(2) *The provisions of sub-paragraph (b) of the foregoing paragraph shall not apply—*

(a) to a maternity grant or attendance allowance payable to a woman by virtue only of her husband's insurance, unless at the time of the confinement she is residing with her husband, or, if he is dead, unless she was residing with him at the time of his death; or

(b) to a maternity grant payable to a woman by virtue of a certificate that it is to be expected that she will be confined.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the National Insurance (Residence and Persons Abroad) Regulations, 1948, by providing new conditions under which a woman confined outside Great Britain, the Isle of Man or the Channel Islands, may be paid maternity grant and attendance allowance, and they revoke the National Insurance (Residence and Persons Abroad) Amendment Provisional Regulations, 1952, which they replace.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 24th June, 1952, is contained in House of Commons Paper No. 278 (Session 1951-52) published by Her Majesty's Stationery Office.

1952 No. 1466

The National Insurance (Seasonal Workers) Amendment Regulations, 1952

Made - - - -	1*st August*, 1952
Coming into Operation	15*th August*, 1952

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 13 (4) of the National Insurance Act, 1946(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Seasonal Workers) Amendment Regulations, 1952, shall be read as one with the National Insurance (Seasonal Workers) Regulations, 1950(**b**) (hereinafter referred to as "the principal regulations") and the National Insurance (Seasonal Workers) (No. 2) Regulations, 1950(**c**), and shall come into operation on the fourteenth day after the date of this instrument.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1950/1220; 1950 II, p. 29.
(c) S.I. 1950/1915; 1950 II, p. 32.

Amendment of regulation 2 of the principal regulations

2.—(1) Paragraph (2) of regulation 2 of the principal regulations (which contains definitions of expressions used in paragraph (1) of that regulation) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule hereto.

(2) The words " and (where applicable) in regulation 3 " shall be omitted.

(3) In sub-paragraph (*a*) of the said paragraph (2), for the words " with the season of the year " there shall be substituted the words " at approximately the same time or times in successive years ", and at the end of that sub-paragraph the following provision shall be added :—

" and for the purpose of this definition the following provisions shall apply :—

(i) the expression " part or parts only of a year " shall include any period of time (or, if more than one period, the aggregate of those periods whether in the same or different occupations) whatever the duration of that period ; but where any period or periods of a year during which a person is normally not employed is not, or if more than one period (whatever the duration of any such period) do not amount in the aggregate to, more than seven weeks, that person shall not be treated as a seasonal worker ;

(ii) in construing the expression " normal employment ", regard shall be paid to factors inherent in the nature or conditions of the occupation or occupations in which that person is engaged, and not to factors abnormal to that occupation or occupations notwithstanding that those factors persist for a prolonged period ; ".

(4) For sub-paragraph (*b*) of the said paragraph (2) there shall be substituted the following sub-paragraph :—

" (*b*) ' off-season ' means, in relation to a seasonal worker, that period of the year (or, if more than one period, the aggregate of those periods) during which he is normally not employed, and for this purpose the expression " period " shall not include any period of less than seven consecutive days."

Dated this 31st day of July, 1952.

Osbert Peake,

Minister of National Insurance.

Dated this 1st day of August, 1952.

Herbert Butcher,

Hendrie D. Oakshott,

Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

REGULATION 2 (2) OF THE PRINCIPAL REGULATIONS, AS AMENDED*

(2) In this regulation, the expression—

(*a*) " seasonal worker " means an insured person whose normal employment is for a part or parts only of a year in an occupation or occupations of which the availability or extent varies *at approximately the same time or times in successive years;* or any other insured person who normally restricts his employment to the same, or substantially the same, part or parts only of the year; *and for the purpose of this definition the following provisions shall apply :—*

(i) the expression " part or parts only of a year " shall include any period of time (or, if more than one period, the aggregate of those periods whether in the same or different occupations) whatever the duration of that period; but where any period or periods of a year during which a person is normally not employed is not, or if more than one period (whatever the duration of any such period) do not amount in the aggregate to, more than seven weeks, that person shall not be treated as a seasonal worker;

(ii) in construing the expression " normal employment ", regard shall be paid to factors inherent in the nature or conditions of the occupation or occupations in which that person is engaged, and not to factors abnormal to that occupation or occupations notwithstanding that those factors persist for a prolonged period;

(*b*) *" off-season " means, in relation to a seasonal worker, that period of the year (or, if more than one period, the aggregate of those periods) during which he is normally not employed, and for this purpose the expression " period " shall not include any period of less than seven consecutive days;*

(*c*) " year " (where used in this paragraph) means the period of twelve months commencing with the first day in the calendar year on which the person concerned begins a period of normal employment;

(*d*) " a substantial amount of employment " means employment which is equal in duration to not less than one-fourth (or such other fractional part as the determining authority may, in the circumstances of any particular case, consider reasonable) of the current off-season.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend paragraph (2) of regulation 2 of the National Insurance (Seasonal Workers) Regulations, 1950, by amplifying the definitions of " seasonal worker " and " off-season ".

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 30th June, 1952, is contained in House of Commons Paper No. 231 (Session 1951-2) published by Her Majesty's Stationery Office.

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