Provided nevertheless that the Board shall have power to determine that this provision shall not apply to a person resident in Great Britain or the Irish Free State;

- (v) if he is in receipt of any sickness or disablement benefit, or disablement allowance under the statutes relating to national health insurance;
- (vi) if, in respect of the period for which he claims benefit, he is in receipt of wages or any payment by way of compensation for the loss of and substantially equivalent to the remuneration which he would have received if his employment had not terminated;
- (vii) if he has attained the age of sixty-five or if under the statutes relating to old age pensions in Northern Ireland he is to be treated as if he had attained that age.

42. A married woman shall be entitled to benefit only if, in addition to satisfying the other requirements of the scheme for the receipt of benefit, she also proves either (a) that she has been deserted by or permanently separated from her husband or that her husband is incapacitated from work and has been so incapacitated continuously for at least six weeks or (b) that since her marriage she has been employed in insurable employment in each of fifteen weeks or if more than six months have elapsed since her marriage she has been employed in insurable employment in each of eight weeks during the period of three months preceding the beginning of her claim quarter in respect of which she claims benefit, or (c) (1) that having regard to all the circumstances of her case and particularly to her industrial experience and the industrial circumstances of the district in which she resides either—

Married women.

- (i) her expectation of obtaining insurable employment in her usual occupation is not less than it would otherwise be by reason of the fact that she is married, or
- (ii) she can reasonably expect to obtain insurable employment;

and (2) that she is normally employed in insurable employment and will normally seek to obtain her livelihood by means of insurable employment.

43.—(1) In any case in which an authority has granted outdoor relief or an allowance to or on account of a person not in receipt of benefit, or in receipt of less than the full amount of benefit to which he was entitled, in excess of the amount which would have been granted if that person had been in receipt of benefit, or in receipt of the full amount of benefit to which he was entitled, the Board may, if a claim by that person for benefit or for the full amount of benefit in respect of any part of the period during which relief or an allowance has been so granted is subsequently allowed, treat the benefit allowed in respect of that person as reduced for the purposes of this clause by an amount not exceeding such an amount as the authority certify to have been so paid in excess in respect of the period for which the benefit was allowed, and the Board may pay to that authority the amount by which the benefit is treated as having been reduced as aforesaid so, however, that the total charge on the insurance fund shall not be greater than the amount of the benefit allowed.

Deductions from benefit.

(2) In this clause the expression "an authority" includes any authority charged with the administration of the law for the relief of the poor and also the Unemployment Assistance Board for Northern Ireland constituted by the Unemployment Act (Northern Ireland), 1934, and any authority which may hereafter be substituted for such Board.

Standard Rates.

44. The standard weekly rates of benefit shall be the rates set out in the second column of Part I of the Benefit Table contained in the second Schedule hereto.

Standard rates.

Provided that persons between the ages of eighteen and twenty-one years who are in receipt of an increase of benefit in respect of dependants shall be entitled to benefit at the same rate as persons who have attained the age of twenty-one years.

45. Increases of the weekly rates of benefit in respect of dependants shall be payable at the rates set out in the second column of Part II of the Benefit Table contained in the second Schedule hereto.

Increases of benefit.

Increase of benefit (dependants other than children).

46. The increase of benefit in respect of dependants other than children shall be payable where the person entitled to benefit comes within any one or more of the following descriptions (namely):—

- (a) a married man whose wife is living with him or is being maintained wholly or mainly by him ;
- (b) a person who has residing with him and is wholly or mainly maintaining a female person who has the care of his dependent children ;
- (c) a person who has residing with him and is wholly or mainly maintaining his mother if his mother has not a husband living or is deserted by or permanently separated from her husband or if her husband is permanently disabled and unable to work ;
- (d) a person who previously to becoming unemployed had in his employment and thereafter continues to employ at a rate of remuneration not less than nine shillings per week some female person who is not residing with him to assist in the care of his dependent children ;
- (e) a person who has residing with him and is wholly or mainly maintaining a father or step-father who is unable by reason of physical or mental infirmity to support himself ;
- (f) a married woman who has a husband dependent on her

Provided that—

- (i) no increase of benefit shall be payable in respect of a wife or female person who is (a) in receipt of unemployment benefit under the general provisions of the Unemployment Insurance Acts or under any special scheme or (b) in regular wage-earning employment otherwise than as having or assisting in the care of the dependent children of the person entitled to benefit or (c) engaged in any occupation ordinarily carried on for profit ;
- (ii) a husband shall be deemed to be dependent on his wife if he is (a) prevented by physical or mental infirmity from supporting himself and (b) maintained wholly or mainly by her ;
- (iii) the requirement in sub-clause (d) of this clause that the female person must have been employed previously to the person entitled to benefit becoming unemployed shall not apply in any case where the necessity for employing such a female person did not arise until after the date on which the person entitled to benefit became unemployed ;
- (iv) subject to the express provisions of the scheme only one increase of benefit shall be payable in respect of dependents other than children ;
- (v) no increase of benefit shall be payable to any person in respect of any dependant for any period before such person has become entitled to benefit under the scheme.

Increase of benefit (dependent children).

47. The increase of benefit in respect of a dependent child shall be payable in respect of each child, younger brother or younger sister of the person entitled to benefit who is either—

- (a) under the age of fourteen and is maintained wholly or mainly by the person entitled to benefit ; or
- (b) between the ages of fourteen and sixteen years and is maintained wholly or mainly by the person entitled to benefit and is either—
 - (i) a person under full time instruction at a day school (which term shall not for this purpose include in relation to any person an authorised course within the meaning of the Unemployment Insurance Act (Northern Ireland), 1934 ; or a training course or course of instruction approved in his case by the Ministry or by the Board) ; or
 - (ii) a person who is unable to receive such instruction by reason of physical or mental infirmity ; or
- (c) between the ages of fourteen and sixteen years and is (within the meaning of sub-clause 3 of Clause 38 of the Scheme) continuously unemployed and is while unemployed maintained wholly or mainly by the person entitled to benefit and is (within the meaning of paragraph (c) of sub-clause (1) of Clause 40 of the Scheme) capable of and available for work and would not be subject to any of the disqualifications which would disqualify from receipt of benefit a person insured under the Scheme who had attained the age of sixteen years and who satisfied the benefit conditions under the Scheme, if he were such a person.

48. For the purposes of the provisions of the scheme relating to increases of benefit— Definitions.

- (i) a person shall not be deemed to be wholly or mainly maintaining any other person unless such person when unemployed and in receipt of benefit under the Unemployment Insurance Acts or any special scheme contributes towards the maintenance of that other person an amount not less than the amount of the increase of benefit (at the standard rate) received in respect of that other person, and when in employment (except in a case where the dependency did not arise until after the date on which the insured person became unemployed) contributed more than one half of the actual cost of the maintenance of that other person;
- (ii) the expression "regular wage earning employment" shall not include employment where the amount of wage earned is less than the increase in the weekly rate of benefit (at the standard rate under the scheme), and the expression "occupation ordinarily carried on for profit" shall not include the performance of work for payment which is less in amount than the increase in the weekly rate of benefit (at the standard rate under the scheme) or the provision of board and accommodation for not more than one lodger as a member of the family; and
- (iii) where a dependant is partly maintained by each of two or more persons entitled to benefit, each of whom would be entitled to an increased rate of benefit in respect of that dependant if he were wholly or mainly maintaining him, then if the contributions made by those two or more persons towards the maintenance of that dependant amount in the aggregate to sums which would, if they had been contributed by any one of those persons, have been sufficient to satisfy the requirements of sub-clause (i) of this clause, that dependant shall be deemed for the purpose of the scheme to be wholly or mainly maintained by such of those persons as the Board may determine.

49. Where a claim for benefit is made by a person insured under the scheme and another person insured under the scheme receives an increase of benefit in respect of such first-mentioned person for any period occurring between the date when the claim is made in the prescribed manner and the date when it is allowed the benefit payable to the first mentioned person for that period shall be reduced by the increase of benefit so received by the second mentioned person. Increase of Benefit (Adjustments).

Higher Rates.

50.—(1) In any case where a person entitled to benefit establishes to the satisfaction of the Board that he is ordinarily employed in the insurance industry and is making all reasonable efforts to obtain re-employment the Board may, upon an application made in the prescribed manner, sanction the payment of benefit to such person at such of the higher rates set out in the third column of Part I of the Benefit Table contained in the second Schedule hereto as is applicable to him and the payment of increase of benefit in respect of dependants at the higher rates set out in the third column of Part II of the said Schedule. Higher rates.

(2) The Board may in their discretion—

- (i) allow any person in receipt of benefit if qualified to receive in addition to any increase to which he may be entitled under Clause 45 or may receive under Clause 50 (1) of the scheme a further increase of benefit in respect either of a wife or of a widowed mother or of a widowed step-mother;
- (ii) grant to any person in receipt of benefit if unmarried and living in lodgings in a district where his parents do not reside such additional benefit as the Board may determine.

(3) The decision of the Board allowing or disallowing benefit or increase of benefit under this clause shall be final and conclusive and not subject to any appeal.

(4) The second increase of benefit under paragraph (i) of sub-clause (2) of this clause and the additional benefit under paragraph (ii) of that sub-clause shall not exceed the respective weekly rates specified in Part III of the second Schedule hereto.

51. In any case where a person who has been allowed benefit at the higher rate establishes to the satisfaction of the Board that throughout the whole or a substantial part of his career he has been employed in the insurance industry, either Discretionary rates.

in insurable employment or in such a position that if the scheme had been in force as from the commencement of his employment it would have applied to him, and that he has lost his employment through causes over which he had no control, the Board may exercise for his benefit any of the following further powers (that is to say):—

- (i) power to permit such person to enter into the receipt of benefit after the first three days of any continuous period of unemployment;
- (ii) power to allow in his case the substitution for the purposes of the first condition for the receipt of benefit of a period of three years for the period of two years;
- (iii) power to augment the benefit payable to him (exclusive of any increases of benefit in respect of dependants) by such amount as the Board may in all the circumstances of the case think fit.

Extended Benefit.

52.—(1) Whenever an insured person is not entitled to receive benefit under clauses 37 to 51 of the scheme by reason of the fact that he has exhausted his right to benefit or that he fails to satisfy the first or fourth benefit conditions he shall notwithstanding the foregoing provisions be entitled to receive extended benefit for not more than the number of days assessed under sub-section (2) hereof at the standard rates set out in the second column of Part I of the second Schedule hereto, together with such increases of benefit as may apply in respect of dependants at the standard rates set out in the second column of Part II of the said Schedule or at such higher rates not exceeding the rates set out in the third column of Parts I and II respectively of the said Schedule as the Board may from time to time decide to be applicable in his case, if and so long as the following conditions are satisfied:—

- (a) that he makes application for extended benefit in the prescribed manner;
- (b) that he has been employed as an insured person in the insurance industry for a period or periods aggregating not less than 150 weeks in the period of four complete insurance industry years immediately preceding the application for extended benefit;
- (c) that he would be entitled to receive benefit under the scheme if he satisfied the first and fourth benefit conditions or if he had not exhausted his rights to benefit, as the case may be;
- (d) that having regard to all the circumstances of his case he is making reasonable efforts to return to employment;
- (e) that he proves that he is in reasonable need of assistance during his unemployment;
- (f) that he is unable to qualify for benefit under the Unemployment Insurance Acts or any other special scheme.

(2) The assessment of the number of days for which a person who fulfils the aforesaid conditions shall be entitled to receive extended benefit shall be at the rate of three days for every complete five weeks in which he has been employed in the insurance industry as an insured person during the period of twelve years ending on the last day of the last of the four insurance industry years hereinbefore mentioned:

Provided that:—

- (i) if on a previous assessment no extended benefit has been paid, the case shall be dealt with as if no application for extended benefit had previously been made;
- (ii) if on a previous assessment any extended benefit has been paid, no assessment shall be made until the benefit due for the number of days assessed under such previous assessment has been exhausted;
- (iii) a person who has received extended benefit in respect of the whole number of days assessed in his case shall not be entitled to have a further number of days assessed until he has again been employed in the insurance industry as an insured person and at least eight insurance industry years have elapsed since he became so again employed;
- (iv) nothing in this clause shall preclude the correction of an assessment subsequently found to be erroneous.

(3) (a) Any question arising in connection with a claim for extended benefit shall be determined by the Board whose decision shall be final.

(b) The Board may refer any such question to local referees for examination and report.

(c) The provisions of clause 53 of the scheme shall not be applicable to extended benefit.

Discretionary additional days.

(4) On each occasion upon which benefit payable under the scheme (including any extended benefit which may be payable) has been exhausted, benefit may nevertheless subsequently be paid at such fixed or varying proportion of the standard rate for such further period or periods not exceeding one year as the Board may in their discretion and either generally or in any particular case sanction.

Discretionary additional days.

EXAMINATION AND DETERMINATION OF CLAIMS.

53.—(1) All claims to benefit under the scheme and all questions arising in connection with such claims shall be submitted forthwith to a claims officer appointed by the Board. The claims officer shall consider any claim so submitted to him and may either allow it or disallow it.

Examination and determination of claims.

(2) Where a claim is disallowed by the claims officer, the claimant may at any time within twenty-one days from the date on which the decision of the claims officer is communicated to him, or within such further time as the Board may in any particular case for special reasons allow, appeal in the prescribed manner to an appeal committee. If no such appeal shall be brought the decision of the claims officer disallowing the claim shall be final and conclusive.

(3) Subject as hereinafter provided, an appeal shall lie to the Umpire from any decision of an appeal committee as follows:—

- (i) at the instance of the claims officer in any case;
- (ii) at the instance of an association of employed persons of which the claimant is a member in any case;
- (iii) at the instance of the claimant—
 - (a) with the leave of the appeal committee in any case in which it appears to the appeal committee that, having regard to the importance of the principle involved in the case or any other special circumstances, leave to appeal ought to be given; and
 - (b) in any case in which a decision of the appeal committee is not unanimous;
- (iv) at the instance of the Ministry in any case in which it is of opinion that having regard to the importance of the principle involved in the case or any other special circumstances, an appeal ought to be brought;

Provided that, in any case in which a decision of the Appeal Committee disallowing a claim is not unanimous, notice in writing of the fact shall be given by the Appeal Committee to the claimant within seven days of the decision, and an appeal under this sub-clause must be brought within six months of the date of the decision of the Appeal Committee, or such longer period as the Umpire may in any case for special reasons allow.

(4) The decision of the Umpire on any appeal from an appeal committee shall be final.

(5) A claims officer, an appeal committee and the Umpire may respectively refer any matter to be decided by him or them to local referees for examination and report.

(6) For the purposes of proceedings under this Clause, Rules made under the scheme may apply all or any of the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, with respect to arbitration.

(7) The claims officer, an appeal committee and the Umpire may on new facts being brought to his or their knowledge, revise any decision given by him or them in any particular case, and where any such revision is made, the revised decision shall have effect as if it had been an original decision.

(8) In this clause references to claims for benefit shall be construed as including references to questions arising in connection with such claims and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

(9) For the purposes of paragraph (ii) of sub-clause (3) of this clause a claimant shall not in relation to any appeal be deemed to be a member of any association of employed persons unless he was a member thereof on the last date on which he was employed before the claim subject to the appeal was made and has continued to be a member thereof until the date when the appeal is made.

Interim
payment.

54.—(1) Where a claim for benefit is allowed by an appeal committee, benefit shall be payable in accordance with the decision of the committee notwithstanding that an appeal to the Umpire is pending unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of paragraph (i) of sub-clause (4) of clause 41 and within twenty-one days of the date on which the decision of the committee was given, and any benefit paid in pursuance of the provisions of this sub-clause or of the next succeeding sub-clause shall be treated, notwithstanding that the final determination of the question is adverse to the claim, as having been duly paid and shall not be recoverable from the claimant under the provisions of the scheme or otherwise.

(2) If in any case where a claim for benefit is made by a person in respect of a benefit period immediately following a benefit period in respect of any day of which he was entitled to or received benefit, a question is raised whether the claimant has not ceased to be entitled to benefit because by reason of the provisions of sub-clause (1) of clause 41 he is disqualified for the receipt of benefit the claimant shall, unless and until it is decided by an appeal committee that the claim should not be allowed, and if he is otherwise entitled to benefit, be treated as being entitled to receive benefit, and benefit shall be payable accordingly.

In this sub-clause the expression "benefit period" means the period of six working days in a week in respect of which benefit is payable.

Information.

55. Every employer carrying on an undertaking comprised in the insurance industry and every employer or former employer of any person claiming or in receipt of benefit under the scheme shall, upon his being required so to do by the Board, furnish the Board with such particulars relating to persons in or formerly in his employment and to the best of his knowledge and information answer in writing such questions relating to such persons as the Board may think requisite for determining either whether such persons or any of them are in fact persons to whom the scheme applies or whether any of such persons is in any and what extent entitled to benefit under the scheme and every such employer shall complete and deliver to the Board such returns as shall be prescribed by the Board for the purposes of this clause.

Expenses.

56. Where any person attending a claims officer or an appeal committee or the Umpire or a Local Committee or local referees at the request of the Board for the purposes of the scheme has incurred travelling or other expenses or has lost remunerative time, he may apply to the Board for the repayment of such expenses or for compensation for such time and the Board after investigating such application may repay to such person the whole of such expenses or compensation or such proportion thereof as the Board may deem reasonable.

RE-EMPLOYMENT.

Re-employment
organisation.

57.—(1) The Board shall establish and maintain and shall from time to time as circumstances admit develop an organisation for placing in employment both persons insured under the scheme who are for the time being unemployed and any persons formerly employed in or connected with the insurance industry.

(2) The expenses incurred in establishing maintaining and directing such organisation shall be paid out of the insurance fund.

Special powers.

58.—(1) The Board may for the purposes of the re-employment organisation established by the Board do all or any of the following things (namely):—

- (a) provide for the notification of vacancies and for the registration of persons seeking employment;
- (b) provide wholly or in part for the travelling and other expenses incurred at the request of the Board by persons who are seeking employment;
- (c) provide wholly or in part for the expenses of removing persons (with or without their dependants) who are seeking or who have found employment from one area to another;
- (d) provide wholly or in part for the emigration of persons insured under the scheme with or without their dependants;

- (e) provide for the training of persons insured under the scheme ;
- (f) provide for the expenses of Local Committees and advisory committees incurred in connection with the re-employment organisation.

(2) In any case where the Board may make provision for expense incurred in connection with the re-employment organisation established by the Board such provision may be made by way of loan or otherwise as the Board may think fit.

LEGAL PROCEEDINGS.

59.—(1) If for the purpose of obtaining any benefit or payment under the scheme, either for himself or for any other person or for the purpose of avoiding any payment to be made by himself under the scheme, or enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with or without hard labour.

Offences.

A court of summary jurisdiction in Northern Ireland shall have the same power as a court of summary jurisdiction in England in the case of a person convicted for an offence under this sub-clause of imposing a fine not exceeding twenty-five pounds instead of imprisonment if the court is of opinion that the justice of the case would be better met by a fine than by imprisonment.

(2) If any employer has failed or neglected to pay any contributions which he is liable under the scheme to pay, or if any employer or person insured under the scheme or any other person is guilty of any contravention of or non-compliance with any of the requirements of the scheme or the rules made thereunder in respect of which no special penalty is provided, or if any employer deducts or attempts to deduct from the wages or other remuneration of a person insured under the scheme the whole or any part of the contribution payable under the scheme by the employer, he shall, for each offence, be liable on summary conviction to a fine not exceeding ten pounds.

(3) Where an employer has been convicted under the foregoing provisions of this Clause of the offence of failing or neglecting to pay any contribution under the scheme, or where an employer has been charged with such an offence and an Order has been made under sub-section (1) of section one of the Probation of Offenders Act, 1907, he shall be liable to pay to the Board a sum equal to the amount which he has so failed or neglected to pay, and on such a conviction or Order, if notice of the intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer to pay other contributions in respect of the same person during the two years preceding the date of the offence, and on proof of such failure or neglect the employer shall be liable to pay to the Board a sum equal to the total of all the contributions which he is so proved to have failed or neglected to pay. Any sum ordered by a Court to be paid to the Board under the foregoing provision shall be recoverable as a penalty.

Any sum paid by an employer under the foregoing provision shall be treated as a payment in satisfaction of the unpaid contributions.

If the employer, being a Company, fails to pay to the Board any sum which it has been ordered to pay under this sub-clause, that sum, or such part thereof as remains unpaid, shall be a debt due, as from the date of the Order for payment, to the Board jointly and severally from any directors of the company who knew, or could reasonably be expected to have known, of the failure or neglect to pay the contribution or contributions in question.

(4) Every person who buys, sells, or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any certificate issued under the scheme shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(5) If it is found at any time that a person has been in receipt of benefit whilst the benefit conditions were not fulfilled in his case, or whilst he was disqualified for receiving benefit, or has been in receipt of benefit in excess of that to which he was lawfully entitled, he shall, unless he shows that the benefit was received by him in good faith, and without knowledge that he was not entitled thereto, be liable to repay to the Board any sums paid to him in respect of benefit while the benefit conditions were not fulfilled, or whilst he was disqualified for receiving benefit, or any sums paid to him in respect of benefit in excess of that to which he is ascertained to have been lawfully entitled, as the case may require.

Notwithstanding anything in the Scheme where a person is liable to repay to the Board any sum received by him by way of benefit, that sum may be recovered without prejudice to any other remedy, by means of deductions from any benefit to which that person thereafter becomes entitled.

(6) Nothing in this clause shall be construed as preventing the recovery of any sum due to the Board by means of civil proceedings and any such sum shall without prejudice to any other remedy be recoverable summarily as a civil debt or in the County Court by civil bill at the suit of the Board.

(7) In any proceedings under this clause or in any proceedings involving any question as to the payment of contributions under the scheme or for the recovery of any sums due to the Board the decision of the Ministry on any question whether a person is or was an employed person within the meaning of the Unemployment Insurance Acts or not or as to who is or was the employer of an employed person, or any question whether a person is or was a person to whom the scheme applies or not, shall, unless an appeal against the decision is pending, or the time for appealing against the decision has not expired, be conclusive for the purpose of those proceedings, and if such a decision has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the Ministry for decision in accordance with the provisions of the said Acts, and where any such appeal is pending, or the time for so appealing has not expired or any question has been so referred to the Ministry, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Institution of proceedings.

60.—(1) Proceedings for an offence under the scheme shall not be instituted except by or with the consent of the Ministry, or by an inspector or other officer of the Board authorised in that behalf by the Board.

So much of this sub-clause as authorises inspectors or other authorised officers to institute proceedings for offences shall extend to proceedings for the recovery summarily as a civil debt of any sum due to the Board.

(2) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under the scheme may be commenced at any time within three months from the date on which evidence sufficient in the opinion of the Board to justify a prosecution for the offence, comes to their knowledge, or within twelve months after the commission of the offence, whichever period is the longer.

For the purposes of the foregoing provision, a certificate purporting to be signed on behalf of the Board as to the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence thereof.

Loss of benefit.

61.—(1) Where an employer has failed or neglected to comply in relation to any person with the requirements of the scheme or any rules made thereunder and by reason thereof that person has lost in whole or in part the benefit to which he would have been entitled under the scheme, he shall be entitled to recover summarily or in the County Court by civil bill as a debt due from the employer a sum equal to the amount of the benefit so lost.

(2) Proceedings may be taken under this clause notwithstanding that proceedings have been taken under other provisions of the scheme in respect of the same failure or neglect.

Competence of witnesses.

62. The wife or husband of a person charged with an offence under the scheme may be called as a witness either for the prosecution or the defence and without the consent of the person charged.

Summary jurisdiction.

63. An offence under the scheme may be tried by the court of summary jurisdiction within the jurisdiction of which the person accused dwells or carries on business at the time of commencing the proceedings for the offence, but without prejudice to the jurisdiction of any other court of summary jurisdiction authorised to try the offence.

FINANCIAL PROVISIONS.

Insurance Fund.

64.—(1) All contributions payable under the scheme and all other receipts of the Board shall be paid into the insurance fund established for the purposes of Insurance Industry Unemployment Insurance Scheme and all payments author-

ised by the scheme in respect of benefit, the working expenses of the scheme, or otherwise shall be made out of the insurance fund.

(2) If the Minister of Labour of the United Kingdom shall with reference to any period direct that the working expenses of Insurance Industry Unemployment Insurance Scheme during such period shall not be in excess of a sum which is a particular proportion of the aggregate of the sums which during the same period are payable into the insurance fund in respect of contributions under the said scheme, it shall not be lawful during such period to make any payment out of the insurance fund in respect of working expenses of the scheme which shall be in excess of the sum which is the same proportion of the aggregate of the sums which during the same period are payable into the insurance fund in respect of contributions under the scheme.

(3) Any monies forming part of the insurance fund may from time to time be invested in the name of the Board upon and in any securities and investments for the time being authorised by law for the investment of trust funds.

(4)—(a) The Board shall cause full and accurate accounts to be kept of all monies paid into and out of the insurance fund, of the matters to which the receipts and expenditure relate, and of the assets and liabilities of the insurance fund, and such accounts shall be audited by an auditor appointed by the Board and approved by the Minister of Labour of the United Kingdom.

(b) The Board shall furnish accounts to the Ministry in such form and at such times as it may require.

(c) The Board shall comply with any directions from time to time given to them by the Ministry as to the publication of their accounts and the auditor's reports thereon.

(d) The Ministry may at any time direct such further or special examination of the accounts of the Board to be held as it may think necessary.

(e) The accounts of the Board shall show separately the amounts of contributions paid under the scheme in respect of men, women, boys and girls respectively.

(5) If it appears to the Board or the Ministry at any time that the insurance fund is in all the circumstances of the case in danger of becoming insolvent, the Board shall, if the Ministry so direct, by rule impose a temporary contribution on insured persons or make such temporary modifications in any of the rates of employers' contributions, or the rates of benefit, and during such period as the Board thinks fit, and as will on the whole, in the opinion of the Ministry, be sufficient to secure the solvency of the fund.

Provided that no rule made under this clause shall—

- (i) come into force until one month after it is passed ; or
- (ii) reduce any weekly rate of benefit below the corresponding rate paid as benefit under the Unemployment Insurance Acts ; or
- (iii) cause contributions to be paid by any person insured under the scheme at a weekly rate exceeding one half of the corresponding rate for the time being in force under the Unemployment Insurance Acts as amended by any subsequent enactment.

A rule under this clause shall not be made so as to be in force at any time while any previous rule made under this clause is in force.

When it is proposed to make a rule under this clause the Board shall cause a copy of the rule together with a special report as to the reasons for making the rule to be forwarded to the Ministry.

(6) A septennial audit or valuation of the insurance fund shall be made by an actuary (being a fellow of the Institute of Actuaries or of the Faculty of Actuaries) as on the 31st March, 1935, and on every seventh anniversary thereof and appropriate provision shall be made for dealing with any surplus or deficiency appearing on such valuation, such provision to include any necessary revision of the rates of contribution and benefit respectively payable under the scheme.

MISCELLANEOUS.

65. Rules shall be made by the Board for prescribing anything which is to be prescribed under the scheme and also— Rules

- (a) for prescribing the evidence to be furnished by claimants to benefit and for that purpose requiring their attendance at such offices or places and at such times as may be determined by the Board ;

- (b) for providing for the return to employers of any contributions paid by them under the erroneous belief that the contributions were payable under the scheme in respect of any person.

Provided that no return of contributions shall be made under this provision except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid.

Power to vary Scheme.

66. So far as may be necessary for the purpose of placing persons to whom the Scheme applies or any class of them in a position not less favourable than that of persons insured under the general provisions of the Unemployment Insurance Acts the Board may or if so required by the Ministry, shall make such alterations or modifications of the provisions of the Scheme in such manner as may be necessary to effect the said purpose.

Benefit not assignable.

67. Every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by the scheme, shall be void, and, on the bankruptcy of any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Bankruptcy and winding-up.

68.—(1) There shall be included among the debts which, under section one of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933, are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all contributions payable under the scheme by the bankrupt or arranging debtor in respect of persons insured under the scheme during the twelve months before the date of the order of adjudication in the case of a bankrupt or the filing of the petition for arrangement in the case of an arranging debtor, and that Act shall have effect accordingly, and formal proof of the debts to which priority is given under this sub-clause shall not be required except in cases where it may otherwise be provided by general orders made under the said Act.

(2) Paragraph (e) (iii) of sub-section (1) of section 234 of the Companies Act (Northern Ireland), 1932, shall have effect as though the scheme were there referred to.

Inspectors.

69.—(1) An inspector appointed under the scheme shall, for the purposes of the execution of the scheme, have power to do all or any of the following things (namely) —

- (a) to enter at all reasonable times any premises or place other than a private dwelling-house not being a workshop or an office, where he has reasonable grounds for supposing that any persons to whom the scheme applies are employed ;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of the scheme are complied with in any such premises or place ;
- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under the scheme, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been a person to whom the scheme applies and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined ;
- (d) to exercise such other powers as may be necessary for carrying the scheme into effect.

(2) The occupier of any such premises or place and any other person employing any person insured under the scheme, and the servants and agents of any such occupier or other person, and any person insured under the scheme shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wages sheets, records of wages, and other documents as the inspector may reasonably require.

(3) If any person wilfully delays or obstructs an inspector in the exercise of any power under this clause or fails to give such information or to produce such documents as aforesaid, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be liable on summary conviction to a fine not exceeding five pounds

Provided that no one shall be required under this clause to answer any question or give any evidence tending to incriminate himself.

(4) Where any such premises or place are liable to be inspected by inspectors or other officers employed by, or are under the control of, some Government department, the Board may make arrangements with that Government department, for any of the powers and duties of inspectors under this clause being carried out by inspectors or other officers of such Government department, and where such an arrangement is made, such inspectors and officers shall have all the powers of an inspector under this clause.

(5) Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purposes of the scheme, shall, if so required, produce the said certificate to the occupier.

70. Where, for the purposes of the scheme, the age, marriage or death of any person is required to be proved by the production of a certificate of birth, marriage or death, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time laid down by the Registrar General for Northern Ireland, and, on payment of a fee in the case of a birth certificate of sixpence and in the case of a marriage or death certificate of one shilling, be entitled to obtain a certified copy of the entry of the birth, marriage or death, as the case may be, of that person in the register of births, marriages or deaths, as the case may be, under the hand of the registrar or superintendent registrar or other person having the custody thereof, and forms for such requisition shall on request be supplied without any charge by every registrar of births and deaths, and by every superintendent registrar or other person having the custody of the register.

Proof of age

71.—(1) For the purpose of determining what period is after the 25th July, 1934, a claim year in regard to a person insured under the Scheme the following provisions shall apply, namely —

Claim year.

- (a) A continuous period of unemployment which on the 26th July, 1934, had continued for less than twelve months from the beginning thereof and was current on the said 26th July, 1934, shall until the lapse of twelve months from the beginning of such period be deemed to be a claim year if and only if during the said continuous period of unemployment and prior to the 26th July, 1934, the insured person proved that the first and fourth benefit conditions were fulfilled;
- (b) If no continuous period of unemployment was current on the 26th July, 1934, or if the continuous period of unemployment then current was not under the provisions of the last preceding paragraph deemed to be a claim year the first claim year of the insured person shall be the period of twelve months commencing on the first date after the 25th July, 1934, on which on an application for benefit the insured person proves that the first and fourth benefit conditions are fulfilled;
- (c) Subsequent claim years shall be the periods of twelve months commencing on the respective dates on which on an application for benefit the insured person first proves that the first and fourth benefit conditions are fulfilled after the termination of each last preceding claim year.

(2) If it is found that an insured person has been wrongly treated as having begun his claim year on a particular date by reason of his having been wrongly treated as having proved that the first and fourth benefit conditions are fulfilled his claim year shall nevertheless be deemed to have begun on that date but he shall not be entitled to benefit during the remainder of that year until he proves that the first and fourth benefit conditions are fulfilled.

(3) The expression "claim quarter" means a period consisting of either the first, second, third or fourth period of three months in a claim year.

Transitory Provisions.

72.—(1) When under the provisions of paragraph (a) of sub-clause (1) of clause 71 a continuous period of unemployment current on the 26th July, 1934, is deemed to be a claim year, the insured person—

- (a) shall (unless it is subsequently established that he was erroneously treated as having proved that such condition was fulfilled) be treated throughout the remainder of that claim year as if the first condition for receipt of benefit under the Scheme continued to be fulfilled in his case; and
- (b) shall not be deemed to have exhausted his benefit rights in that year on the ground that he exhausted such rights under Clause 3 of the Schedule to the Unemployment Insurance (Insurance Industry Special Scheme) (Amendment) (No. 2) Special Order (Northern Ireland), 1931, unless he also exhausted such rights under the Clause substituted for that Clause by Clause 7 of the Unemployment Insurance (Insurance Industry Special Scheme) (Variation and Amendment) Order (Northern Ireland), 1934.

(2) The rates of contribution introduced by the present scheme shall be deemed to have been applicable as from the 1st October, 1934, and accordingly in any case where an employer in the insurance industry has paid contributions due on or after that date at a rate higher than would be payable under the present scheme the Board shall out of the insurance fund repay to such employer or give such employer credit for the amount of contributions so paid in excess.

Interpretation.

73.—(1) For the purposes of the scheme :—

- (a) the expression "the Board" means Insurance Unemployment Board;
- (b) the expression "the principal Act" means the Unemployment Insurance Act, 1920, and the expression "the Unemployment Insurance Acts" means the Unemployment Insurance Acts (Northern Ireland), 1920 to 1934;
- (c) the expression "the Ministry" means the Ministry of Labour for Northern Ireland;
- (d) the expression "the Umpire" means the Umpire for Northern Ireland, or a Deputy Umpire, appointed under the Unemployment Insurance Acts;
- (e) 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 with the conditions of employment of any persons whether employees in the employment of the employer with whom the dispute arises or not;
- (f) the expression "Employment Exchange" has the same meaning as the expression "Labour Exchange" in the Labour Exchanges Act, 1909, and includes a branch employment office and a juvenile employment bureau;
- (g) the expression "insurable employment" shall with reference to any person mean such employment as would make him a person to whom either the general provisions of the Unemployment Insurance Acts or this or some other special scheme applies;
- (h) the word "benefit" does not include extended benefit except in clause 52 and in so far as the provisions of the scheme are expressly made applicable to extended benefit;
- (i) the word "child" includes a step-child, an adopted child (whether adopted under the Adoption of Children Act (Northern Ireland), 1929, or otherwise) and an illegitimate child; the word "brother" includes a half-brother and a step-brother and the word "sister" has a corresponding meaning; the word "mother" includes a step-mother and the mother of an illegitimate child;
- (k) the word "dependants" means the class of persons in respect of whom increase of benefit may be claimed under clauses 46 and 47;
- (l) the expression "increase of benefit" means an increase of benefit in respect of dependants;
- (m) the expression "insurance industry year" means the period beginning on the twenty-seventh Monday in any calendar year and ending on the Sunday preceding the twenty-seventh Monday in the next calendar year;

- (n) any reference in the scheme to any Act of Parliament or to provision thereof shall, unless the context otherwise requires, be construed as a reference to that Act or that provision as the case may be as amended by any subsequent enactment or by an order or regulation made under any Act;
- (o) a person shall be deemed according to the law in Northern Ireland not to have attained the age of sixteen until the commencement of the sixteenth anniversary of the day of his birth and similarly with respect to other ages;
- (p) a person shall be deemed to be between two ages mentioned in the scheme if he has attained the first-mentioned age but has not attained the second-mentioned age.
- (2) The Interpretation Act, 1921, shall apply in the construction of the scheme in like manner as it applies in the construction of Acts of Parliament.

FIRST SCHEDULE TO THE SCHEME.

CONTRIBUTION TABLE.

Quarterly Rates of Contributions.

Column 1.	Column 2.	
Class of persons to whom rate applies.	Rate of contribution payable per quarter by employer.	
	s.	d.
1. Persons of the age of eighteen years and upwards—		
Men	10	10 each.
Women	9	9 each.
2. Persons who are between the ages of sixteen and eighteen years—		
Boys	10	10 each.
Girls	9	9 each.
3. Persons who are under the age of sixteen years—		
Boys	2	2 each.
Girls	2	2 each.

SECOND SCHEDULE TO THE SCHEME.

BENEFIT TABLE.

PART I.

Weekly Rates of Benefit.

Column 1.	Col. 2.	Col. 3.
Class of Persons to whom Rate applies.	Standard Rates.	Higher Rates.
	s. d.	s. d.
1. Persons of the age of twenty-one years and upwards—		
Men	17 0	20 0
Women	15 0	16 0
2. Persons who have attained the age of eighteen years—		
Young Men	14 0	20 0
Young Women	12 0	16 0
3. Persons who have attained the age of seventeen years but are under the age of eighteen years		
Boys	9 0	10 0
Girls	7 6	8 0
4. Persons who are under the age of seventeen years—		
Boys	6 0	10 0
Girls	5 0	8 0

PART II.

Increases of Weekly Rates of Benefit.

Column 1.	Col. 2.	Col. 3.
	s. d.	s. d.
In respect of dependants other than children	9 0	10 0
In respect of dependent children	2 0	3 0

PART III.

Rates of Benefit under Clause 50, Sub-Clause (2).

Column 1.	Column 2.
	Maximum Weekly Rates.
	s. d.
Further increase of benefit under sub-clause (i)	5 0
Additional benefit under sub-clause (ii)	5 0