Given under the Official Seal of the Ministry of Labour for Northern Ireland this 16th day of March, in the year One thousand nine hundred and forty.

(Signed) *W. Allen*,
(L.S.) Assistant Secretary to the Ministry of Labour for Northern Ireland.

Regulations.

REGULATIONS, DATED AUGUST 22, 1940, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL HEALTH INSURANCE ACTS (NORTHERN IRELAND), 1936 TO 1939, AND THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACTS (NORTHERN IRELAND), 1936 TO 1940.

1940. No. 113.

The National Health Insurance Joint Committee and the Ministry of Labour, in conjunction with the Ministry of Finance, in exercise of the powers conferred by the National Health Insurance Acts (Northern Ireland), 1936 to 1939, and the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1940, 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 Health Insurance and Contributory Pensions (Transitional) Regulations (Northern Ireland), 1940, and shall have effect as from the 1st July, 1940.

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

" The Insurance Acts " mean the National Health Insurance Acts (Northern Ireland), 1936 to 1939;

" The Insurance Act of 1936 " means the National Health Insurance Act, 1936, as amended by any subsequent enactment;

" The Contributory Pensions Acts " mean the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1940;

" The Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, as amended by any subsequent enactment;

" The Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937, as amended by any subsequent enactment;

" The Emergency Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

" The Act of 1940 " means Part I of the Old Age and Widows' Pensions Act (Northern Ireland), 1940;

" The Great Britain Act of 1940 " means Part I of the Old Age and Widows' Pensions Act, 1940;

" Workmen's Compensation Acts " mean the Workmen's Compensation Act, 1906, the Workmen's Compensation Acts, 1925 to 1931, and the Workmen's Compensation Acts (Northern Ireland), 1927 and 1931;

" Voluntary Contributor " means a voluntary contributor under the Pensions Act of 1936 other than a special voluntary contributor;

" The Ministry " means the Ministry of Labour for Northern Ireland;

" The Joint Committee " means the National Health Insurance Joint Committee;

" The appropriate date " means, in the case of a woman who attained the age of sixty before the 1st July, 1940, the 1st July, 1940, and, in the case of a woman who attains that age on or after that date, the date of attaining that age;

The expressions " employed contributor ", " contribution year ", " free insurance period " and " extended insurance period " have the same meanings as in the Insurance Act of 1936;

The expression " period of the present emergency " has the same meaning as in section 10 of the Emergency Act of 1939;

The expression " sickness payments " has the same meaning as in section 3 of the Act of 1940, and the expression " Special Suspense Fund " has the same meaning as in sub-section (2) of section 4 of that Act;

" The Insurance Fund " means the Navy, Army and Air Force Insurance Fund;

" The Insurance Section " means the Deposit Contributors Insurance Section;

The " appropriate body " means the approved society, or a branch thereof for the purposes of the Insurance Acts, of which a woman is a member, or the Insurance Section, or the Insurance Fund, as the case may require;

"Member" means a member for the purposes of the Insurance Act of 1936.

(3) 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.

2.—(1) If a woman was immediately before the 1st July, 1940, insured under the Contributory Pensions Acts, and by reason of the passing of the Act of 1940 is to any extent unable to continue from the appropriate date to qualify for an old age pension under those Acts, she shall, in respect of the appropriate period specified in paragraph (2) of this regulation, be entitled to continue so to qualify, by paying contributions in accordance with and subject to the provisions of regulations 3, 4 and 5, if the following conditions are fulfilled, namely :—

(*a*) that, if she attains the age of sixty after the 1st July, 1940, she was insured under those Acts from that date to the date of attaining that age; and

(*b*) that she was insured under those Acts for a period of less than five years immediately before the appropriate date.

(2) The appropriate period for the purposes of paragraph (1) of this regulation shall be :—

(*a*) in the case of a woman who attained the age of sixty before the 1st July, 1940, from the 1st July, 1940, until the completion of five years' insurance or the attainment of the age of sixty-five, whichever is the earlier; and

(*b*) in the case of a woman who attains the age of sixty on or after the 1st July, 1940, from attaining that age until the completion of five years' insurance.

3.—(1) A woman who satisfies the provisions of paragraph (1) of regulation 2 shall, for the purposes of that regulation, be entitled to become a voluntary contributor and to pay contributions as such in respect of the appropriate period specified in paragraph (2) of that regulation, if :—

(*a*) she had, during the period of insurance subsisting immediately before the appropriate date, been employed in an employment or employments entailing the payment of contributions under the Contributory Pensions Acts for a period whether continuous or not of one hundred and four weeks or upwards, and either before or after the appropriate date had ceased to be so employed; and

(*b*) notice of desire to become such a voluntary contributor is given (i) within six months of the date of the cessation

of such employment or within six months after the appropriate date whichever is the later, or, (ii) if such employment ceased before the 1st July, 1940, by the 31st December, 1940, or (iii) within such longer period as the Ministry may in any particular case determine.

(2) Any contributions paid by virtue of the provisions of paragraph (1) of this regulation shall only be taken into account if paid before the 30th day of June or the 31st day of December next following the expiration of six months after the termination of the period of five years' insurance.

4.—A woman who satisfies the provisions of paragraph (1) of regulation 2, and who immediately before the appropriate date was insured as a voluntary contributor by virtue of section 9 of the Act of 1937 or of sub-section (2) or sub-section (3) of section 17 of that Act, shall, for the purposes of regulation 2, be entitled to pay such contributions under the Pensions Act of 1936 as a voluntary contributor, in respect of the appropriate period specified in paragraph (2) of that regulation, as she would have been entitled to pay if the Act of 1940 had not come into force, but such contributions shall be at the increased rate fixed by that Act; and any contributions paid by virtue of this regulation shall only be taken into account if paid within the time specified in paragraph (2) of regulation 3.

5.—(1) If a woman satisfies the provisions of paragraph (1) of regulation 2, and immediately before the appropriate date was insured as an employed contributor and less than one hundred and four contributions under the Insurance Acts had been paid by or in respect of her in respect of the period of insurance then subsisting, she shall, in respect of the appropriate period specified in paragraph (2) of that regulation, if she proves to the satisfaction of the Ministry that during the appropriate period she was either incapable of work or unable to obtain employment within the meaning of the Insurance Acts, be entitled, for the purposes of regulation 2 and within the time prescribed in paragraph (2) of this regulation, to pay contributions under the Pensions Act of 1936 at the ordinary rate in respect of any such period of incapacity or unemployment: provided that the number of contributions which may be so paid shall not, together with those already paid apart from this regulation in respect of the before-mentioned period of insurance, exceed one hundred and four.

(2) The prescribed time for the purposes of paragraph (1) of this regulation shall be up to :—

(*a*) the 30th November next following the contribution year in which the incapacity or unemployment occurred, or up to such later date as the Ministry may in any particular case determine; or

(*b*) the 30th day of June or the 31st day of December next following the expiration of six months after the termination of the period of five years' insurance, or, if the woman attains the age of sixty-five before the termination of that period, after attaining that age,

whichever is the earlier.

6.—A woman who by the 1st July, 1940, had attained the age of sixty and had not attained the age of sixty-five and who on that date was either insured under the Insurance Acts, or insured under the Contributory Pensions Acts as a voluntary contributor, shall continue to be so insured throughout her life.

7.—(1) (*a*) A woman, to whom sub-section (2) of section 17 of the Act of 1937 applies, who is insured on the appropriate date, and in respect of whom contributions have been deemed to have been paid under the proviso to paragraph (1) of regulation 9 of the National Health Insurance (Voluntary Contributors) Regulations (Northern Ireland), 1938, shall, for the purposes of condition (*c*) of sub-section (1) of section 9 of the Pensions Act of 1936, as amended by the Act of 1940, be entitled, if she has attained the age of sixty or will attain that age before the 1st July, 1945, to pay, in respect of any contribution year applicable to her under that condition for which contributions have been so deemed, contributions for any week occurring therein in respect of which contributions have not been paid, but at the rates applicable to her as a voluntary contributor under the Insurance Acts and the Contributory Pensions Acts in respect of the last week of that contribution year :

Provided that if, in respect of any week for which contributions may be paid in accordance with this paragraph, such a woman has cancelled arrears of contributions under the Insurance Acts by making the appropriate payment under the National Health Insurance Arrears Regulations for the time being in force, only a contribution at the ordinary rate applicable to her under the Contributory Pensions Acts for the last week of that contribution year shall be payable by her for any such week.

(*b*) This paragraph shall not apply to any contribution year after the contribution year ending on the 3rd July, 1944.

(2) Any contributions paid by virtue of the provisions of paragraph (1) of this regulation shall only be taken into account if paid within six months after the appropriate date.

8.—(1) Subject to the provisions of these regulations, a woman who immediately before the 1st July, 1940, was insured under the Insurance Acts (in this regulation referred to as " the insured person ") shall be entitled to sickness payments, while rendered

incapable of work by some specific disease or bodily or mental disablement, during the period or periods defined in paragraph (2) of this regulation, if the following conditions are fulfilled, namely :—

(*a*) that, if the insured person attained the age of sixty after the 1st July, 1940, she was continuously insured under the Insurance Acts from that date until attaining that age;

(*b*) that since her entry into the period of insurance subsisting at the appropriate date twenty-six weeks have elapsed before that date and not less than twenty-six contributions under the Insurance Acts have been paid by or in respect of her in respect of weeks before that date;

(*c*) that on the appropriate date she was a member of an approved society or the Insurance Section or the Insurance Fund; and

(*d*) that she was not entitled to a widow's pension immediately before the 1st July, 1940, or, if she attained the age of sixty after that date, immediately before attaining that age.

(2) (*a*) The period or periods for the purposes of paragraph (1) of this regulation shall be from the date of the insured person attaining the age of sixty until the date of her attaining the age of sixty-five in so far as that period occurs after the 30th June, 1940, and before the 1st July, 1945, and within any of the following periods applicable to her, but shall not include any periods specified in sub-paragraph (b) of this paragraph which are applicable to her :—

(i) the remainder of any free insurance period or extended insurance period subsisting in her case immediately before the appropriate date; or

(ii) if, being an employed contributor, she ceases to be employed within the meaning of the Insurance Acts on or after the appropriate date, or, being a voluntary contributor under those Acts, ceases to pay contributions on the appropriate date, the free insurance period to which in either event, but for the coming into force of the Act of 1940, she would have been entitled under the provisions of the Insurance Acts; and

(iii) if she is a woman to whom sub-paragraph (*a*) (i) or sub-paragraph (*a*) (ii) of this paragraph is applicable, any extended insurance period to which, but for the coming into force of the Act of 1940, she would have been entitled under the provisions of the Insurance Acts :

Provided that an extended insurance period shall only be included under this sub-paragraph in so far as sickness or disablement benefit would under the provisions of sub-

section (2) of section 7 of the Insurance Act of 1936 have been payable in respect of that period if the Act of 1940 had not come into force.

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, any of the following periods which are applicable to the insured person shall be *excluded* :—

(i) the first three days of any incapacity;

(ii) the period from and including the date on which an old age pension begins to accrue in her case;

(iii) the period from and including the date on which she becomes entitled to a widow's pension;

(iv) any period prior to the date on which the payment of the twenty-six contributions specified in sub-paragraph (*b*) of paragraph (1) of this regulation was completed;

(v) any period in respect of which she has received or recovered or is entitled to receive or recover, whether from her employer or any other person, any compensation or damages under the Workmen's Compensation Acts or under any scheme certified thereunder, or under the Employers' Liability Act, 1880, or at common law, in respect of any injury or disease; and, for the purpose of this provision, any pension, grant or allowance to which section 54 of the Insurance Act of 1936 applies shall be treated as if it were compensation under the Workmen's Compensation Acts;

(vi) any period during which she is suffering from any disease or disablement in respect of which the owner of a ship is, under the Merchant Shipping Acts, 1894 to 1932, as amended by any subsequent enactment, or otherwise, liable to defray the expense of the necessary surgical and medical advice and attendance and medicine and of her maintenance, but only in so far as during any part of that period the owner of the ship is liable to pay wages to the woman so suffering from any disease or disablement;

(vii) any period during which, in accordance with the rules specified in the Second Schedule to these regulations, her right to sickness payments has been suspended;

(viii) any period in respect of which she is in receipt of sickness payments under the provisions of the Great Britain Act of 1940;

(ix) any period during which she is rendered incapable of work by reason of an injury or disease in respect of which the provisions of paragraph (*a*) or (*b*) or (*c*) or (*d*) of subsection (1) of section 6 of the Emergency Act of 1939 apply.

(3) (*a*) The foregoing provisions of this regulation shall apply subject to the condition that, in respect of any period of incapacity, the insured person shall not be entitled to sickness payments for more than twenty-six weeks unless since her entry into the period of insurance subsisting at the appropriate date one hundred and four weeks have elapsed before that date and until one hundred and four contributions under the Insurance Acts have been paid by or in respect of her in respect of weeks before that date.

(*b*) A person who has been in receipt of sickness benefit in respect of any disease or disablement existing on the appropriate date shall, for the purposes of these regulations, be treated as if she had been in respect of that disease or disablement in receipt of sickness payments.

(4) Notwithstanding the provisions of this regulation, a woman who on the appropriate date would have been subject to the provisions of paragraph (*a*) of sub-section (1) of section 126 of the Insurance Act of 1936, if the Act of 1940 had not come into force, shall be entitled to sickness payments for the period or periods in respect of which under the provisions of that section she would, as from the appropriate date, have been entitled to sickness benefit, except in so far as she is in receipt of sickness payments in respect of that period or periods under the provisions of the Great Britain Act of 1940.

9.—A widow who immediately before the 1st July, 1940, was insured under the Insurance Acts and entitled to a widow's pension shall, subject to and in accordance with the provisions of regulation 8, other than sub-paragraph (*d*) of paragraph (1) and sub-paragraph (*b*) (iii) of paragraph (2), be entitled to sickness payments while rendered incapable of work by some specific disease or bodily or mental disablement during the period or periods as defined in paragraph (2) of that regulation.

10.—Sickness payments shall be administered by or through the following bodies, namely, approved societies or branches thereof for the purposes of the Insurance Acts, the Insurance Section and the Insurance Fund: provided that any such body shall administer such payments only in respect of its own members.

11.—For the purpose of the administration of sickness payments the scheme framed by the Ministry under section 207 of the Insurance Act of 1936 shall be available for use by appropriate bodies, and the provisions of that section and of the regulations made thereunder shall, subject to the necessary modifications, apply accordingly.

12.—Each approved society shall with respect to the sums expended on sickness payments—

(1) keep the accounts and records specified in the Third Schedule to these regulations;

(2) when required by the Ministry, submit such accounts and records to auditors appointed by the Ministry of Finance; and

(3) render such returns in connection with the administration of sickness payments as the Ministry may from time to time require.

13.—If it appears to the Ministry that any sums have been paid to any person by way of sickness payments in respect of any period subsequent to the date on which an old age pension begins to accrue to that person, or on which she becomes entitled to a widow's pension, the Ministry may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension or widow's pension, as the case may be, and may deduct an equivalent amount from any payments accruing on account of the pension in respect of the said period, and may pay the amount so deducted to the funds of the appropriate body.

14.—(1) The provisions of the Insurance Act of 1936 and the Emergency Act of 1939 specified in the First Schedule to these regulations, shall, as therein modified, apply for the purposes of these regulations with respect to the administration of sickness payments.

(2) Subject to any regulations made by the Joint Committee under sections 52, 64, 71, 72 and 163 of the Insurance Act of 1936 and section 10 of the Emergency Act of 1939, as modified by these regulations, the regulations for the time being in force under those sections of those Acts shall, in so far as they may be appropriate and subject to the necessary modifications, apply to every appropriate body for the purposes of those sections as so modified.

15.—The rules set out in the Second Schedule to these regulations shall apply to every appropriate body in relation to the administration of sickness payments.

16.—The provisions of the regulations specified in the first and second columns of the Fourth Schedule to these regulations shall have effect subject to the amendments set out in the third column to that schedule.

17.—These regulations shall not apply in relation to women who attained the age of sixty-five before the 1st July, 1940.

FIRST SCHEDULE.

PROVISIONS OF THE INSURANCE ACT OF 1936 AND THE EMERGENCY ACT OF 1939 APPLIED, AS MODIFIED, FOR THE PURPOSES OF THESE REGULATIONS WITH RESPECT TO THE ADMINISTRATION OF SICKNESS PAYMENTS.

(1) THE INSURANCE ACT OF 1936.

Section forty-seven.

(1) Where an insured person who claims to be entitled to sickness payments fails to give notice of the disease or disablement on or before the third day of the incapacity, sickness payments shall, subject as hereinafter provided, commence only on the day following the date on which the notice is given, or, if the disease or disablement is under the provisions of the next succeeding section deemed to be a continuation of a previous disease or disablement, on the day next but one before that date:

Provided that, if the appropriate body administering the sickness payments is satisfied, or if in the case of a dispute it is decided in manner provided by this Schedule, that in the circumstances of the case the insured person had a reasonable excuse for not giving notice either before the date on which it was in fact given or before some earlier date, being a date more than three days after the commencement of the incapacity, she shall be entitled to sickness payments commencing on the fourth day of the incapacity, or, in the case of a disease or disablement which is deemed as aforesaid to be a continuation of a previous disease or disablement, commencing on the first day of the incapacity, so, however, that where the insured person only proves that she had a reasonable excuse for not giving notice before some date earlier than the date on which notice was in fact given, she shall not be entitled to sickness payments for the period commencing on the day next after that earlier date and ending on the date of the notice.

(2) Notwithstanding anything in the preceding sub-section, an insured person shall not be entitled to sickness payments in respect of any week unless satisfactory evidence of her incapacity during that week is submitted within three months of the end of the week to the appropriate body administering the sickness payments:

Provided that in calculating the said period of three months no account shall be taken of any period during which the appropriate body is satisfied, or in the case of a dispute it is decided in manner provided by this Schedule, that in the circumstances of the case the insured person had a reasonable excuse for not submitting evidence.

(3) For the purposes of this section, notice or evidence sent by post shall be deemed to have been given or submitted on the day on which the letter containing the notice or evidence was posted.

Section forty-eight.

Where an insured person who has been in receipt of sickness payments recovers from the disease or disablement in respect of which the sickness payments were payable, any disease or disablement occurring subsequently (whether the same disease or disablement or not) shall for the purposes of the provisions of these regulations relating to sickness payments be deemed to be a continuation of the previous disease or disablement unless in the meantime a period of at least one year has elapsed, and, for the purposes of this section, but subject to the provisions thereof, the last disease or disablement in respect of which sickness or disablement benefit was received shall be deemed to be a disease or disablement in respect of which sickness payments were received.

Section fifty-two.

(1) The appropriate body may pay sickness payments to an insured person by way of advance pending the settlement of any claim for com-

pensation or damages under the Workmen's Compensation Acts, or under any scheme certified thereunder, or under the Employers' Liability Act, 1880, or at common law, and any advance so made shall, without prejudice to any other method of recovery, be recoverable by deductions from, or suspension of, any sickness payments which may subsequently become payable to the insured person.

(2) Where the appropriate body in pursuance of the last preceding sub-section has made or intends to make advances to an insured person, that body may give notice thereof in the prescribed form to the person liable to pay the compensation or damages, and if such notice is given the person so liable shall, notwithstanding anything in the Workmen's Compensation Acts, on demand and on being furnished with the prescribed proof of the amount of the advances made, repay to the appropriate body, up to the amount which he is liable to pay as compensation or damages, less such part, if any, of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount advanced, and the receipt of the appropriate body shall, up to the amount of the repayment, be a full and valid discharge to him in respect of the compensation or damages payable by him to the insured person:

Provided that, if the person so liable to pay compensation or damages gives to the appropriate body by which such notice as aforesaid is given notice in the prescribed form that he intends to pay, or that he has paid, compensation or damages, he shall not be under any obligation to make any repayment in respect of any advance made after the date of the payment of the compensation or damages, or after the time at which the notice so given by him is received by the appropriate body, whichever is the later.

(3) For the purposes of the last preceding sub-section, a person against whom a claim for damages or compensation has been made shall be deemed to be a person liable to pay compensation or damages, if he has agreed to pay a sum in composition of the claim, notwithstanding that he does not admit liability, and the sum payable under the agreement shall be deemed to be compensation or damages.

Nothing in this sub-section shall affect any rights which an authority which has granted outdoor relief would have had under section forty-one of the Workmen's Compensation Act, 1925, or section forty-two of the Workmen's Compensation Act (Northern Ireland), 1927, if these regulations had not been made, and the receipt of any such authority shall have the same operation under that section as it would have had if these regulations had not been made.

(4) For the purposes of this section, the prescribed form and the prescribed proof mean the form and proof prescribed by regulation by the Joint Committee.

Section fifty-three.

(1) Where an insured person appears to be entitled to any such compensation or damages as aforesaid and unreasonably refuses or neglects to take proceedings to enforce her claim, it shall be lawful for the appropriate body, either—

(*a*) at its own expense, to take such proceedings in the name and on behalf of the insured person, in which case any compensation or damages recovered shall be held by the appropriate body as trustee for the insured person; or

(*b*) to withhold payment of any sickness payments to which but for this section the insured person would be entitled.

(2) In the event of the appropriate body concerned taking proceedings as aforesaid and failing in the proceedings, it shall be responsible for the costs of the proceedings as if it were claiming on its own account.

Section fifty-five.

(1) No payment on account of sickness payments in respect of any period when the insured person is an inmate of any workhouse, hospital (including mental hospital), asylum, convalescent home or infirmary, supported by any

public authority or out of any public funds or by a charity or voluntary subscriptions, shall be made during any period when the insured person is such an inmate as aforesaid.

(2) During the period aforesaid, the sum which would but for the provisions of the preceding sub-section have been payable on account of any sickness payments to any person—

(*a*) if that person has any dependants, shall, after consultation wherever possible with that person, be paid or applied, in whole or in part at the discretion of the appropriate body administering the sickness payments, to or for the advantage of those dependants, or such of them, and in such proportions, as the appropriate body may determine ; and

(*b*) so far as not applied under the preceding paragraph, or if that person has no dependants, and if in any case she so authorises, may at the discretion of the appropriate body administering the sickness payments be applied towards defraying any expenses for which she may be or become liable otherwise than to the institution while she is such an inmate as aforesaid, and in so far as not so applied, be paid in whole or in part to the institution of which she is an inmate:

Provided that any person who is entitled to sickness payments under these regulations shall not, if she applies for admission to any workhouse infirmary, be refused admission thereto solely on the grounds of the right to those payments.

(3) Any sum which but for the provisions of this section would have been payable to any person on account of sickness payments shall, if and so far as it is not paid or applied during such a period as aforesaid in accordance with the foregoing provisions of this section, be paid in cash to that person, after she has left the institution, in weekly instalments, each instalment being of an amount not less than ten shillings nor more than two pounds as the appropriate body administering the sickness payments may determine, unless that body think proper, in view of the special circumstances of the case, to make a lump sum payment:

Provided that—

(i) if that person dies in the institution, the sum so payable shall be deemed to form part of her estate, and if she dies after leaving the institution but before the whole of the instalments have been paid, the balance remaining unpaid shall be deemed to form part of her estate, and the amount so deemed to form part of her estate shall be paid in a lump sum and not in instalments ;

(ii) the amount so payable to any person, or deemed to form part of her estate, shall in no case exceed fifty pounds, and, in calculating that amount, any sum by way of sickness or disablement benefit, which, under section fifty-five of the Insurance Act of 1936, is payable to her or is deemed to form part of her estate, shall be included.

(4) Where any sum which, but for the provisions of this section, would have been payable on account of sickness payments has been paid or applied in accordance with those provisions, that sum shall be treated as a payment in respect of sickness payments.

Section sixty-four.

(4) Regulations may be made by the Joint Committee enabling an appropriate body to appoint a person to exercise on behalf of any insured person of unsound mind any right of election which that person is entitled to exercise in connection with sickness payments, and to appoint a person to receive on behalf and for the benefit of such person any sums by way of sickness payments which would otherwise have been payable to her.

Section sixty-six.

(1) Subject to the provisions of this section, a person shall not be entitled to any sickness payments during any period when she is resident, whether temporarily or permanently, outside the United Kingdom;

Provided that—

(*a*) in the case of a person temporarily resident in Eire, the Isle of Man or the Channel Islands, this section shall not operate so as to disentitle her to sickness payments for a period of six months from the date on which she becomes so temporarily resident, or, if the appropriate body by which the sickness payments are administered thinks fit to allow a longer period, for such longer period, and any such sickness payments shall be payable out of the fund out of which they would have been payable if she had continued to reside in the United Kingdom ;

(*b*) where provision has been made by legislative enactment in the Isle of Man or in the Channel Islands for the establishment therein of any scheme of sickness payments, the Joint Committee, with the consent of the Ministry of Finance, may by regulations make arrangements for enabling persons entitled to receive sickness payments to receive such payments while resident in the Isle of Man or the Channel Islands, as the case may be, and for enabling persons entitled to receive sickness payments under the scheme in force in the Isle of Man or the Channel Islands, as the case may be, to receive such payments while resident in the United Kingdom ;

(*c*) if with the consent of the appropriate body by which sickness payments are administered a person is temporarily resident outside the United Kingdom elsewhere than in Eire, the Isle of Man or the Channel Islands, the appropriate body may allow her, while so resident, to receive sickness payments if the incapacity began before she became temporarily resident outside the United Kingdom.

(2) Provision may be made by the Joint Committee by regulations for directing that the provisions of the Act of 1940 and of these regulations shall, in relation to or in connection with any persons affected by any arrangements made under proviso (*b*) to the preceding sub-section, apply subject to such modifications and adaptations as may be prescribed, and such regulations may make provision for any necessary financial adjustments.

Section sixty-eight.

Every assignment of or charge on, and every agreement to assign or charge, any sickness payments shall be void, and, on the bankruptcy of any person entitled to any such payments, the payments shall not pass to any trustee or other person acting on behalf of her creditors.

Section sixty-nine.

Except where special arrangements in that behalf are made at the request of an insured person, no deduction may be made by the appropriate body as on account of the cost of the transmission of sickness payments from the amount payable by way of such payments.

Section seventy-one.

(1) If it is found at any time that a person has been in receipt of any sickness payments without being lawfully entitled thereto, she, or in the case of her death her personal representatives, shall be liable to repay to the Ministry the amount of those sickness payments, and any such amount may be recovered as a debt due to the Crown, and when so recovered shall be carried to the credit of the appropriate body.

(2) In any case where the Ministry has not taken proceedings under the preceding sub-section to recover from any person the amount so repayable by her, the appropriate body concerned may, without prejudice to any other method of recovery, and notwithstanding anything in this Schedule making void any assignment of or charge on sickness payments, recover the amount by deductions from any sickness payments payable to that person ; so, however, that the amount deducted from any sickness payments shall not exceed one-fourth of the amount which but for such deduction would be payable.

(3) Subject to the consent of the Ministry of Finance, regulations may be made by the Joint Committee for authorising any sums paid by the appropriate body as on account of sickness payments to or on behalf of persons not lawfully entitled thereto, so far as not recovered, to be treated, to such extent and subject to such conditions as may be prescribed, as expenditure on sickness payments, and providing for charging to the administration account of the appropriate body any sums so improperly paid as aforesaid, and neither authorised to be treated as expenditure on sickness payments as aforesaid nor recovered.

Section seventy-two.

Regulations may be made by the Joint Committee—

(*a*) providing for the nomination by an insured person of the persons to whom any sum payable to her by way of sickness payments and unpaid at the date of her death is to be paid at her death, for the revocation of any such nomination, for the payment of the specified amount to any nominee so nominated, and providing that any such nomination shall take effect as if it were a will of the deceased duly executed, and that notwithstanding the want of due execution or marriage ;

(*b*) providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as aforesaid, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be beneficially entitled to the personal estate of the deceased person, whether under any such nomination as aforesaid or by law, or as next of kin or as creditors, or otherwise, or to or among any one or more of such persons exclusive of the others, or in the case of any illegitimacy of the deceased person or her children to or among such person or persons as may be directed by the regulations, and that the appropriate body making a payment in accordance with the regulations shall be discharged from all liability in respect of the sum so paid.

Section eighty-three.

(1) Where an approved society or a branch thereof fails to comply with any of the provisions or requirements of these regulations relating to sickness payments, the Ministry may direct that the approved society or branch shall cease to administer sickness payments, and thereupon the Ministry shall make such provision as it may consider necessary in relation to sickness payments with respect to the members of that society or branch.

Section one hundred and sixty-three.

(1) (*a*) Every dispute between :—

(i) an appropriate body and an insured person who is a member of that body or any person claiming through such a person ;

(ii) an appropriate body and any person who has ceased to be a member of that body or any person claiming through such a person ;

relating to anything done or omitted by that appropriate body or person, as the case may be, under these regulations ; and

(*b*) Every dispute between an appropriate body and any person as to whether that person is or was at any date a member of that body ;

shall be decided in accordance with the rules of the appropriate body relating to disputes in force under the Insurance Acts, but any party to such dispute may, in such cases and in such manner as may be prescribed, appeal, where the appropriate body is an approved society or a branch thereof or the Insurance Fund, to the Ministry, and, where the appropriate body is the Insurance Section, to the Joint Committee.

(2) The Ministry or the Joint Committee, as the case may be, may authorise referees appointed by the Ministry under section one hundred and sixty-four of the Insurance Act of 1936 to decide any appeal submitted to it or them respectively under this section.

(3) Regulations may be made by the Joint Committee providing for the procedure on any such appeal, and any such regulations may apply any of the provisions of the Arbitration Act (Northern Ireland), 1937, as amended by any subsequent enactment, but except so far as they may be so applied, that Act shall not apply to proceedings under this section; and any decision given by the Ministry or the Joint Committee or a referee under this section shall be final and conclusive.

Section one hundred and seventy-nine.

Stamp duty shall not be chargeable upon any draft, order or receipt given by or to the appropriate body in respect of sickness payments.

(2) THE EMERGENCY ACT OF 1939.

Section ten.

Regulations of the Joint Committee may authorise the payment, during the period of the present emergency and subject to such conditions as may be prescribed, of any sickness payments without the question being determined whether the conditions governing the right to those payments have been complied with, in cases where it is impracticable to determine that question by reason of circumstances arising out of the existence of a state of war.

SECOND SCHEDULE.

RULES RELATING TO SICKNESS PAYMENTS.

1.—(1) Sickness payments payable to any woman or to any person claiming through her shall be payable at her residence, by post or otherwise, provided that, in the case of a woman residing within two miles of the paying office of the appropriate body, arrangements may be made for the payments to be paid at that office at such times, not being later than 7 p.m., as that body may appoint, and may be paid to any person bearing a written order from, or other evidence that he represents, the woman or other person entitled to the payment.

(2) A woman shall not be required to pay any part of the cost of transmission of her sickness payments except in a case where special arrangements are made by the appropriate body at her request.

2.—A woman or other person to whom sickness payments are made shall give a written receipt in respect of such payments.

3.—Sickness payments shall not be paid in respect of a Sunday, and one-sixth of the weekly sum shall be paid in respect of each week day.

4.—A woman who is rendered incapable of work by any specific disease or bodily or mental disablement, and claims sickness payments, shall forward to the appropriate body notice of illness, and shall furnish as soon as possible the appropriate medical certificates made available to her under the National Health Insurance Acts.

5.—The appropriate body shall take into consideration any evidence of incapacity for work in addition to the medical certificates referred to in rule 4.

6.—(1) A woman who is incapable of work, and is, or may become, entitled to sickness payments in respect of the incapacity:—

(*a*) shall obey the instructions of the doctor in attendance and shall answer any reasonable enquiries by the appropriate body as to the instructions given by the doctor;

(*b*) shall not be absent from her place of residence between the hours of 7 p.m. and 8 a.m. from the 1st October to the 31st March, nor between the hours of 9 p.m. and 7 a.m. from the 1st April to the 30th September, and shall not be absent at any time without leaving word where she may be found: provided that the appropriate body may, if it thinks fit, exempt her from the operation of this provision upon such conditions, if any, as it may impose ;

(*c*) shall not leave the locality where she resides without first obtaining the consent of the appropriate body, which consent shall not be unreasonably withheld, and shall be deemed to have been given unless written notice of objection is given to the woman as soon as possible after receipt from her of a notification of her intention to leave the locality ;

(*d*) shall not be guilty of conduct which is likely to retard her recovery ; and

(*e*) shall not do any kind of work, domestic or other, unless it be light work for which no remuneration is or would ordinarily be payable, or work undertaken primarily as a definite part of medical treatment in a hospital, sanatorium or other similar institution: provided that the appropriate body may exempt a member from the operation of this provision for such time as it may determine in a case where the member has become incapable of following her usual occupation and is undergoing a course of training with a view to fitting herself to take up some other occupation.

(2) On receipt of notice of incapacity the appropriate body shall furnish the woman with a copy of paragraph (1) of this rule at the first opportunity, and in any case not later than the date on which sickness payments commence to be paid.

7.—The appropriate body may appoint women as sick visitors for the purpose of visiting women who are incapable of work and are, or may become, entitled to sickness payments, and such visitors shall report to the appropriate body on such matters as that body may determine.

8.—(1) The appropriate body may, on giving not less than three days' notice in writing, require any woman in receipt of, or claiming, sickness payments to submit herself for special medical examination by a duly qualified medical practitioner appointed to examine her, either at her own house or at some other place reasonably convenient to her ; and should she refuse to submit to examination at her home, or to attend elsewhere for that purpose, she shall, unless in the latter case she produces a medical certificate stating that at the date on which the examination would have taken place she is or was physically unable to attend, be deemed to have declared off sickness payments as from that date.

(2) Any reasonable expenses incurred by the member in attending for examination shall be paid by the appropriate body.

9.—The appropriate body shall, in all cases on or before serving notice to the woman, send or cause to be sent to the doctor in attendance on her notice in writing of the time and place of the special medical examination, together with the name and address of the doctor by whom the examination is to be made.

10.—In any area where a scheme of Government Medical Referees is in operation, the arrangements for the special medical examination referred to in rules 8 and 9 shall be in accordance with such scheme, and the special medical examination shall be examination by the appropriate referee under the scheme.

11.—Sickness payments may be suspended by way of penalty in respect of any period of incapacity resulting from a woman's own misconduct, and when they are so suspended the suspension shall take effect from the commencement of the incapacity or from such later date as the appropriate body may determine, and shall be for such period as that body may determine not exceeding one year and not extending beyond the termination of the incapacity due to the misconduct.

12.—A woman who has met with an injury or is suffering from any disease in respect of which she is or may appear to be entitled to receive or recover compensation or damages, whether from her employer or any other person, under any provision of any Act relating to compensation or damages or at common law, shall, unless unavoidably prevented, give notice of such injury or disease in writing to the appropriate body within three days of meeting with the injury or becoming aware that she is suffering from the disease.

13.—Where a woman has knowingly made any false statement or declaration with a view to obtaining sickness payments to which she was not entitled, or where she has committed a breach of any of these rules, the appropriate body shall have power to impose a penalty either by way of fine or suspension from sickness payments.

14.—No fine imposed under these rules shall exceed ten shillings; or in the case of repeated breaches of rules, twenty shillings.

15.—Where the penalty of suspension from benefit is imposed under rule 13:—

(1) such suspension shall run from the date on which notice of the alleged offence is sent to the woman, or from such other date as the appropriate body may determine, not being earlier than the commission of the alleged offence and not being more than two weeks before the date on which notice is sent;

(2) a woman who, at the date from which such suspension runs, would, but for the suspension, be actually in receipt of sickness payments, shall not be suspended for a period exceeding two weeks, or in the case of repeated breaches of these rules, four weeks;

(3) a woman not in receipt of, or qualified for sickness payments, shall not be suspended for a period exceeding six months, or in the case of repeated breaches of rules, twelve months.

16.—Where a woman who has been fined fails to pay the fine within four weeks, she may be suspended from sickness payments by way of alternative penalty subject to the limits imposed by paragraphs (2) and (3) of rule 15, and, as from the date as from which the suspension runs, her liability to pay the fine shall cease.

17.—A woman who on the appropriate date is, under the rules of the appropriate body, suspended from sickness and disablement benefits shall be deemed to be suspended from sickness payments for so long after that date as she would have been suspended from sickness and disablement benefits.

18.—Where it is proposed to impose any penalty under these rules, the appropriate body shall send the woman a statement in writing giving full particulars of the charge against her together with a copy of the rule under which it is brought.

THIRD SCHEDULE.

ACCOUNTS AND RECORDS REQUIRED TO BE KEPT BY APPROPRIATE BODIES IN RELATION TO SICKNESS PAYMENTS.

1.—A general cash book, with such subsidiary cash books as may be necessary in any particular case.

2.—A register of members who satisfy the conditions specified in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1) of regulation 8 or the conditions of paragraph (4) of that regulation (hereinafter referred to in this Schedule as "members") in a form approved by the Ministry containing the particulars necessary for identifying each member and such other particulars, if any, as may, in the opinion of the Ministry, be from time to time required.

3.—A register in a form approved by the Ministry which shall:—

(i) show separately the contributions paid in respect of each member;
(ii) contain the particulars necessary for identifying each member;
(iii) show the date on which each member ceases to pay contributions; and
(iv) contain such other particulars, if any, as may, in the opinion of the Ministry, be from time to time required.

4.—A register in a form approved by the Ministry showing separately the amount paid by way of sickness payments to each member entitled to such payments, and containing the particulars necessary for identifying each such member and such particulars relating to the commencement, duration and termination of incapacity as may, in the opinion of the Ministry, be necessary.

5.—A record, in a form approved by the Ministry, of over-payments of sickness payments.

6.—A record of advances to members claiming compensation or damages who are entitled to sickness payments.

7.—A register in a form approved by the Ministry of the advices sent by the Ministry to the society relating to items of account.

8.—A ledger account of the transactions relating to members.

FOURTH SCHEDULE.

CONSEQUENTIAL AMENDMENTS OF NATIONAL HEALTH INSURANCE, CONTRIBUTORY PENSIONS AND UNEMPLOYMENT INSURANCE REGULATIONS.

Title of Regulations.	Regulation or Schedule amended.	Amendment.
National Health Insurance (Additional Benefits) Regulations, 1930.	30	The words "men over the age of sixty-five and women over the age of sixty" shall be substituted for the words "persons over the age of 65."
National Health Insurance and Contributory Pensions (Mercantile Marine) (Collection of Contributions) Regulations, 1938.	2	The words "or, being a woman, the age of sixty years" shall be added after the words "sixty-five years" in the definition of insurable seaman contained in paragraph (1).
		The words "References to any person or persons over the age of sixty-five, or, being women, over the age of sixty, shall be construed as references to persons of those ages" shall be substituted for the words "'a person over sixty-five' means a person who had attained the age of sixty-five years and", in the definition of a person over sixty-five contained in paragraph (1).

Title of Regulations.	Regulation or Schedule amended.	Amendment.
Mercantile Marine, etc.—*continued.*	5	The words "or, being women, over sixty" shall be added after the words "sixty-five" in paragraph (1) and the words "or, being a woman, over sixty" shall be added after the words "sixty-five" in paragraph (ii).
	Second Schedule "A"	In II, "60" shall be substituted for "65."
		In IV the words "or, being women, aged 60 or upwards" shall be added after the word "upwards."
	"Notes"	In AIII "60" shall be substituted for "65" in relation to women.
		In AIV the words "or, being women, aged 60 or upwards" shall be added after the word "upwards."
		In the column headed "rate of contribution" there shall be substituted the rate of 1s. 7½d. for the rate of 1s. 5½d. 1s. 2½d. ,, ,, 11½d. 8½d. ,, ,, 7½d. 5½d. ,, ,, 4½d.
		In the column headed "Recoverable from seamen" there shall be substituted the sum of 11d. for 10d. 9d. for 7d.
	"Voyage card"	There shall be substituted the rate of 1s. 7½d. for the rate of 1s. 5½d.
National Health Insurance (Deposit Contributors) Regulations (Northern Ireland), 1939.	15	The words "or, being a woman, the age of sixty, or, if she attained the age of sixty before the 1st July, 1940, the 1st July, 1940" shall be added after the words "sixty-five" and the words "or date" shall be added after the words "that age", in the proviso to paragraph (2).
		The words "or, being a woman, the age of sixty, or, if she attained the age of sixty before the 1st July, 1940, in which that date occurs" shall be added after the words "sixty-five" in the proviso to paragraph (3).

Title of Regulations.	Regulation or Schedule amended.	Amendment.
Deposit Contributors, etc.—*continued.*	18	The words "or, being a woman, of the age of sixty or upwards" shall be added after the word "upwards" in sub-paragraph (*a*) of paragraph (1).
		The words "or, being a woman, under the age of sixty" shall be added after the words "sixty-five" in sub-paragraph (*c*) of paragraph (1).
		The words "or, being a woman, is of the age of sixty or upwards" shall be added after the word "upwards" in proviso (*a*) to paragraph (1).
	19	The words "or, being a woman, on attaining the age of sixty" shall be added after the words "sixty-five," where these words first occur in paragraph (1), and the words "or, being a woman, attains the age of sixty" shall be added after the words "sixty-five" in sub-paragraph (*a*) of paragraph (1).
		The following additional paragraph shall be inserted after paragraph (1):— "(1A) Paragraph (1) of this regulation shall in the case of a woman who had attained the age of sixty and had not attained the age of sixty-five before the 1st July, 1940, have effect as if for references to the attainment of the age of sixty and to the date of such attainment there were substituted references to the 1st July, 1940."
		The word "paragraph" shall be deleted from paragraph (2) and the words "provisions of this regulation" inserted after the word "foregoing".
National Health Insurance (Deposit Contributors Insurance Section) Regulations (Northern Ireland), 1939.	4	The words "or, being a woman, the age of sixty, or, if she attained the age of sixty before the 1st July, 1940, the 1st July, 1940" shall be added after the words "sixty-five" in proviso (i).

Title of Regulations.	Regulation or Schedule amended.	Amendment.
Deposit Contributors Insurance Section, etc.—*continued.*	10	The following sub-paragraph shall be substituted for sub-paragraph (*e*) of paragraph (1):—"Section 149 of the Act shall apply to women who on the 1st July, 1940, had attained the age of sixty."
Contributory Pensions and Unemployment Insurance (Collection of Contributions for Persons over sixty-five) Regulations (Northern Ireland), 1938.		The provisions of these regulations shall apply, as if for references therein to the rates of contributions of 10d. and 7d. there were substituted references to rates of contributions of 11d. and 8d. respectively, and, in relation to women, as if for references therein to persons over the age of sixty-five there were substituted references to persons over the age of sixty.
Contributory Pensions (Exempt and Excepted Persons) Regulations (Northern Ireland), 1937.	5	The words "or, being a woman, the age of sixty, or, if she attained the age of sixty before the 1st July, 1940, after the 1st July, 1940," shall be added after the words "sixty-five" in paragraph (3).
Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938.	7	The words "or, being a woman, she attains the age of sixty, or, if she attained the age of sixty before the 1st July, 1940, the 3rd July, 1939" shall be added after the words "sixty-five" where those words occur for the first time in paragraph (2).
		The words "or, being a woman, the age of sixty, or if she attained the age of sixty before the 1st July, 1940, within five years of that date," shall be added after the words "sixty-five" where those words occur for the first time in proviso (*b*) to paragraph (2), and the words "or sixty, or the 3rd July, 1939, as the case may be" shall be added after the words "sixty-five" where they occur for the second time in that proviso.
	8	The words "or, being a woman, the sixtieth anniversary of her birth, or, if she attained the age of sixty before the 1st July, 1940, the 1st July, 1940" shall be added after the word "birth".

Given under the Official Seal of the National Health Insurance Joint Committee this 22nd day of August, nineteen hundred and forty.

(L.S.) *H. N. Howorth,*
Secretary, National Health Insurance Joint Committee.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 22nd day of August, nineteen hundred and forty.

(L.S.) *W. Allen,*
Assistant Secretary, Ministry of Labour for Northern Ireland.

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

(L.S.) *H. Ashton,*
Assistant Secretary, Ministry of Finance for Northern Ireland.

Subsidiary Employments.

PROVISIONAL SPECIAL ORDER, DATED AUGUST 10, 1940, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR, ACTING JOINTLY, UNDER PARAGRAPH (*m*) OF PART II OF THE FIRST SCHEDULE TO THE NATIONAL HEALTH INSURANCE ACT, 1936.

1940. No. 99.

The National Health Insurance Joint Committee and the Ministry of Labour, acting jointly, hereby certify under sub-section (7) of section 168 of the National Health Insurance Act, 1936, that it is expedient that this order should come into operation forthwith, and, in pursuance of the powers conferred by paragraph (*m*) of Part II of the First Schedule to that Act, and of all other powers enabling them in that behalf, hereby make the following order to come into operation forthwith as a provisional order :—

1.—(1) This order may be cited as the National Health Insurance (Subsidiary Employments) Amendment Order (Northern Ireland), 1940.

(2) The Interpretation Act, 1921, applies to the interpretation of this order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. The following provision shall be substituted for the provision relating to the employment of a member of a crew of a lifeboat