1959 No. 1278

The National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1959

Made - - - -	24*th July*, 1959
Laid before Parliament	30*th July*, 1959
Coming into Operation	31*st July*, 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by subsection (2) of section 4 of the National Insurance Act, 1957(**a**) and the National Insurance Joint Authority(**b**), in exercise of powers conferred by subsection (3) of section 11 of the National Insurance Act, 1946(**c**), and in each case 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, 1959, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**d**), as amended(**e**) (hereinafter referred to as "the principal regulations") and shall come into operation on the 31st July, 1959.

Amendment of regulation 4 of the principal regulations

2. Regulation 4 of the principal regulations (which contains special provisions relating to a day to be substituted for Sunday) shall be amended by the addition thereto after paragraph (2), of the following paragraph:—

"(3) In the application to a person of sub-paragraph (*a*) of paragraph (1) of this regulation, no account shall be taken of any period of short time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed person on not more than six days including the Sunday."

Amendment of regulation 6 of the principal regulations

3. Regulation 6 of the principal regulations (which relates to days which are or are not to be treated, for the purposes of unemployment benefit and sickness benefit, as days of unemployment or incapacity for work) shall be amended by the addition thereto after paragraph (4), of the following paragraphs:—

"(5) In the application to a person of head (ii) of sub-paragraph (*e*) of paragraph (1) of this regulation, no account shall be taken, in determining either the number of days in a week on which he ordinarily works or the full extent of employment in a week which is normal in his case, of any period of short-time working due to adverse industrial conditions.

(6) A day shall not be treated as a day of unemployment for the purposes of unemployment benefit and sickness benefit if—

(*a*) were no account taken, in determining a person's normal course of work, of any period of short-time working due to adverse industrial conditions, it would have been treated as not being a

(a) 5 & 6 Eliz. 2. c. 26. (b) *See* s. 63 (2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 3 ,7: 1948 I, p. 2905)). (c) 9 & 10 Geo. 6. c. 67.
(d) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(e) The relevant amending regulations are S.I. 1956/227, 1957/1319, 1959/686 (1956 I, p. 1623; 1957 I, p. 1607; 1959 II, p. 1877).

day of unemployment by virtue of the provisions of subsection (1) of section 4 of the National Insurance Act, 1957 (which, in relation to a person who is employed in any employed contributor's employment which has not been terminated, imposes a condition with respect to the treatment, as a day of unemployment, of a day on which in the normal course that person would not work); but

(*b*) it is excluded from the operation of that subsection by the provisions of sub-paragraph (*d*) of paragraph (3) of regulation 7A of these regulations."

Amendment of regulation 7A of the principal regulations

4.—(1) Regulation 7A of the principal regulations (which was added to those regulations by the National Insurance (Unemployment and Sickness Benefit) Amendment Regulations, 1957(**a**)), shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In paragraph (3) of the said regulation 7A after sub-paragraph (*c*), there shall be inserted the following:—

" or

(*d*) in the application of the said subsection (1) of section 4 to that week, account falls to be taken, in determining the person's normal course of work, of any period of short-time working due to adverse industrial conditions; ".

(3) In head (i) of sub-paragraph (*b*) of paragraph 4 of the said regulation 7A, after the words " by virtue of " there shall be inserted the words " sub-paragraphs (*a*), (*b*) or (*c*) of ".

Revocation of Provisional Regulations

5. The National Insurance (Unemployment and Sickness Benefit) Amendment Provisional Regulations, 1959(**b**), are hereby revoked, but without prejudice to anything duly done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Given under the official seal of the Minister of Pensions and National Insurance this twenty-third day of July, 1959.

(L.S.) *John Boyd-Carpenter,*
Minister of Pensions and National Insurance.

Given under the official seal of the National Insurance Joint Authority this twenty-fourth day of July, 1959.

(L.S.) *A. Patterson,*
a person authorised by the National Insurance Joint Authority to act on behalf of the Secretary to the Authority.

SCHEDULE Regulation 4

REGULATION 7A OF THE PRINCIPAL REGULATIONS AS AMENDED*

Provisions relating to treatment of days as days of unemployment

7A.—(1) For the purposes only of subsection (1) of section 4 of the National Insurance Act, 1957 (which, in relation to a person who is employed in any employed contributor's employment which has not been terminated, imposes a condition with respect to the treatment, as a day of unemployment, of a day on which in the normal course that person would not work), the following provisions of this regulation shall apply.

(**a**) S.I. 1957/1319 (1957 I, p. 1607). (**b**) S.I. 1959/615.
* The words added by these regulations are shown in italics.

(2) Where a person is employed in an employed contributor's employment which has not been terminated but has been indefinitely suspended, that employment shall be treated as if it had been terminated on the date on which it was suspended if the period of the suspension consists of not less than twelve consecutive weekdays exclusive of any day or days of recognised or customary holiday in connection with the employment which has been suspended.

(3) Where, in any week, a person is employed in an employed contributor's employment which has not been terminated, if—

(*a*) in relation to that person, that employment is casual employment; or

(*b*) in the normal course, that person would not work for the employer by whom he is employed in that employment; or

(*c*) the earnings derived from that employment for that week do not exceed forty shillings and that person's work in that employment could ordinarily have been performed by him in addition to his work in, and outside the ordinary working hours of, his usual employment; *or*

(*d*) *in the application of the said subsection* (1) *of section* 4 *to that week, account falls to be taken, in determining the person's normal course of work, of any period of short-time working due to adverse industrial conditions;*

that employment shall be treated, as respects that week, as if it had been terminated immediately after its commencement.

(4) If, as respects any day, a person satisfies the following conditions, that is to say:—

(*a*) in the normal course, he would work on that day in an employed contributor's employment which has not been, and does not fall to be treated as if it had been, terminated but has been suspended; and

(*b*) on that day, he works either—

(i) in some other employed contributor's employment which, by virtue of *sub-paragraphs* (*a*), (*b*) *or* (*c*) *of* the last foregoing paragraph, falls, or (if it had not been terminated) would fall, to be treated, as respects the week in which that day occurs, as if it had been terminated; or

(ii) in an employment which, if it were an employed contributor's employment, would be such an employment as is described in head (i) of this sub-paragraph;

that day shall be treated as a day of interruption of employment if, but for his having so worked on that day, it would have been so treated.

(5) In this regulation, the expression "week" has the same meaning as in the said subsection (1).

EXPLANATORY NOTE

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

These Regulations revoke and replace the National Insurance (Unemployment and Sickness Benefit) Amendment Provisional Regulations, 1959. They amend the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, by adding to the provisions of those Regulations which relate to circumstances in which a day is or is not treated as a day of unemployment, new provisions which secure that where the treatment of a day as a day of unemployment is governed by the normal course or extent of a person's work in a week, periods of short-time working due to adverse industrial conditions shall be disregarded in determining what is normal.

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 17th July, 1959, is contained in House of Commons Paper No. 265 (Session 1958-59) published by Her Majesty's Stationery Office.