1955 No. 143

The National Insurance (Unemployment and Sickness Benefit) Amendment Regulations, 1955

Made - - - -	*25th January*, 1955
Laid before Parliament	*2nd February*, 1955
Coming into Operation	*3rd February*, 1955

The National Insurance Joint Authority(a), in exercise of powers conferred by section 11 (3) of the National Insurance Act, 1946(b), 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 Regulations, 1955, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(c) (hereinafter referred to as "the principal regulations"), as amended(d), and shall come into operation on the 3rd February, 1955.

Amendment of regulation 6 of the principal regulations, as amended

2.—(1) Paragraph (1) of regulation 6 of the principal regulations as amended(e) (which paragraph relates to days which 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 in accordance with the following provisions of this regulation.

(2) After sub-paragraph (*a*), there shall be inserted the following sub-paragraph:—

"(*aa*) where in respect of any day a person places restrictions on the nature, hours, rate of remuneration or locality or other conditions of employment which he is prepared to accept and as a consequence of those restrictions has no reasonable prospects of securing employment, that day shall not be treated as a day of unemployment unless—

(i) he is prevented from having reasonable prospects of securing employment consistent with those restrictions only as a result of adverse industrial conditions in the locality or localities concerned which may reasonably be regarded as temporary, and, having regard to all the circumstances, personal and other, the restrictions which he imposes are reasonable; or

(ii) the restrictions are nevertheless reasonable in view of his physical condition; or

(iii) the restrictions are nevertheless reasonable having regard both to the nature of his usual occupation and also to the time which has elapsed since he became unemployed;".

(a) *See* s. 63(2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)).

(b) 9 & 10 Geo. 6. c. 67.

(c) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).

(d) S.I. 1949/1391, 1983 (1949 I, pp. 2698, 2700); regs. 3 and 6 and Schedule A, National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952 (S.I. 1952/2144 (1952 II, p. 2154)); S.I. 1954/117 (1954 I, p. 1405); reg. 21 and Second Schedule, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954 (S.I. 1954/189 (1954 I, p. 1387)).

(e) S.I. 1949/1391, 1983, 1954/117 (1949 I, pp. 2698, 2700; 1954 I, p. 1405).

(3) In sub-paragraph (*h*), for the words from "unless" to the end of the sub-paragraph, there shall be substituted the words "unless the earnings derived from that occupation, in respect of that day, do not exceed six shillings and eightpence, or where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount, and unless he is available on that day for full-time employment in some employed contributor's employment and the occupation which he is following is consistent with and different in nature from that full-time employment" and accordingly that sub-paragraph shall have effect as set out in the Schedule to these regulations.

Given under the official seal of the National Insurance Joint Authority this 25th day of January, nineteen hundred and fifty-five.

(L.S.) *T. C. Stephens,*
Secretary,
National Insurance Joint Authority.

SCHEDULE

REGULATION 6 (1) (*h*) OF THE PRINCIPAL REGULATIONS AS AMENDED*

(*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 the earnings derived from that occupation, in respect of that day, do not exceed six shillings and eightpence, or where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount, and unless he is available on that day for full-time employment in some employed contributor's employment and the occupation which he is following is consistent with and different in nature from that full-time employment.*

EXPLANATORY NOTE

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

These Regulations amend those provisions of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, which relate to days of unemployment. They define the circumstances in which a day cannot be treated as a day of unemployment in the case of persons who place unreasonable restrictions on the work which they are prepared to accept.

They also amend the conditions under which persons following subsidiary occupations may receive unemployment benefit, and in particular increase to six shillings and eightpence the daily amount which may be earned by such persons without loss of benefit.

The preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1954) 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 13th October, 1954, is contained in the House of Commons Paper No. 40 (Session 1954-55) published by Her Majesty's Stationery Office.

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