

Given under the Official Seal of the National Insurance Joint Authority this 22nd day of December, nineteen hundred and forty-eight.

L.S.

S. S. Menneer,
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of December, nineteen hundred and forty-eight.

L.S.

John I. Cook,
Assistant Secretary to the
Ministry of Finance for
Northern Ireland.

Pensions

1948. No. 39

See p. 730.

1948. No. 129

See p. 743.

Reciprocal Arrangements with Great Britain

1948. No. 45

See p. 760.

Residence and Persons Abroad Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 210

Amended 1949 S.R.O. (N.I.) 120

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 1, 13, 28 and 57 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act (Northern Ireland), 1946;

Citation,
commence-
ment and
interpreta-
tion.

“ the Insurance Act ” means the National Health Insurance Act, 1936;

“ the Contributory Pensions Act ” means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

“ the Ministry ” means the Ministry of Labour and National Insurance for Northern Ireland;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Residence condition

2. For the purposes of subsection (1) of section 1 of the Act (which subsection provides for persons who are in Northern Ireland becoming insured under the Act subject to such conditions as may be prescribed as to residence in Northern Ireland), the condition as to residence in Northern Ireland shall be that a person must have been resident in Northern Ireland for a continuous period of twenty-six weeks terminating on or after the appointed day and on or after attaining school leaving age:

Provided that—

- (a) this condition shall not apply to the following persons as from the respective dates mentioned below:—
- (i) (subject to the provisions of paragraph (b) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person—as from the date on which he becomes such a person;
 - (ii) in the case of a person who came to Northern Ireland from a place outside the British Islands and but for the said foregoing provision would be a self-employed person or a non-employed person and who notifies the Ministry that this condition shall not apply to him—as from the date of such notification;
 - (iii) in the case of a person over school leaving age and under the age of eighteen who came to Northern Ireland for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied—as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still existing on, the appointed day, as from that day;

Condition as to residence in Northern Ireland.

- (b) where an employed person (not being an existing contributor within the meaning of any regulations made under section 62 of the Act) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in the United Kingdom and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in the United Kingdom, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Act.

Payment of contributions in respect of periods abroad

3.—(1) Where an insured person is throughout any contribution week outside Northern Ireland and is not in that week an employed person, he shall not be liable to pay any contributions as an insured person for that week.

(2)—(a) Subject to the conditions specified in sub-paragraph (b) of this paragraph, an insured person shall, for any week during the whole of which he is outside Northern Ireland, and for which by virtue of paragraph (1) of this regulation he is not liable to pay a contribution as an insured person, be entitled to pay a contribution as a non-employed person or, if he so desires and is gainfully occupied in that week, as a self-employed person.

Contributions as a non-employed or self-employed person in respect of periods outside Northern Ireland, etc.

(b) The conditions referred to in the preceding sub-paragraph are:—

- (i) either that, subject to the provisions of sub-paragraph (c) of this paragraph, not less than one hundred and fifty-six contributions of any class under the Act had been paid by him as an insured person, or, alternatively, that he had been resident in Northern Ireland for a continuous period of not less than three years at any time before the week in question; and
- (ii) that in either case he exercises the option to pay contributions in respect of any period during which he is outside Northern Ireland before the expiration of twenty-six weeks from the date on which the period commenced.

(c) For the purposes of the first of the alternative conditions contained in sub-paragraph (b) (i) of this paragraph, the following provisions shall apply:—

- (i) in the case of a person who became insured under the Insurance Act or the Contributory Pensions Act before the 30th September, 1946, and who continued to be an insured person

under either of those Acts up to immediately before the appointed day, and in respect of whom the contributions paid before that day under those Acts since his last entry into insurance were not less than one hundred and four, the said condition shall be deemed to be satisfied;

- (ii) in the case of a person who became so insured on or after the said 30th September, or in respect of whom less than one hundred and four such contributions were so paid before the appointed day, and who continued to be an insured person under the Insurance Act or the Contributory Pensions Act up to immediately before that day, any such contributions shall count towards the satisfaction of the said condition; and
- (iii) in either of the foregoing cases, if more than one contribution has been paid under the said Acts for any one week, any such contributions shall for the purposes of this sub-paragraph be treated as if they were one contribution.

(3) Where a person employed in an employed contributor's employment ceases to be so employed in Northern Ireland but is employed outside Northern Ireland in continuation of an employed contributor's employment by an employer having a place of business in Northern Ireland, any contribution paid by him as a non-employed person or a self-employed person in accordance with the provisions of paragraph (2) of this regulation in respect of any contribution week during which he is so employed outside Northern Ireland shall, on his return to Northern Ireland, be treated as if it were a contribution paid by him in respect of an employed contributor's employment.

(4) If in any contribution week a person who is resident in Northern Ireland is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland, any contribution as a non-employed person or a self-employed person paid by that person for that week in accordance with the provisions of the Act, shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment.

Special provisions for payment of contributions in respect of periods abroad by persons returning to Northern Ireland.

4.—(1) (a) Where a person who (being a person who immediately before the appointed day was over school leaving age and under pensionable age) was resident in Northern Ireland before the appointed day but outside Northern Ireland on that day returns to Northern Ireland thereafter but within three years of that day or within such longer period as the Ministry may in any particular case determine, he shall, subject to his becoming an insured person and to the provisions of these regulations, be entitled to pay contributions as a non-employed person in respect of the period or part of the period between the appointed day and his return to Northern Ireland; and any contributions so paid shall be treated as having been paid in respect of continuous weeks ending with the week immediately preceding the day of such return.

(b) Notwithstanding anything contained in regulation 2, a person who on his return to Northern Ireland pays contributions under the foregoing provisions of this paragraph, shall thereupon be entitled to pay contributions as a non-employed person for the whole or part of any period during which the provisions relating to residence contained in that regulation apply in his case.

(2) Where a person desires under the preceding paragraph to pay contributions as a non-employed person, he must exercise the option to do so within twenty-six weeks of his becoming an insured person.

(3) Any such person shall be deemed to be an insured person under the Act for the period or periods in respect of which contributions have been paid or treated as having been paid in accordance with the provisions of paragraph (1) of this regulation.

Payment of benefit to persons absent from Northern Ireland

5. The following provisions shall apply in relation to the payment of benefit to or in respect of persons absent from Northern Ireland:—

(1) A person shall not be disqualified for receiving sickness benefit or maternity allowance—

Modifications of the Act in relation to payment of benefit abroad.

(a) by reason of being temporarily absent from Northern Ireland (being in the Isle of Man or the Channel Islands) during the period of six months from the date on which such absence commences; or

(b) by reason of being temporarily absent from Northern Ireland (not being in the Isle of Man or the Channel Islands) for the specific purpose of being treated for incapacity which commenced before he left Northern Ireland, during such period as the Ministry may allow, having regard to the particular circumstances of the case, subject to the qualification that payment of the benefit shall be suspended until that person returns to Northern Ireland, unless he has nominated a person in Northern Ireland (who is approved by the Ministry) to receive payment of the benefit on his behalf.

(2) A person shall not be disqualified for receiving a widow's benefit, a guardian's allowance or a retirement pension, by reason of being absent from Northern Ireland—

(a) if he is in any part of His Majesty's dominions; or

(b) if, being absent from His Majesty's dominions, his absence therefrom does not exceed twelve months, but in that event the disqualification shall only not apply in respect of the last six months of such a period of absence, and this sub-paragraph shall be subject to the further conditions that payment of benefit shall be suspended until that person returns to Northern

Ireland or to any other part of His Majesty's dominions, and that, for the purpose of determining the period of such absence, any temporary presence in His Majesty's dominions shall be disregarded.

(3) Where by virtue of the foregoing provisions of this regulation a husband or wife is not disqualified for receiving a benefit although absent from Northern Ireland, he or she shall not be disqualified for receiving any increase (where payable) of that benefit in respect of his or her spouse by reason of the spouse being absent from Northern Ireland; provided the spouse is residing with the husband or wife, as the case may be.

6.—(1) A woman shall not be disentitled to a maternity grant or an attendance allowance by reason of the confinement occurring—

(a) in the Isle of Man or the Channel Islands; or

(b) elsewhere outside Northern Ireland, if at the time of the confinement she is ordinarily resident in Northern Ireland;

and any such woman shall, in addition, not be disqualified for receiving any such benefit by reason of her being absent from Northern Ireland.

(2) Notwithstanding the foregoing provisions of this regulation, where such a woman is absent from Northern Ireland, the Isle of Man and the Channel Islands, payment of the benefit or grant shall be suspended until she returns to Northern Ireland, unless she has nominated a person in Northern Ireland (who is approved by the Ministry) to receive payment of the benefit or grant on her behalf.

7.—(1) The payment of benefit to or in respect of any person which is payable otherwise than in respect of a period of absence from Northern Ireland shall be suspended while the beneficiary is absent from Northern Ireland, unless the benefit is one (and only so long as it is one) which, by reason of the foregoing provisions of these regulations, the person is not disqualified for receiving or not disentitled to when so absent.

(2) Where by virtue of the foregoing provisions of these regulations payment of benefit is suspended for any period, then in the case of maternity benefit, the first six months of that period, and in the case of any other benefit, the period of suspension, shall not be taken into account in calculating any period under the provisions of regulation 12 of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948 (which regulation relates to the extinguishment of the right to sums payable by way of benefit which are not obtained within the prescribed time).

8.—(1) Contributions and benefit which become payable by virtue of these regulations shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as the Ministry may determine or require from time to time.

Suspension
of payment
of benefit.

Administra-
tive arrange-
ments as to
contribu-
tions and
benefits.

(2) Any option which may be exercised by virtue of regulation 3 or 4 shall be made in writing and addressed to the Ministry.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of July, 1948.

L.S.

William Allen,

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

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of July, 1948.

L.S.

John I. Cook,

Assistant Secretary to the Ministry of Finance for Northern Ireland.

Seamen's Special Fund Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 230

The National Insurance Joint Authority, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 66 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Seamen's Special Fund) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

Citation, commencement and interpretation.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act (Northern Ireland), 1946;

“the Joint Authority” means the National Insurance Joint Authority;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.