1957 No. 1319

The National Insurance (Unemployment and Sickness Benefit) Amendment Regulations, 1957

Made - - - -	*26th July*, 1957
Laid before Parliament	*2nd August*, 1957
Coming into Operation	*5th August*, 1957

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 4 (2) of the National Insurance Act, 1957(**a**), and the National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred by sections 11 (2) (*d*), 11 (3) and 25 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, 1957, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**c**), as amended(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on the 5th August, 1957.

Regulation substituted for regulation 4 of the principal regulations

2. For regulation 4 of the principal regulations (which contains special provisions relating to a day to be substituted for Sunday) there shall be substituted the following regulation:—

"*Special provisions relating to day substituted for Sunday*

4.—(1) In the case of a person who,—

(*a*) in any week in which, in the normal course, he would work as an employed person on not more than six days including the Sunday, is unemployed on that Sunday; and

(*b*) claims unemployment benefit for that Sunday;

the day of that week on which, in the normal course, he would not work as an employed person, or (if that week contains more than one day on which in the normal course he would not so work) the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of the provisions of paragraph (*d*) of subsection (2) of section 11 of the Act, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Act relating to unemployment or sickness benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(2) In this regulation, the expression "week" means a period of seven days commencing with the midnight between Saturday and Sunday.".

(a) 5 & 6 Eliz. 2. c. 26. (b) 9 & 10 Geo. 6. c. 67.
(c) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(d) The only amendment affecting the subject-matter of these regulations is noted in footnote (a) on p. 1608.

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal regulations(a) (which relates to night workers), sub-paragraphs (*a*) and (*b*) of paragraph (1), the words " other than Saturday or Sunday " in sub-paragraph (*c*) of that paragraph, and paragraph (2) shall be omitted and that regulation shall accordingly have effect as set out in the Schedule to these regulations.

Provisions added to the principal regulations

4.—(1) The following provisions shall be added after regulation 7 of the principal regulations:—

" *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.

(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;

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 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.

(a) *See* regulation 2, S.I. 1949/1983 (1949 I, p. 2700).

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

(2) The following provisions shall be added after regulation 13 of the principal regulations:—

"*Increase of unemployment and sickness benefit for persons over pensionable age*

14. Where, by virtue of the provisions of section 26 of the Act (which makes provision as to unemployment and sickness benefit for persons over pensionable age) as amended by subsection (3) of section 2 of the National Insurance Act, 1957, a person who is over pensionable age is entitled to unemployment or sickness benefit in respect of any day for which he would have been entitled to a retirement pension only by virtue of section 25 of the Act (which confers a power, in relation to certain benefits including unemployment and sickness benefit to provide by regulations for entitlement to benefit on a reduced scale in cases where a person would be entitled to the benefit but for the fact that the relevant contribution conditions are not satisfied), the weekly rate of any increase of the said unemployment or sickness benefit under section 23 of the Act (which relates to increase of benefit for children) or under subsection (1) or paragraph (*c*) of subsection (2) of section 24 of the Act (which relates to increase of benefit for adult dependants) shall be that at which that increase would have been payable if the benefit to be increased had been the retirement pension to which that person would have been so entitled.".

Transitory provisions

5.—(1) For the purposes of the provisions of the regulation which, by regulation 2 of these regulations, is substituted for regulation 4 of the principal regulations, any question as to the day or days on which, in the normal course, a person works, or would work, as an employed person shall be determined as if regulation 5 of the principal regulations had always had effect as set out in the Schedule hereto.

(2) The provisions of the regulation which, by paragraph (2) of the last foregoing regulation, is added to the principal regulations shall have effect subject to the proviso to subsection (3) of section 2 of the National Insurance Act, 1957.

Given under the official seal of the Minister of Pensions and National Insurance this 26th day of July, nineteen hundred and fifty-seven.

(L.S.)

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Given under the official seal of the National Insurance Joint Authority this 26th day of July, nineteen hundred and fifty-seven.

(L.S.)

Ian G. Gilbert,
Secretary,
National Insurance Joint Authority.

Dated this 26th day of July, nineteen hundred and fifty-seven.

Martin Redmayne,
Peter Legh,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Regulation 3

REGULATION 5 OF THE PRINCIPAL REGULATIONS AS AMENDED

Night workers

5.—(1) The following provisions shall apply in relation to night workers for the purposes of unemployment and sickness benefit:—

. . . . . .

(*c*) where a period of employment begun on any day extends over midnight into the following day, the person employed shall, in respect of such period—

(i) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or

(ii) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

. . . . . .

(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,

(*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.

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 the substitution, for the purposes of unemployment and sickness benefit, of a day for Sunday, and those provisions which, for those purposes, apply in relation to night-workers; and they provide for a relaxation, in certain cases, of the condition (imposed by section 4 (1) of the National Insurance Act, 1957, in relation to a person who is employed in any employed contributor's employment which has not been terminated) with respect to the treatment, as a day of unemployment, of a day on which in the normal course such a person would not work. They also make provision as to the weekly rate of an increase of unemployment benefit or sickness benefit for a person over pensionable age.

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 23rd July, 1957, is contained in House of Commons Paper No. 244 (Session 1956–57) published by Her Majesty's Stationery Office.

1957 No. 1870

The National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1957

Made - - - -	*29th October,* 1957
Laid before Parliament	*5th November,* 1957
Coming into Operation	*18th November,* 1957

The National Insurance Joint Authority(a), in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred by sections 10 (3), 11 (3) and 24 (2) 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 (No. 2) Regulations, 1957, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(c), as amended(d) (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

Regulation substituted for regulation 2 of the principal regulations

2. As from the 17th February, 1958, for regulation 2 of the principal regulations (which relates to contributions treated as equivalent to contributions of the appropriate class), there shall be substituted the following regulation:—

Contributions treated as equivalent to contributions of the appropriate class

"2. Where a person makes a claim for unemployment benefit or for sickness benefit for a day which forms part of a period of interruption of employment, the following provisions of this regulation shall apply in relation to the claimant and, for the purposes of those provisions, the following expressions have the meanings hereby respectively assigned to them—

"appropriate week" means a contribution week in respect of which a contribution as an employed person or as a self-employed person does not, by virtue of any other provision of the regulations made under the Act, fall to be credited to the claimant;

"relevant contribution year" means the last complete contribution year before the benefit year which includes the day for which benefit is claimed;

(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) The relevant amending regulations are S.I. 1949/1983, 1955/143 (1949 I, p. 2700; 1955 I, p. 1627).