The National Insurance (Unemployment Benefit) (Transitional) Regulations, 1948

1948 No. 1279

Made - - - -	19*th June*, 1948
Laid before Parliament	21*st June*, 1948
Coming into Operation	24*th June*, 1948

M.N.I. 120.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of the powers conferred by sections 65 and 69 of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes 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 Benefit) (Transitional) Regulations, 1948, and shall come into operation on 24th June, 1948.

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

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

" the Unemployment Insurance Act " means the Unemployment Insurance Act, 1935; 25 & 26 Geo. 5. c. 8.

" the Minister " means the Minister of National Insurance;

" the Banking Industry Special Scheme " means the approved scheme referred to in the Unemployment Insurance (Banking Industry Special Scheme) Orders, 1924 to 1947(a);

" the Insurance Industry Special Scheme " means the approved scheme referred to in the Unemployment Insurance (Insurance Industry Special Scheme) Orders, 1921 to 1947(b);

" existing contributor " has the meaning assigned to it by regulation 2;

" existing benefit year " means a benefit year within the meaning of the Unemployment Insurance Act which an existing contributor began not earlier than the 7th July, 1947, by proving, on a claim for benefit (including a claim for agricultural benefit), the matters set out in subsection (1) of section 32 of that Act, or which was begun in error, not earlier than that date but in respect of which those matters were subsequently so proved before the appointed day(c); a

---

(a) S.R. & O. 1924 (No. 817) p. 1784; 1938 (No. 656) II, p. 3372; 1939 (Nos. 306, 822 and 1769) II, pp. 3435–9; 1940 (Nos. 1222 and 1426) I, pp. 1060–3; 1941 (No. 556) I, p. 1154; 1942 (Nos. 1612 and 2389) I, pp. 824–6; 1944 (No. 1421) I, p. 1031; 1946 (Nos. 1392 and 1590) I, p. 1713–5; and 1947 (Nos. 261 and 312) I, pp. 2203–2205.

(b) S.R. & O. 1921 (No. 1281) p. 1390; 1935 (Nos. 97 and 1074) pp. 1702 and 1741; 1936 (Nos. 105 and 731) II, pp. 3523–4; 1937 (No. 218) p. 2351; 1938 (Nos. 11, 190, 291 and 589) II, pp. 3404–9; 1939 (Nos. 823 and 1314) II, pp. 3441–4; 1940 (Nos. 1223 and 1453) I, pp. 1064–7; 1941 (No. 557) I, p. 1157; 1942 (No. 1613) I, p. 827; 1945 (No. 1026) I, p. 1244; 1946 (Nos. 734, 1393 and 1591) I, pp. 1717–21; and 1947 (Nos. 262 and 313) I, pp. 2206–2208.

(c) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

benefit year under the Banking Industry Special Scheme, and a claim year under the Insurance Industry Special Scheme, in either case begun not earlier than the 7th July, 1947;

" first normal contribution year " means the contribution year applicable to an existing contributor under regulation 2 of the National Insurance (General Benefit) Regulations, 1948(**a**), commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

" first normal benefit year " means the benefit year applicable to an existing contributor under regulation 2 of the National Insurance (General Benefit) Regulations, 1948, commencing, as the case may be, on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

" benefit " means benefit (including agricultural benefit) under the Unemployment Insurance Act or under the Banking Industry Special Scheme or the Insurance Industry Special Scheme, and references to benefit rights shall be construed accordingly;

" unemployment contributions " means, in respect of weeks occurring before the appointed day, contributions (including agricultural contributions) under the Unemployment Insurance Act, contributions under the Banking Industry Special Scheme and weeks of insurable employment under the Insurance Industry Special Scheme, and, in respect of weeks commencing on or after the appointed day, contributions as an employed person(**b**) under the Act; and any references to the payment of an unemployment contribution in respect of any week before the appointed day shall include a reference to a contribution deemed or treated as paid for the purpose of any right to benefit or to the occurrence of a week of insurable employment under the Insurance Industry Special Scheme;

" waiting day " means, in relation to days before the appointed day, any of the first three days of a continuous period of unemployment(**c**);

" insurance period " means any one of the following periods, namely:—

(*a*) an insurance year(**d**) under the Unemployment Insurance Act;

(*b*) (subject to the provisions of paragraph (2) of regulation 4) the period commencing with the appointed day and ending immediately before the beginning of the first normal contribution year, except where this period is in excess of fifty-two weeks, in which case it means the last fifty-two weeks thereof; and

(*c*) a contribution year(**e**) under the Act, beginning not earlier than the first normal contribution year;

and other expressions have the same meanings as in the Act, or, in relation to any period before the appointed day, the Unemployment Insurance Act.

(**a**) S.I. 1948 No. 1278, p. 2626 above.
(**b**) *See* s. 2 (2) (*a*), National Insurance Act, 1946.
(**c**) *See* s. 35 (1), Unemployment Insurance Act, 1935.
(**d**) *See* s. 113 (1) (*p*), Unemployment Insurance Act, 1935.
(**e**) *See* reg. 2 (1), National Insurance (General Benefit) Regulations, 1948 (S.I. 1948 No. 1278, p. 2626 above).

(3) Any contribution or benefit paid or deemed or treated as paid in Northern Ireland, and any weeks of insurable employment under the Insurance Industry Unemployment Insurance Scheme (Northern Ireland)(a), in respect of any period before the appointed day, which would, but for the Act, have been taken into account in Great Britain for any purpose of the Unemployment Insurance Act(b) shall be taken into account to the like extent for the purposes of these regulations.

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

(5) 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.

Existing contributors.

2. In these regulations, references to an existing contributor shall be construed as meaning any person who, immediately before the appointed day, was either insured or treated as insured under the Unemployment Insurance Act, or the Banking Industry Special Scheme, or the Insurance Industry Special Scheme and who, but for the Act, could have fulfilled the first statutory condition(c) for the receipt of benefit under the Unemployment Insurance Act in respect of a day occurring on or after the 1st January, 1946, had he then made a claim for benefit, and, for this purpose, contributions shall be taken into account as follows: in the case of benefit other than agricultural benefit, all unemployment contributions, and, in the case of agricultural benefit, only agricultural contributions.

Modification of contribution conditions for unemployment benefit in the case of existing contributors.

3.—(1) Subject to the provisions of paragraph (1) of regulation 13, where an existing contributor cannot satisfy the contribution condition contained in sub-paragraph (*a*) of paragraph 1 of the Third Schedule to the Act (which is that not less than twenty-six contributions of the appropriate class have been paid by him in respect of the period between his entry into insurance and the day for which the benefit is claimed), but—

(*a*) was, immediately before the appointed day, in an existing benefit year; or

(*b*) in respect of a day for which unemployment benefit under the Act is claimed, proves that, but for the Act, and subject to the provisions of the next following paragraph, the first statutory condition for the receipt under the Unemployment Insurance Act of benefit other than agricultural benefit would then have been fulfilled in his case; or

(*c*) (in the case of such an existing contributor who has received unemployment benefit by virtue of section 62 of the Act, which section relates to extension of unemployment benefit, and the

(a) *See* S.R. & O. 1921 (No. 1281) p. 1390; S.R. & O. (N.I.) 1935 (Nos. 57 and 139) pp. 278 and 303; 1936 (Nos. 25 and 100) pp. 411–2; 1937 (No. 34) p. 327; 1938 (Nos. 6, 33, 38 and 132) pp. 385–9; 1939 (Nos. 137, 153 and 190) pp. 418–426; 1940 (Nos. 78 and 101) pp. 247–251; 1941 (No. 118) p. 112; 1942 (No. 143) p. 215; 1945 (No. 114) p. 225; 1946 (Nos. 127, 180 and 188) pp. 554–9; and 1947 Nos. 29 and 57.

(b) *See* s. 108, Unemployment Insurance Act, 1935.

(c) *See* s. 22 (1), Unemployment Insurance Act, 1935, and Fifth Schedule, Unemployment Insurance (Agriculture) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 13).

regulations for the time being in force thereunder, or by virtue of the corresponding regulations made under section 69 of the Act(**a**) or the corresponding orders(**b**) made under the Banking Industry Special Scheme or the Insurance Industry Special Scheme), subject to the proviso to this paragraph, pays contributions as an employed person for thirteen weeks beginning on or after the appointed day;

the said contribution condition shall be deemed to be satisfied:

Provided that, for the purposes of sub-paragraph (*c*) of this paragraph, where such an existing contributor only received unemployment benefit under section 62 of the Act and the regulations for the time being in force thereunder, contributions shall only be reckoned towards the said thirteen contributions if they are paid in respect of contribution weeks begun or ended since the first day in respect of which he receives unemployment benefit under that section.

(2) In determining whether the condition referred to in sub-paragraph (*b*) of the last preceding paragraph would have been fulfilled, all unemployment contributions paid by an existing contributor shall be reckoned as contributions.

4.—(1) The contribution condition contained in sub-paragraph (*b*) of paragraph 1 of the Third Schedule to the Act (which is that not less than fifty contributions of the appropriate class have been paid by or credited to the claimant in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed) shall not apply to a claim for unemployment benefit by an existing contributor in respect of any day of unemployment(**c**) which occurs before his first normal benefit year, but this provision shall be without prejudice to the application of paragraph (2) of regulation 13 to an existing contributor in relation to unemployment benefit by virtue of section 62 of the Act and the regulations for the time being in force thereunder.

(2) Where, in the case of an existing contributor, the period between the appointed day and the beginning of the first normal contribution year is less than fifty-two weeks, it shall be deemed to be a period of fifty-two weeks, and, for the purposes only—

(*a*) of determining whether the said contribution condition has been satisfied in respect of any day of unemployment which occurs during his first normal benefit year; or

(*b*) of calculating, under regulation 10 or 11, the unemployment contributions paid during an insurance period;

that existing contributor shall be deemed to have paid contributions as an employed person for such a number of weeks as, when added to the actual total number of weeks in the period, amount to fifty-two weeks.

Modification of provisions of the Act relating to exhaustion of, and requalification for, unemployment benefit.

5. Where an existing contributor was, immediately before the appointed day, in an existing benefit year and the first day of unemployment in a period of interruption of employment(**d**) in respect of which he is entitled to unemployment benefit under the Act and the last day, before the appointed day, in that existing benefit year in respect

(**a**) *See* S.R. & O. 1946 (No. 2152) I, p. 1089.
(**b**) *See* S.R. & O. 1947 (Nos. 261 and 262) I, pp. 2203–2206.
(**c**) *See* s. 11, National Insurance Act, 1946.
(**d**) *See* s. 11 (2) (*c*), National Insurance Act, 1946.

of which he was (or would, but for a special arrangement under section 68 of the Unemployment Insurance Act, or but for its being a waiting day, have been) entitled to receive benefit would, if he had, before that last day, been an insured person(**a**) under the Act, have been in the same period of interruption of employment, that period of interruption of employment shall be deemed to have commenced at the beginning of the said existing benefit year, and, in determining for the purpose of subsection (1) of section 12 of the Act (which subsection relates to exhaustion of unemployment benefit) the number of days for which he has been entitled to unemployment benefit in respect of that period of interruption of employment, he shall be treated as if he had been so entitled for one day in that period in respect of each day in the existing benefit year in respect of which he was (or would, but for such special arrangement, have been) entitled to benefit:

Provided that, if the said last day is a waiting day, the said period of interruption of employment shall be deemed to have commenced as from the beginning of the continuous period of unemployment in which the said last day occurs.

6.—(1) An existing contributor who, before the appointed day, had exhausted his benefit rights, and in respect of whom unemployment contributions were not paid before that day for ten weeks since the Sunday before the last day in respect of which he received benefit (not being benefit under the National Insurance (Extension of Unemployment Benefit) Regulations, 1946(**b**), or the Unemployment Insurance (Banking Industry Special Scheme) (Amendment) Order, 1947(**c**), or the Unemployment Insurance (Insurance Industry Special Scheme) (Amendment) Order, 1947(**d**)), shall, for the purpose of the said subsection (1) of section 12 of the Act, be treated as if he had exhausted his right to unemployment benefit thereunder.

(2) For the purpose of subsection (3) of the said section 12 (which subsection relates to requalification for unemployment benefit), unemployment contributions paid since the said Sunday and before, as well as after, the appointed day shall be reckoned as contributions of the appropriate class(**e**) for the purposes of the said subsection:

Provided that an existing contributor in whose case ten unemployment contributions have been paid since that Sunday and before the appointed day shall, for the purposes of the said subsection, be deemed to have requalified.

Waiting days.

7.—(1) Where, in the case of an existing contributor, the last day of unemployment in his last continuous period of unemployment before the appointed day occurred not more than thirteen weeks before the first day of interruption of employment(**f**) on or after the appointed day forming part of a period of interruption of employment, then—

(*a*) if, in the said continuous period of unemployment, he had three waiting days, the proviso to subsection (1) of section 11 of the Act (which relates to waiting days) shall not, in that period of

(**a**) *See* s. 1 (1), National Insurance Act, 1946.
(**b**) S.R. & O. 1946 (No. 2152) I, p. 1089.
(**c**) S.R. & O. 1947 (No. 261) I, p. 2203.
(**d**) S.R. & O. 1947 (No. 262) I, p. 2206.
(**e**) *See* s. 10 (3), National Insurance Act, 1946.
(**f**) *See* s. 11 (2) (*b*), National Insurance Act, 1946.

interruption of employment, disentitle him to unemployment benefit for any day of unemployment occurring on or after the said first day of interruption of employment; and

(*b*) if, in the said continuous period of unemployment, he had one or two waiting days, that day or those days shall be taken into account for the purpose of the said proviso.

(2) Where, by reason of the proviso to subsection (6) of section 31 of the Unemployment Insurance Act, as amended(**a**) (which subsection relates to waiting days) or of the corresponding provisions(**b**) of the Banking Industry Special Scheme or the Insurance Industry Special Scheme, benefit had not, before the appointed day, become payable to an existing contributor to whom paragraph (1) of this regulation applies, in respect of any such waiting day, then if, within the period of thirteen weeks beginning with the first such waiting day, he has a further nine days (being either days of unemployment in the said last continuous period of unemployment or days of interruption of employment in the said first period of interruption of employment), benefit shall, notwithstanding the repeal of the said section 31 and of the said corresponding provisions, be payable to him in respect of any such waiting day if benefit for such day would, otherwise, have been payable.

Ascertainment of continuous period of unemployment or period of interruption of employment.

8. In ascertaining for any purpose of these regulations the last continuous period of unemployment or the first period of interruption of employment of an existing contributor, a day of unemployment occurring before the appointed day and a day of interruption of employment occurring on or after that day shall, if they occur within a period of six consecutive days, be treated as being one of two days of unemployment and one of two days of interruption of employment respectively, occurring within such a period of six consecutive days, and benefit under the Unemployment Insurance Act (or, where applicable, the Banking Industry Special Scheme or the Insurance Industry Special Scheme), in the case of such a day of unemployment, and unemployment benefit under the Act, in the case of such a day of interruption of employment, shall, subject to the provisions of the appropriate Act or scheme, be payable accordingly.

Disqualifications for receiving unemployment benefit operative at the appointed day.

9. An existing contributor who, before the appointed day, was disqualified under section 27 or 28 of the Unemployment Insurance Act, or under paragraph 36 or 37 of the Banking Industry Special Scheme or sub-paragraph (1) or (4) (ii) of paragraph 45 of the Insurance Industry Special Scheme, for receiving benefit for a period which had not expired on the appointed day, shall, during the remainder of that period, be disqualified for receiving unemployment benefit under the Act.

Additional days of unemployment benefit.

10.—(1) An existing contributor who, before exhausting his right to unemployment benefit in a period of interruption of employment, has qualified, in accordance with this regulation, for additional days of unemployment benefit, shall be entitled, in that period, to unemployment benefit for such greater number of days, exceeding one hundred and eighty, as may be allowed under this regulation.

(**a**) *See* S.R. & O. 1947 (No. 287) I, p. 1493.
(**b**) *See* S.R. & O. 1947 (Nos. 312 and 313) I, pp. 2205–8.

(2) An existing contributor who had qualified under the Unemployment Insurance Act or under the Insurance Industry Special Scheme for additional days of benefit in an existing benefit year, and in respect of whom the material date occurred before the appointed day, shall be deemed to have qualified under this regulation for the same number of additional days of unemployment benefit in respect of a period of interruption of employment to which regulation 5 applies.

(3) An existing contributor who, immediately before the appointed day, was in an existing benefit year under the Banking Industry Special Scheme and who is in a period of interruption of employment to which regulation 5 applies, and in respect of whom the material date occurred before the appointed day, shall be deemed to have qualified under this regulation for the same number of additional days of unemployment benefit as the number of additional days of benefit for which he could have qualified, if he had been a transferred person(**a**) insured immediately before the appointed day under the general provisions of the Unemployment Insurance Act.

(4) An existing contributor shall (whether he was insured under the Unemployment Insurance Act, the Banking Industry Special Scheme or the Insurance Industry Special Scheme), in respect of the period of five years from the appointed day, be qualified for additional days of unemployment benefit if, at the material date, five complete insurance periods have elapsed since the beginning of the insurance year under the Unemployment Insurance Act in which unemployment contributions first became payable in respect of him, so, however, that an existing contributor shall cease to be so qualified if, at the material date, five consecutive complete insurance periods have elapsed without unemployment contributions being paid in respect of him, and, upon unemployment contributions being again so paid before the appointed day, he shall be treated, for the purposes of this paragraph, as if unemployment contributions had then first become payable in respect of him.

(5)—(*a*) The maximum number of additional days in any period of interruption of employment for which an existing contributor shall be qualified shall be computed by allowing to an existing contributor days at the rate of five for every eight unemployment contributions paid by or in respect of him during the last four insurance periods, less one day for every five days for which benefit has been received by him before the appointed day, or for which he has been entitled to unemployment benefit on or after that day, in either case in respect of the two benefit periods preceding the material date or, if only one such period, that period, fractions of a day being disregarded.

(*b*) In this paragraph, where the material date occurs in a period set out in column (1) of the Schedule to these regulations, the last four insurance periods and the benefit periods shall, subject to sub-paragraph (*a*) of this paragraph, be the periods set opposite thereto in columns (2) and (3) respectively of that Schedule.

(6) In this regulation—

(*a*) " material date " means the one hundred and fifty-sixth day of unemployment in a period of interruption of employment in respect of which an existing contributor is entitled to unemployment

(**a**) *See* S.R. & O. 1939 (No. 783) II, p. 3447.

benefit or, where it occurs before the appointed day, the one hundred and fifty-sixth day in respect of which benefit is received by him in an existing benefit year;

(*b*) " benefit period " means any one of the following periods:—

(i) a benefit year(a) under the Unemployment Insurance Act, a benefit year under the Banking Industry Special Scheme, or, a claim year under the Insurance Industry Special Scheme not being an existing benefit year;

(ii) the period between the appointed day and the beginning of the first normal contribution year;

(iii) a contribution year under the Act, beginning not earlier than the first normal contribution year.

Conditions for receiving unemployment benefit in the case of seasonal workers.

11.—(1) A seasonal worker shall be disqualified for receiving unemployment benefit in respect of any days during the off-season, unless, in addition to satisfying the other requirements of the Act for receiving unemployment benefit, he also proves—

(*a*) that he has been employed in an employed contributor's employment (or, in relation to the period before the appointed day, in an employment which would have been an employed contributor's employment had he then been an insured person under the Act)—

(i) during the off-season in each of the two complete relevant years preceding the beginning of the off-season current at the date of his claim for unemployment benefit; or

(ii) during the off-season in one of the two relevant years, and also that he has been employed during the off-season so current as aforesaid;

and that, in either case, such employment amounts, in the aggregate, to at least as much as one quarter of the whole of the combined extent of the off-seasons applicable under sub-paragraph (i) or (ii) hereof; and

(*b*) that, having regard to all the circumstances of his case, and, particularly, to his industrial experience and to the industrial circumstances of the district in which he resides, he can reasonably expect to obtain employment in an employed contributor's employment during a substantial period of the off-season.

(2) This regulation shall apply only to seasonal workers who, in any district, are engaged in occupations in which, during a large part of the year, no substantial amount of employment is normally available in that district, or who are engaged in occupations at a holiday or health resort in which employment is to a substantial extent dependent on the presence of visitors thereat during holiday seasons, but shall not apply to any seasonal worker who proves—

(*a*) that the aggregate of the seasons in the district or districts in which he is normally employed amounts to thirty-nine weeks in the year; or

(*b*) that, in any period of four out of five consecutive insurance periods falling within the last ten insurance periods immediately preceding the date on which he makes a claim for unemployment benefit, there have been paid in respect of him at least one hundred and fifty unemployment contributions.

(a) *See* s. 32, Unemployment Insurance Act, 1935.

(3) In this regulation—

(*a*) " seasonal worker " means an existing contributor who is a member of a class of persons whose normal employment is employment for a part or parts of the year only, in an occupation or occupations of a seasonal nature;

(*b*) " relevant year " means the period of twelve months commencing on the first day of July in any year and ending on the last day of June in the following year, except where the said first day occurs in a period of off-season, in which case it means a calendar year;

(*c*) " off-season " means—

(i) in relation to seasonal workers whose normal employment is in an occupation followed by them in one district only, that part or those parts of the year during which persons are not normally employed in that occupation in that district; and

(ii) in relation to seasonal workers whose normal employment is in an occupation followed by them in two or more districts, that part or those parts of the year during which persons are not normally employed in that occupation in those districts; and

(iii) in relation to seasonal workers (not included in sub-paragraph (i) or (ii) hereof) whose normal employment is in an occupation at a holiday or health resort in which employment is, to a substantial extent, dependent on the presence of visitors thereat during the holiday season, that part or those parts of the year other than holiday seasons;

and for this purpose any periods of off-season falling within the same relevant year shall be treated as forming one off-season, and, in reckoning the extent of any off-season in relation to an existing contributor, there shall be excluded all days of incapacity for work(**a**).

Payment of extended unemployment benefit to existing contributors.

12. Where a recommendation for the payment of benefit to an existing contributor has been made under the National Insurance (Extension of Unemployment Benefit) Regulations, 1946, for a period commencing before the appointed day and, but for the occurrence of the appointed day, would have continued to have effect thereafter, that recommendation shall continue in force for the remainder of that period as if it were a recommendation made under section 62 of the Act and the regulations for the time being in force thereunder, and those regulations shall apply accordingly.

13.—(1) For the purpose only of satisfying the conditions for receiving unemployment benefit under section 62 of the Act, the contribution condition set out in sub-paragraph (*a*) of paragraph 1 of the Third Schedule to the Act, so far as that condition relates to unemployment benefit, shall be deemed to be satisfied by an existing contributor, and for that purpose an existing contributor who is so deemed to have satisfied the said contribution condition but who cannot, in fact, satisfy that contribution condition, nor be deemed to have satisfied it by virtue of regulation 3, shall be deemed to have exhausted his right to unemployment benefit.

(**a**) *See* s. 11, National Insurance Act, 1946.

(2) It shall be a condition for the receipt of unemployment benefit by an existing contributor under the provisions of the said section 62 in respect of any day of unemployment occurring on or after the appointed day and before his first normal benefit year that, in the opinion of the local tribunal(a), the existing contributor has proved that, to a substantial extent during the twelve months immediately before the application for such benefit, he was—

(*a*) (i) employed in an employment which is an employed contributor's employment (or, in relation to a period before the appointed day, which would have been an employed contributor's employment had he then been an insured person under the Act); or

(ii) unemployed and capable of and available for such employment; or

(*b*) incapable of work by reason of some specific disease or bodily or mental disablement; or

(*c*) undergoing any course of training approved by the Minister.

Existing approved arrangements for supplementation of unemployment benefit.

14. A day which, in respect of an existing contributor, occurs in the period commencing on the appointed day and ending on the 31st December, 1948, and which would, by reason only of sub-paragraph (*d*) of paragraph (1) of regulation 6 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(b), be treated as not being a day of unemployment, shall be treated as being a day of unemployment, notwithstanding that for that day he receives a payment under any arrangements which had, before the coming into operation of these regulations, been approved by the Minister under section 2 of the Unemployment Insurance Act, 1939 (which section relates to payments received after suspension or termination of employment):

2 & 3 Geo. 6. c. 29.

Provided that—

(*a*) an existing contributor to whom any such arrangement relates must be free to accept any employment that may be available and his employer must not be in a position to require him to accept employment with the employer unless he is unemployed at the time when the offer of employment is made;

(*b*) the payments receivable under the arrangement (other than those receivable in respect of not more than thirteen weeks in any calendar year) must not exceed a sum which, together with any unemployment benefit payable, amounts to three-quarters of the normal weekly earnings of the existing contributor concerned; and

(*c*) the employer must notify to any existing contributor to whom any such arrangement relates, in such manner as the Minister may approve, the conditions set out in sub-paragraphs (*a*) and (*b*) of this proviso.

Attendance at authorised courses.

15. An existing contributor who is, immediately before the appointed day, attending at an authorised course, or at a training course or course of instruction approved by the Minister in his case to which subsection (2) of section 24 of the Unemployment Insurance Act applies (which section relates to the third statutory condition for receipt of benefit) shall not,

---

(a) *See* regs. 1 (2) and 8, National Insurance (Determination of Claims and Questions) Regulations, 1948 (S.I. 1948 No. 1144, p. 2720 below).

(b) S.I. 1948 No. 1277, p. 2676 above.

for the remaining period of any such course, from the appointed day, by reason of his attending thereat, be deemed not to be available for employment in an employed contributor's employment.

One or two day workers.

16. An existing contributor who is a member of the class of persons whose normal employment is employment in an occupation in which services are not normally required on more than two days in the week or who, owing to personal circumstances, is not normally employed on more than two days in the week shall be disqualified for receiving unemployment benefit in respect of any days other than those days in the week which constitute his normal employment.

Married women.

17.—(1) An existing contributor, being a married woman who—

(*a*) was married before the appointed day;

(*b*) has not paid thirteen contributions as an employed person in respect of weeks commencing on or after the appointed day; and

(*c*) since her marriage has had less than fifteen unemployment contributions paid in respect of her, or who, if more than six months have elapsed since her marriage, has had less than eight unemployment contributions paid in respect of her during her last complete appropriate quarter;

shall be disqualified for receiving unemployment benefit unless, in addition to satisfying the other requirements of the Act for receiving benefit, she also proves—

(i) that she will normally seek to obtain her livelihood by means of employed contributor's employment; and

(ii) that, having regard to all the circumstances of her case and particularly to her industrial experience and the industrial circumstances of the district in which she resides, either she can reasonably expect to obtain employed contributor's employment in that district or her expectation of obtaining employed contributor's employment in her usual occupation is not less than it otherwise would be by reason of the fact that she is married:

Provided that this regulation shall not apply to a married woman—

(*a*) whose husband is incapacitated for work or is unemployed and not in receipt of unemployment benefit; or

(*b*) who proves that she has been deserted by or is permanently separated from her husband.

(2) For the purpose of this regulation, the expression "appropriate quarter" means, in relation to such a married woman, the period of three months preceding the date of her first claim—

(*a*) for unemployment benefit made in a period of interruption of employment; or

(*b*) where she is in a period of interruption of employment to which regulation 5 applies, for benefit in her existing benefit year;

and every succeeding period of three months thereafter in that period of interruption of employment.

Unemployment benefit for existing pensions contributors over pensionable age.

18.—(1) For the purpose of entitlement to unemployment benefit by virtue of section 26 of the Act (which section relates to unemployment or sickness benefit for persons over pensionable age) but for no other purpose, an existing pensions contributor who, having attained pensionable age(**a**) on or after the appointed day, has not retired from regular employment, shall, in respect of any day of unemployment after he attains pensionable age and before the 1st August, 1949, or the date of his retirement, whichever is the earlier, be treated as if on that day he satisfied the contribution conditions for a retirement pension at a weekly rate of twenty-six shillings, and, if his wife is on any such day over pensionable age, he shall be treated as if on that day he satisfied the contribution conditions for a retirement pension for her by virtue of his insurance at a weekly rate of sixteen shillings:

Provided that the foregoing provisions of this paragraph shall not apply unless immediately before the day on which he attains pensionable age—

(*a*) he has been continuously insured for a period of not less than five years; and

(*b*) one hundred and four appropriate contributions have been paid by or in respect of him since the date of his entry into insurance under the Contributory Pensions Acts.

(2) Section 26 of the Act shall not apply to the payment of unemployment benefit to an existing pensions contributor who attains pensionable age before the appointed day.

(3) In this regulation—

(*a*) " the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

(*b*) " existing pensions contributor " means a person who, immediately before the appointed day, was an insured person under the Contributory Pensions Acts for the purposes of those Acts relating to old age pensions;

(*c*) " continuously insured " means insured under the Contributory Pensions Acts for a period ending immediately before the appointed day for the purposes of those Acts relating to old age pensions and insured under the Act from the appointed day up to the day for which unemployment benefit is claimed; and

(*d*) " appropriate contributions " means contributions for the purposes of old age pensions under the Contributory Pensions Acts, and contributions as an insured person under the Act.

Overlapping benefits.

19. In the application of the proviso to paragraph (1) of regulation 3 of the National Insurance (Overlapping Benefits) Provisional Regulations, 1948(**b**), to an existing contributor, the condition contained therein relating to the payment of contributions of the appropriate class may be satisfied by the payment of any unemployment contributions.

20.—(1) Where an existing contributor—

(*a*) is in a period of interruption of employment to which regulation 5 applies; and

(*b*) is a person whose benefit would, before the appointed day, have been reduced by virtue of any provision of Part III of the National Insurance (Increase of Unemployment Benefit) Regulations,

(**a**) *See* s. 78 (1), National Insurance Act, 1946.
(**b**) S.I. 1948 No. 1244, p. 2652 above.

1948(a) (which Part relates to overlapping benefits) but for the operation of regulation 10 of those regulations (which regulation provides for savings from reduction of benefit in certain cases);

then nothing in the provisions of the National Insurance (Overlapping Benefits) Provisional Regulations, 1948, shall reduce the unemployment benefit (including any increase thereof in respect of a child or adult dependant) payable for any day of unemployment in that period of interruption of employment below the rate (including the rate of any increase in respect of that child or adult dependant) at which, immediately before the appointed day (regard being had to the said National Insurance (Increase of Unemployment Benefit) Regulations, 1948)(a), he was, or, if he had then made a claim, would have been, entitled to benefit:

Provided that for the purpose of this paragraph an existing contributor who, immediately before the appointed day, is insured under the Banking Industry Special Scheme or the Insurance Industry Special Scheme shall be treated as if he were then a transferred person(b) insured under the general provisions of the Unemployment Insurance Act.

(2) The provisions of the last preceding paragraph shall apply to an existing contributor who is entitled to a widowed mother's allowance by virtue of the provisions of regulation 4 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(c), subject to the qualification that the rate of benefit (including the rate of any increase in respect of a child or adult dependant) to which she was or would have been entitled immediately before the appointed day, shall be treated as if it had been reduced by an amount equal to the difference between the rate of the widow's pension under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, to which she was then entitled and the rate at which the widowed mother's allowance is payable.

Proceedings by employees for unemployment benefit lost by employer's default.

21.—(1) Where an employer has failed or neglected—

(*a*) to pay any unemployment contributions which he was liable to pay before the appointed day in respect of any employed person in his employment who is an existing contributor; or

(*b*) to comply, in relation to any such existing contributor, with the requirements of any regulations or orders under the Unemployment Insurance Act relating to the payment and collection of contributions;

and by reason thereof that existing contributor has lost, in whole or in part, any unemployment benefit to which he would have been entitled under the Act, that existing contributor shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of unemployment benefit so lost.

(2) Proceedings may be taken under this regulation notwithstanding that proceedings have been taken under any provision of the Unemployment Insurance Act, other than under section 19 thereof, in respect of the same failure or neglect.

(3) Proceedings under this regulation may, notwithstanding anything to the contrary, be brought at any time within one year after the date on which the existing contributor, but for the failure or neglect of the employer, would have been entitled to receive the unemployment benefit lost.

(a) S.I. 1948 No. 1095, p. 2667 above.
(b) *See* S.R. & O. 1939 (No. 783) II, p. 3447.
(c) S.I. 1948 No. 55, p. 2822 below.

(4) In the application of this regulation to Scotland, paragraph (1) shall have effect as if the word "summarily" were omitted, and paragraph (3) shall not apply.

Over-payments.

22. If it is found on or after the appointed day that any person, having been in receipt of benefit during any period during which he was not entitled to payment thereof, would, but for the Act, have been liable, in accordance with section 51 of the Unemployment Insurance Act or the corresponding provisions(**a**) of the Banking Industry Special Scheme or the Insurance Industry Special Scheme (which relate to overpayments), to repay to the Unemployment Fund or to the Joint Insurance Fund or to the Insurance Fund of the Insurance Industry Special Scheme or to an education authority, as the case may be, any sums paid to him in respect of benefit during the period aforesaid and those sums could, under that section or corresponding provisions, have been recovered by means of deduction from any benefit, any such sums shall be recoverable by deduction from benefit under the Act or otherwise from that person, in like manner as if they were sums paid to that person on account of benefit under the Act which it is subsequently decided was not payable, and any amount so recovered shall be paid to the National Insurance Fund or to the education authority, as the case may be.

Seamen, marines, soldiers, airmen and other persons serving or employed on the appointed day.

23. For the purpose of determining the rights with respect to benefit of a person to whom the provisions of section 96 of the Unemployment Insurance Act as amended(**b**) (which section relates to the treating of certain seamen, marines, soldiers, airmen and other persons as insured contributors on the date of their discharge) would apply immediately before the appointed day if he were then discharged, every such person serving or employed on the appointed day shall be treated as though he were, immediately before that day, an insured contributor(**c**) under the Unemployment Insurance Act in respect of whom a number of unemployment contributions equal to the number of weeks during which he had so served or been employed had been paid at the rate of one unemployment contribution for each week over a period ending immediately before the appointed day, and the provisions of the said section 96 shall, subject to the necessary modifications, apply accordingly immediately before the appointed day, subject only to the qualification that in the case of a person discharged after the 31st December, 1948, subsection (3) of that section shall not apply.

Modification of the provisions of the Act.

24. The provisions of the Act and the orders and regulations for the time being in force thereunder shall have full force and effect in relation to any person, subject to the modifications contained in these regulations.

Dated this 19th day of June, 1948.

James Griffiths,
Minister of National Insurance.

C. James Simmons,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

(**a**) *See* S.R. & O. 1935 (No. 97) p. 1702; 1938 (No. 656) II, p. 3372; and 1947 (No. 261) I, p. 2203.
(**b**) *See* S.R. & O. 1942 (No. 2669) I, p. 836.
(**c**) *See* s. 113 (1) (*q*), Unemployment Insurance Act, 1935.

SCHEDULE

Regulation 10 (5) (b).

Periods by reference to which the qualification of an existing contributor for additional days of unemployment benefit is to be determined.

Material date occurring	*The four consecutive insurance periods ending*	*The benefit periods (if any) ending*
After the 4th July, 1948, and before the 1st January, 1949.	On the 6th July, 1947.	After the 1st July, 1945, and before the 7th July, 1947.
After the 31st December, 1948, and before the beginning of the first normal benefit year.	On the 4th July, 1948.	After the 7th July, 1946, and before the 5th July, 1948.
During the first normal benefit year.	Immediately before the beginning of the first normal contribution year.	After the 6th July, 1947, and immediately before the beginning of the first normal contribution year.
During the benefit year(a) under the Act next succeeding the first normal benefit year.	With the ending of the first normal contribution year.	Immediately before the beginning, or ending with the ending, of the first normal contribution year.
During any benefit year under the Act subsequent to the benefit year succeeding the first normal benefit year.	With the ending of the last contribution year preceding the material date.	With the ending, respectively, of each of the last two contribution years preceding the material date.

EXPLANATORY NOTE

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

These Regulations modify the National Insurance Act, 1946 (hereafter in this Note referred to as " the Act ") in its application to persons who, immediately before the appointed day (5th July, 1948) were insured under the Unemployment Insurance Acts, the Banking Industry Special Scheme or the Insurance Industry Special Scheme, and who could have fulfilled the first statutory condition for the receipt of unemployment benefit on or after the 1st January, 1946 (hereafter in this Note referred to as " existing contributors ") (regulation 2). The principal provisions of the regulations relate to:—(*a*) contribution conditions for the receipt of unemployment benefit under the Act (regulations 3 and 4); (*b*) exhaustion of and requalification for unemployment benefit (regulations 5 and 6); (*c*) waiting days (regulation 7); (*e*) periods of interruption of employment (regulation 8); (*f*) certain disqualifications for receipt of unemployment benefit in respect of any period outstanding on the appointed day (regulation 9); (*g*) rights to additional days of unemployment benefit (regulation 10); (*h*) seasonal workers (regulation 11); (*i*) extended unemployment benefit under the Act in cases where recommendations of tribunals in respect of such benefit under the Unemployment Insurance Acts are outstanding on the appointed day (regulation 12); (*j*) the modification of the contribution conditions in relation to extended unemployment benefit under the Act (regulation

(a) *See* reg. 2 (2), National Insurance (General Benefit) Regulations, 1948 (S.I. 1948 No. 1278, p. 2626 above).

13); (*k*) existing contributors in receipt of payments under existing approved arrangements for supplementation of unemployment benefit (regulation 14); (*l*) existing contributors who are, on the appointed day, attending courses authorised under the Unemployment Insurance Act (regulation 15); (*m*) one or two day workers (regulation 16); (*n*) married women (regulation 17); (*o*) certain existing contributors who attain pensionable age on or after the appointed day and who have not retired from regular employment (regulation 18); (*p*) overlapping benefits (regulations 19 and 20); (*q*) employed persons who are empowered to recover from their employers any unemployment benefit lost by reason of an employer's failure or neglect to pay contributions in respect of a period before the appointed day (regulation 21); and (*r*) recovery of overpayments of unemployment benefit occurring before the appointed day, by deduction from any benefit under the Act, or otherwise (regulation 22). The remaining provisions are of an incidental or consequential character.

The National Insurance (Unemployment Benefit) (Transitional) Amendment Regulations, 1948

1948 No. 2427

Made - - - -	*8th November,* 1948
Laid before Parliament	*9th November,* 1948
Coming into Operation	*12th November,* 1948

M.N.I. 150.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of the powers conferred by section 65 of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

9 & 10 Geo. 6. c. 67.

1. These regulations, which may be cited as the National Insurance (Unemployment Benefit) (Transitional) Amendment Regulations, 1948, shall be read as one with the National Insurance (Unemployment Benefit) (Transitional) Regulations, 1948(a) (hereinafter referred to as "the principal regulations") and shall come into operation on the 12th November, 1948.

2. Regulation 11 of the principal regulations shall be amended as follows:—

(*a*) At the end of paragraph (1) there shall be added the following proviso:—

"Provided that if, in the case of a claim by a seasonal worker for unemployment benefit under the Act in respect of any day occurring before the 5th July, 1949, he is unable to prove that he has satisfied the additional conditions contained in sub-paragraphs (*a*) and (*b*) of this paragraph but proves that he satisfies the following alternative condition, namely, that he could, but for the Act, have fulfilled the first statutory condition for the receipt of agricultural benefit(b)

(a) S.I. 1948 No. 1279, p. 2685 above.

(b) *See* s. 22 (1), Unemployment Insurance Act, 1935 (25 & 26 Geo. 5. c. 8) and s. 4 and Fifth Schedule, Unemployment Insurance (Agriculture) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 13).