EXPLANATORY NOTE

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

These Regulations introduce, as from the first payment of benefit on or after the 3rd June, 1948, the rates of unemployment benefit (including increase in respect of children and adult dependants) under the National Insurance Act, 1946.

The main provisions relate (*a*) to the introduction of the new rates (regulation 2); (*b*) to the application of the conditions of the National Insurance Act, 1946, regarding increases of benefit in respect of children and adult dependants (regulation 3); (*c*) to the modification of the age limit for benefit (regulation 4); (*d*) to the making of certain adjustments to unemployment benefit payable at the new rates for periods in respect of which certain benefits, pensions and allowances are payable out of public funds (Part III); and (*e*) to the making of corresponding increases in the rates of benefit payable under the Banking Industry and Insurance Industry Special Schemes (regulation 13). The remaining provisions are of a minor or consequential character.

The National Insurance (Unemployment and Sickness Benefit) Regulations, 1948

1948 No. 1277

Made - - - -	*16th June*, 1948
Laid before Parliament	*16th June*, 1948
Coming into Operation	*23rd June*, 1948

M.N.I. 106.

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 10 to 13, 24 and 25 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

9 & 10 Geo. 6. c. 67.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, and shall come into operation on the 23rd June, 1948.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946;

9 & 10 Geo. 6. c. 62.

" the Determination of Claims and Questions Regulations " means the National Insurance (Determination of Claims and Questions) Regulations, 1948(a);

" the Minister " means the Minister of National Insurance;

" insurance officer ", " local tribunal " and " the Commissioner " have the same meanings as in the Determination of Claims and Questions Regulations;

" the determining authority " means, as the case may require, an insurance officer, a local tribunal or the Commissioner;

and other expressions have the same meanings as in the Act.

(a) S.I. 1948 No. 1144, p. 2720 below.

(3) References in these regulations to any enactment or regulations shall include a reference to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. For the purposes of satisfying the contribution condition for unemployment benefit and sickness benefit set out in sub-paragraph (*b*) of paragraph 1 of the Third Schedule to the Act, the following provisions shall apply:— Contributions treated as equivalent to contributions of the appropriate class.

(1) Where an insured person has paid the twenty-sixth contribution of the appropriate class since his entry into insurance, any contributions as an insured person under the Act not of the appropriate class which have been paid by or credited to him in respect of the period beginning with the commencement of the last complete contribution year before the benefit year which includes the contribution week in respect of which the said twenty-sixth contribution was paid and terminating with that week shall be treated as equivalent to contributions of the appropriate class.

(2) Notwithstanding that paragraph (1) of this regulation has been applied to an insured person in relation to sickness benefit, that insured person shall be entitled to the benefit of that provision in relation to unemployment benefit if he subsequently completes the payment of the twenty-sixth contribution of the appropriate class for the purposes of the latter benefit.

(3) Where not less than thirty-nine contributions of the appropriate class, or contributions treated as equivalent thereto by virtue of paragraph (1) of this regulation, have been paid by or credited to an insured person for the relevant year, contributions as an insured person of any class (not being contributions of the appropriate class nor contributions in the last complete contribution year treated as equivalent thereto by virtue of the said paragraph (1)) paid by or credited to that insured person in respect of the relevant year shall be treated as equivalent to contributions of the appropriate class.

(4) (*a*) References in this regulation to " contributions of the appropriate class " shall be construed—

(i) in relation to unemployment benefit, as references to contributions as an employed person; and

(ii) in relation to sickness benefit, as references to contributions as an employed or self-employed person.

(*b*) References in the last preceding paragraph to " the relevant year " shall be construed as references to the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

3. A person who is not incapable of work shall, if an insurance officer, a local tribunal or the Commissioner, as the case may be, so determines, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which he satisfies the conditions specified in paragraph (*a*) or paragraph (*b*) below, namely:— Persons deemed to be incapable of work.

(*a*) that he is under medical care in respect of a disease or disablement as aforesaid; that it is certified by a registered medical practitioner that by reason of such disease or disablement he should abstain from work; and that he does not work; or

(*b*) that he is excluded from work on the certificate of a medical officer of health of a local authority; and that he is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

Special provisions relating to day substituted for Sunday.

4.—(1) For the purposes of paragraph (*d*) of subsection (2) of section 11 of the Act (which paragraph relates to disregarding Sunday or some other prescribed day for the purpose of unemployment and sickness benefit), in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday, the said day shall be substituted for Sunday for the purposes of the said paragraph.

(2) If in any such case as is mentioned in the last preceding paragraph any unemployment or sickness benefit is payable in respect of a Sunday and industrial injury benefit under the Industrial Injuries Act is also payable in the same contribution week in which that Sunday occurs in respect of the day substituted by that paragraph, any such unemployment or sickness benefit shall be treated, for the purposes of the provisions of any regulations(**a**) for the time being in force under the Act relating to overlapping benefits as if it were payable in respect of the said substituted day in that contribution week.

Night workers.

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

(*a*) Where a period of employment begun on a Saturday extends over midnight into Sunday, the person employed shall, in respect of such period, be treated as having been employed on Saturday only, which day shall not be treated as a day of interruption of employment; and

(*b*) where a period of employment begun on a Sunday extends over midnight into Monday, the person employed shall, in respect of such period, be treated as having been employed on Monday only, which day shall not be treated as a day of interruption of employment; and

(*c*) where a period of employment begun on any day other than Saturday or Sunday 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.

(2) In any case where the day to be disregarded in accordance with paragraph (*d*) of subsection (2) of section 11 of the Act is a day other than Sunday, references to Sunday in the last preceding paragraph shall be construed as referring to that other day, and references to Saturday and Monday in relation to Sunday shall be construed accordingly.

(**a**) *See* National Insurance (Overlapping Benefits) Provisional Regulations, 1948 (S.I. 1948 No. 1244, p. 2652 above).

Days not to be treated as days of unemployment or incapacity for work.

6.—(1) For the purposes of unemployment and sickness benefit—

(*a*) a day shall not be treated as a day of interruption of employment if it is a day in respect of which a person fails to prove, in such manner as the Minister shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;

(*b*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;

(*c*) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness benefit;

(*d*) a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding that his employment has terminated, continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received for that day if the employment had not been terminated; and, for the purpose of this sub-paragraph, any day occurring within thirteen weeks of the termination of the employment in respect of which a person receives payment by way of compensation for loss of remuneration, shall not be treated as a day of unemployment, if the payment of compensation for loss of remuneration in respect of that day exceeds the amount arrived at by deducting two-thirds of the benefit to which that person would be entitled if the day in question were a day of unemployment for which benefit was payable from two-thirds of the remuneration lost in respect of that day;

(*e*) a day shall not be treated as a day of unemployment if on that day a person does no work, and—

(i) is on holiday; or

(ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by paragraph (1) of regulation 4) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case;

(*f*) a day shall not be treated as a day of incapacity for work if on that day a person is attending at a training course provided by the Minister of Labour and National Service, or at a training course or course of instruction provided in pursuance of arrangements made with that Minister by any public authority, firm or person, and payment of training allowance is made by or on behalf of that Minister to the said person so attending for his attendance at any of the said courses;

(*g*) a day shall not be treated as a day of incapacity for work if a person does any work on that day as an employed or self-employed person, other than such work as is referred to in sub-paragraph (iii) of paragraph (*d*) of regulation 10;

(*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 gainful occupation, 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.

(2) Nothwithstanding the provisions of sub-paragraph (*e*) of the last preceding paragraph, in relation to an employed person whose employment is indefinitely suspended, any day or days of recognised or customary holiday in connection with the employment which has been suspended which occur during the period of suspension, being a period consisting of not less than twelve consecutive week days exclusive of such holidays, shall be treated as a day or days of unemployment, if they would have been so treated had his employment been terminated or treated as having been terminated at the date on which it was suspended.

Persons deemed to be available for employment in an employed contributor's employment. 10 & 11 Geo. 6. c. 42.

7. Notwithstanding the provisions of sub-paragraph (*h*) of paragraph (1) of the last preceding regulation, an insured person engaged in—

(*a*) the manning or launching of a lifeboat; or

(*b*) the performance of duty as a part time fireman in a fire brigade maintained in pursuance of the Fire Services Act, 1947;

shall be deemed to be available for employment in an employed contributor's employment, and the provisions of the said sub-paragraph (*h*) shall not apply to him.

Reckoning of periods of interruption of employment.

8. For the purpose of reckoning periods of interruption of employment, but for that purpose only,—

(*a*) any day in respect of which a woman is entitled to and is in receipt of maternity allowance or attendance allowance shall (notwithstanding the provisions of sub-paragraph (*c*) of paragraph (1) of regulation 6) be treated as a day of incapacity for work;

(*b*) a person shall be deemed to be available for employment in an employed contributor's employment on any such day as is referred to in sub-paragraph (*f*) of paragraph (1) of regulation 6 and any such day shall be treated as a day of unemployment.

Special provision relating to delay or failure in claiming or giving notice.

9. Notwithstanding anything contained in paragraph (1) of regulation 6, a person who, in respect of any period of interruption of employment, would have been entitled to unemployment or sickness benefit for any day but for any delay or failure to make or prosecute a claim or give a notice, shall, for the purposes of section 12 of the Act but subject to the proviso to subsection (4) of that section (which section relates to exhaustion of, and requalification for, benefit), be treated as having been entitled to benefit for that day.

Disqualifications for sickness benefit.

10. A person shall be disqualified for receiving sickness benefit for such period not exceeding six weeks as may be determined in the manner provided by the Determination of Claims and Questions Regulations if—

(*a*) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity

is due to venereal disease or, in the case of a woman who is not a wife, or, being a wife, is separated from her husband, to pregnancy; or

(*b*) he fails without good cause, on receipt of not less than three clear days notice in writing given by the Minister requiring him to do so, to attend for, or to submit himself to, medical or other examination at such place and time (of which two clear days notice shall be given) as may be subsequently communicated to him; or

(*c*) he fails without good cause to attend for, or to submit himself to, medical or other treatment: provided that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character, and is considered by the determining authority to be unreasonable; or

(*d*) he fails without good cause to observe any of the following rules of behaviour, namely:—

(i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Minister or his officers directed to ascertaining whether he is doing so;

(ii) not to be absent from his place of residence without leaving word where he may be found;

(iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, and his earnings in respect of that work do not exceed twenty shillings a week.

Increase of benefit for dependent relative and further conditions applicable.

11.—(1) For the purposes of paragraph (*b*) of subsection (2) of section 24 of the Act (which paragraph relates to increase of unemployment benefit or sickness benefit for any period during which the beneficiary has residing with him and is wholly or mainly maintaining such relative other than the husband or wife of the beneficiary as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled), the relatives shall be the persons who bear any such relationship to the beneficiary as is specified in the First Schedule to these regulations, and shall not include any person who is a child, but shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph:—

(*a*) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such relative for any period during which that relative—

(i) is undergoing penal servitude, imprisonment or detention in legal custody; or

(ii) (if a woman) is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed(**a**) for the

(**a**) *See* National Insurance (General Benefit) Regulations, 1948 (S.I. 1948 No. 1278, p. 2626 above).

purposes of subsection (1) of the said section 24, which subsection relates to an increase of benefit in respect of a wife) exceed twenty shillings.

(*b*) Where any such relative is a man, the increase shall not be payable for any period other than a period during which he is incapable of self-support(**a**).

(*c*) Where any such relative is a married woman, the increase shall not be payable for any period other than a period during which—

(i) she is not residing with and is unable to obtain any financial assistance from her husband; or

(ii) her husband is incapable of self-support.

(*d*) The increase shall not be payable for any period during which any such relative is absent from Great Britain, except in the case of sickness benefit for any period during which that relative is residing with the beneficiary outside Great Britain and for which, by virtue of the provisions of paragraph (1) of regulation 7 of the National Insurance (Residence and Persons Abroad) Regulations, 1948(**b**), the beneficiary is not disqualified for receiving that benefit.

Increase of benefit for female person having care of child.

12. For the purposes of paragraph (*c*) of subsection (2) of section 24 of the Act (which paragraph relates to increase of unemployment benefit or sickness benefit for a female person, not being a child, who has the care of a child or children of the beneficiary's family), the following further conditions shall apply in relation to any such female person:—

(1) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless—

(*a*) she is residing with the beneficiary and is wholly or mainly maintained by him; or

(*b*) she is employed by the beneficiary in an employment from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of the said subsection (1) of section 24) are not less than sixteen shillings, and was so employed by him before he became unemployed or incapable of work, as the case may be, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter.

(2) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person for any period during which that female person—

(*a*) is undergoing penal servitude, imprisonment or detention in legal custody; or

(*b*) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary) from which her weekly earnings (calculated or estimated in such manner and

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(**a**) *See* s. 78 (1), National Insurance Act, 1946, and s. 35 (5) (*a*), National Insurance (Industrial Injuries) Act, 1946.

(**b**) S.I. 1948 No. 1275, p. 2864 below.

on such basis as is prescribed for the purposes of the said subsection (1) of section 24) exceed, in the case of such a person who is residing with the beneficiary, twenty shillings, or, in any other case, thirty shillings; or

(*c*) is absent from Great Britain, except in the case of sickness benefit for any period during which she is residing with the beneficiary outside Great Britain and for which, by virtue of the provisions of paragraph (1) of regulation 7 of the National Insurance (Residence and Persons Abroad) Regulations, 1948, the beneficiary is not disqualified for receiving that benefit.

(3) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family as specified in paragraph (*c*) of that subsection, or would be so entitled but for the provisions of any regulations for the time being in force under the Act relating to overlapping benefits.

Partial satisfaction of contribution conditions, and reduced rates of benefit.

13.—(1) Where a person would be entitled to unemployment or sickness benefit but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in respect of the relevant contribution year, he shall nevertheless be entitled to benefit in accordance with the next succeeding paragraph, if not less than twenty-six contributions of the appropriate class or their equivalent have been paid or credited in respect of the relevant contribution year.

(2) Where the full weekly rate of benefit or increase of benefit for an adult dependant under Part I of the Second Schedule to the Act is at one of the rates set out at the head of columns (2), (3), (4) and (5) of the Second Schedule to these regulations, then benefit or increase of benefit for an adult dependant shall be payable at the reduced rate specified in the appropriate column of the Second Schedule to these regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (1) of that Schedule.

(3) For the purposes of this regulation, the expression " the relevant contribution year " means the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

Given under the official seal of the National Insurance Joint Authority this 16th day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary,
National Insurance Joint Authority.

Wm. Hannan,
Joseph Henderson,
Two of the Lords Commissioners
of His Majesty's Treasury.

Regulation 11 (1)

FIRST SCHEDULE

PRESCRIBED RELATIONSHIPS

(*a*) Lineal descendant or ascendant in a direct line, and

(*b*) Stepfather, stepmother, stepson, stepdaughter, brother, sister, half-brother, half-sister, stepbrother, stepsister.

Regulation 13 (2)

SECOND SCHEDULE

Showing reduced rates of unemployment and sickness benefit and of increase of benefit in respect of adult dependants.

(1)	(2)	(3)	(4)	(5)
	Full weekly rate of benefit applicable under Part I of the Second Schedule to the Act.			
	s. d. 26 0	s. d. 20 0	s. d. 16 0	s. d. 15 0
Number of contributions paid or credited in the relevant contribution year.	Reduced rate at which benefit is payable.			
	s. d.	s. d.	s. d.	s. d.
48–49 ...	25 0	19 6	15 6	14 6
46–47 ...	24 0	19 0	15 0	14 0
43–45 ...	23 0	18 0	14 0	13 6
40–42 ...	21 0	16 6	13 0	12 6
37–39 ...	19 0	15 0	12 0	11 6
34–36 ...	17 0	13 6	11 0	10 6
30–33 ...	15 0	12 0	9 6	9 0
26–29 ...	13 0	10 0	8 0	7 6

EXPLANATORY NOTE

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

These Regulations contain various provisions relating to the payment of unemployment and sickness benefit.

The principal matters dealt with are the counting of contributions (other than those of the appropriate class) for the purposes of unemployment and sickness benefit (regulation 2); the deeming of persons to be incapable of work (regulation 3); the substitution of another day for Sunday as the day of the week to be disregarded (regulation 4); the position of night workers (regulation 5); the days which are or are not to be treated as days of unemployment or incapacity for work (regulations 6 and 8); the position of lifeboatmen and part time firemen (regulation 7); failure to claim or give a notice in order to avoid the necessity for requalification (regulation 9); disqualifications for sickness benefit (regulation 10); the position in relation to adult dependants (regulations 11 and 12); and the payment of benefit at reduced rates in the case of deficient contribution records (regulation 13).