The National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1949

1949 No. 1983

Made - - - -	*26th October*, 1949
Laid before Parliament	*27th October*, 1949
Coming into Operation	*1st November*, 1949

M.N.I. 183.

The National Insurance Joint Authority, in exercise of powers conferred by section 11 of the National Insurance Act, 1946(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1949, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**b**) (hereinafter referred to as "the principal regulations") as amended(**c**) and shall come into operation on the 1st November, 1949.

Amendment of the principal regulations

2.—(1) The following regulation shall be added after regulation 3 of the principal regulations:—

"3A. A person who at the commencement of any day is or thereafter on that day becomes incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed or self-employed person on that day shall be deemed to be so incapable of work throughout that day."

(2) The following paragraphs shall be added after paragraph (2) of regulation 5 of the principal regulations:—

"(3) Where a person—

(*a*) is, by virtue of the provisions of paragraph (1) of this regulation, to be treated as having been employed on one day only of two days; and,

(*b*) throughout that part of the other of those two days during which that person is not employed, is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of unemployment or sickness benefit, be deemed to be so available for employment, or, as the case may be, to be so incapable of work, throughout that other of those two days.

(4) Where a person—

(*a*) is, by virtue of the provisions of sub-paragraph (*c*) of paragraph (1) of this regulation, to be treated as having been employed on the second day only of two days; and,

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(**a**) 9 & 10 Geo. 6. c. 67. (**b**) S.I. 1948 (No. 1277) I, p. 2676.
(**c**) S.I. 1949 No. 1391, p. 2698 above.

(*b*) throughout the day immediately preceding the first of those two days, is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of sickness benefit, be deemed to be so incapable of work throughout the first of those two days."

(3) The following sub-paragraph shall be substituted for sub-paragraph (*h*) of paragraph (1) of regulation 6 of the principal regulations:—

"(*h*) (subject to the provisions of regulation 7) a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation (including any occupation in an employment which, in accordance with any provision of the Act and the regulations made thereunder relating to the classification of insured persons, is to be disregarded) unless—

(i) that occupation could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment; and

(ii) the earnings derived therefrom, in respect of that day, do not exceed three shillings and fourpence, or where the earnings are earned in respect of a period longer than a day, the earnings do not on the daily average exceed that amount."

Given under the official seal of the National Insurance Joint Authority this 26th day of October, nineteen hundred and forty-nine.

(L.S.) *S. S. Menneer,*
Secretary,
National Insurance Joint Authority.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948. They provide that a person who does no work as an employed or self-employed person on a day at the beginning of which he is, or during which he becomes, incapable of work shall be deemed to be incapable of work throughout that day, and they lay down the special circumstances in which night workers may be deemed to be available for employment or incapable of work. They also provide that employment which is disregarded (in accordance with regulations relating to classification made under the Act) shall be taken into account when applying the provisions of regulation 6 (1) (*h*) of the above mentioned Regulations, which specifies certain circumstances (set out in regulation 2 (3) of these Regulations) in which a day shall not be treated as a day of unemployment.

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 1st October, 1949, is contained in House of Commons Paper No. 266 published by His Majesty's Stationery Office.