CHAPTER 7.

An Act to amalgamate the rates of contribution and the rates of benefit under the Unemployment Insurance Acts, 1920 and 1921, and the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, otherwise to amend the Unemployment Insurance Acts, 1920 and 1921, and to repeal the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, and for purposes connected therewith.

[12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amalgamation with unemployment benefit of grants payable under 11 & 12 Geo. 5. c. 62. in respect of certain dependants.

1.—(1) Where a person entitled to benefit is a married man, whose wife is living with him or is being maintained wholly or mainly by him, or being a widower or an unmarried man has residing with him any female person for the purpose of having the care of his dependent children and is maintaining that person, or has and has had living with him as his wife any female person, or where the person entitled to benefit is a married woman who has a husband dependent on her, the weekly rate of benefit authorised by the Unemployment Insurance Acts, 1920 and 1921, shall be increased by a sum of five shillings, and, where the person so entitled has dependent children, the weekly rate of benefit shall be increased by one shilling in respect of each such child:

Provided that the additional sum of five shillings shall not be payable in respect of a wife or female person who is in receipt of benefit (including benefit under any special scheme), or who is in regular wage-earning employment otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit.

(2) If any question arises as to whether any addition ought to be made to the weekly rate of benefit in respect

of any wife or other female person, or any husband or any child, that question shall be decided by the Minister.

(3) Paragraph 6 of the Second Schedule to the principal Act (which limits the power of the Minister to prescribe rates and periods of benefit) shall have effect as though for the words from "the rate of benefit" to "for women" (where the last-mentioned words secondly occur), both inclusive, there were substituted the words "or reduce any of the rates of benefit for the time being "in force by more than two shillings per week".

(4) This section shall continue in operation so long as the rates of contribution fixed by this Act remain in force.

Rates of contribution.

2. The contributions payable under the Unemployment Insurance Acts, 1920 and 1921, in respect of employed persons by those persons and their employers shall, until the end of the deficiency period as defined in section sixteen of the Unemployment Insurance (No. 2) Act, 1921, be at the rates set out in Part I. of the First Schedule to this Act, and the contribution to be made out of moneys provided by Parliament shall until the end of the said period be a contribution of such an amount as may be determined by the Treasury to be approximately equivalent, having regard to the estimated proportions in which contributions are payable in respect of men, women, boys and girls, to the sum which would be produced by weekly contributions paid in respect of insured and exempt persons at the rates specified in Part II. of the said Schedule.

Termination of second special period under 11 & 12 Geo. 5. c. 1, and new special periods.

3.—(1) The provisions of Act No. 1 of 1921 and Act No. 2 of 1921 shall have effect as though the second special period defined in section nine of Act No. 1 of 1921 (in this Act referred to as "the second special period") were expressed to terminate on the fifth day of April, nineteen hundred and twenty-two, instead of on the second day of July, nineteen hundred and twenty-two.

(2) For the purposes hereinafter in this Act mentioned there shall be two further special periods, that is to say, the period from the sixth day of April, nineteen hundred and twenty-two, to the first day of November, nineteen hundred and twenty-two (hereinafter referred to as "the third special period"), and the period from

the second day of November, nineteen hundred and twenty-two, to the first day of July, nineteen hundred and twenty-three (hereinafter in this Act referred to as "the fourth special period"), the days above-mentioned being in all cases inclusive.

(3) Paragraph 2 of the Second Schedule to the principal Act (which as amended by section four of Act No. 1 of 1921, provides that after the second day of July, nineteen hundred and twenty-two, no person shall within any insurance year receive unemployment benefit for a period of more than twenty-six weeks, or such other period as may be prescribed) shall not operate during the third and fourth special periods.

Provisions with respect to benefit in third and fourth special periods.

4.—(1) If it appears to the Minister that, having regard to all the circumstances of the case, it is expedient in the public interest that a person, notwithstanding that by reason that he does not satisfy the first statutory condition, or that he is disqualified under subsection (4) of section eight of the principal Act for receiving benefit, or (except as hereinafter otherwise expressly provided) by reason of the provisions of paragraph 3 of the Second Schedule to the principal Act, he may not be entitled to receive benefit, should be allowed to receive benefit in the third or the fourth special period, as the case may be, the Minister may, subject to the provisions of this section, authorise that person to receive benefit—

(*a*) during the third special period for periods not exceeding in the aggregate fifteen weeks;

(*b*) during the fourth special period for periods not exceeding in the aggregate twelve weeks and, subject to the provisions of paragraph 3 of the Second Schedule to the principal Act (which provides that a person shall not receive more benefit than in the proportion of one week's benefit for every six contributions paid), for two further periods, neither of which shall exceed in the aggregate five weeks.

(2) When and so often as a person has received benefit under this section in the third special period for periods amounting in the aggregate to five weeks, he shall cease to be qualified for the receipt of benefit in the third special period until the expiration of five weeks from the

end of the last period in respect of which benefit was payable, and if at any time before the seventeenth day of April, nineteen hundred and twenty-two, the amount of benefit received by any person since the commencement of the second special period amounts in the aggregate to twenty-two weeks, he shall not be qualified for receiving any further benefit until the said seventeenth day of April.

(3) The Minister shall not authorise any person to receive benefit under this section unless that person proves—

(*a*) That he is normally employed in such employment as would make him an employed person within the meaning of the principal Act :

(*b*) That he is genuinely seeking, but unable to obtain whole-time employment :

(*c*) Either that not less than twenty contributions have been paid in respect of him under the principal Act, or that, having regard to the opportunities of employment in his normal employment, he has, since the thirty-first day of December, nineteen hundred and nineteen, been employed for a reasonable length of time in some occupation employment in which would, if the principal Act had been in force during the whole period of his employment, have made him an employed person within the meaning of that Act, or, in the case of a person formerly engaged in war service, that he had been so employed before becoming so engaged, or had no opportunity owing to his youth of being so employed.

For the purposes of paragraph (*c*) aforesaid, the Minister may, in the case of any person formerly engaged in war service who has at the cost of funds administered by the Minister, or by the Minister of Pensions, undergone training for an occupation employment in which would have made him an employed person, treat that training as if it were employment which would, if the principal Act had been in force during the period of training, have made that person an employed person within the meaning of that Act.

(4) For the purpose of qualifying a person to receive, within either the third or the fourth special period, benefit up to the aggregate amount which may be authorised by the Minister under this Act, but for no other purpose, there shall be treated as having been paid in respect of him such number of contributions as are sufficient so to qualify him.

(5) Notwithstanding anything in the Unemployment Insurance Acts, 1920 and 1921, or in this Act, no person shall be entitled to receive benefit in the third special period for periods amounting in the aggregate to more than fifteen weeks, or in the fourth special period for periods amounting in the aggregate (except as hereinbefore otherwise expressly provided) to more than eighteen weeks.

(6) No person who holds, or who has at any time held, a certificate of exemption under section three of the principal Act shall be entitled to benefit under this section.

(7) If any question arises as to whether any person satisfies the requirements of this section, the question shall be decided by the Minister.

Provision for temporary payment of benefit.

5. In the case of a person who has satisfied the requirements for the receipt of benefit under the provisions of Act No. 1 of 1921, or under that Act as amended by Act No. 2 of 1921, the Minister may, during such period as may be necessary for the examination of his qualifications for the receipt of benefit under this Act, but not exceeding six weeks next after the passing of this Act, authorise payment of benefit to him under this Act as if he were a person who complied with the requirements thereof.

Calculation of contributions.

6.—(1) For the purpose of determining the amount of benefit to which, having regard to the proportion of benefit to contributions fixed by paragraph 3 of the Second Schedule to the principal Act, any person is entitled—

(*a*) no account shall be taken during the fourth special period of any benefit which may have been received by that person between the seventh day of November, nineteen hundred and twenty, and the commencement of the

fourth special period or, where the benefit to be granted is benefit for either of the two further periods of five weeks hereinbefore mentioned, of any benefit received up to the aggregate of twelve weeks within the fourth special period, and during the fourth special period, each of the total number of contributions actually paid in respect of him, after deducting from that total five contributions in respect of each week of benefit received by him before the eighth day of November, nineteen hundred and twenty, shall be treated as equivalent to two contributions; and

(*b*) after the termination of the fourth special period no account shall be taken of any benefit which may have been received by that person between the seventh day of November, nineteen hundred and twenty, and the termination of the fourth special period.

(2) Where for the purpose of qualifying a person to receive benefit either under Act No. 1 of 1921, Act No. 2 of 1921, or this Act, any contributions have from time to time been treated as having been paid in respect of him, no regard shall, for the purpose of determining the amount of benefit to which, having regard to the proportion aforesaid, he is entitled, be taken of any contributions actually paid in respect of him at any time except in so far as the contributions so actually paid exceed for the time being the number of contributions which would have been required to entitle him to the amount of benefit received by him if no contributions had been treated as paid.

Amendment as to Treasury advances.

7. Section five of Act No. 1 of 1921 (which authorises the Treasury to make advances for the purpose of discharging the liabilities of the unemployment fund under the principal Act as amended by that Act) shall have effect as though the reference in that section to that Act included a reference to this Act, and during the deficiency period the limit on the amount of the advances under that section which may be outstanding at any time shall, for the purposes of the application of that section to Great Britain, be raised to thirty million pounds.

Amendment of s. 12 (3) of principal Act.

8. The proviso to subsection (3) of section twelve of the principal Act (which provides that such sum as the Treasury may direct, not exceeding one-tenth of the receipts of the unemployment fund, shall be applied as an appropriation in aid of the moneys provided by Parliament for the purpose of the salaries, remuneration, and expenses therein mentioned) shall have effect as though "one-eighth" was substituted for "one-tenth."

Amendment of s. 12 of 11 & 12 Geo. 5. c. 15.

9. The following subsection shall be added to section twelve of Act No. 2 of 1921 :—

(2) Where the rules of a society or other association authorise payments in respect of unemployment to be made at different rates or for different periods in the case of different classes of its members, the Minister may, if he is satisfied that the total provision for unemployment made by the rules is on the whole equivalent to the provision necessary to satisfy the requirements of the said proviso, make or continue, notwithstanding anything in the said proviso, an arrangement with that society or association under the said section seventeen:

Provided that nothing in this section shall authorise an arrangement to be made or continued in respect of any class of members of a society or association in the case of which the payments authorised by the rules of the society or association do not exceed the provision represented by unemployment benefit at the rate payable under the principal Act as amended by any subsequent enactment.

Amendments as to excepted employments.

10.—(1) Part II. of the First Schedule to the principal Act shall have effect as though there were inserted therein after paragraph (*b*) the following new paragraph :—

(*bb*) Employment as a female professional nurse for the sick or as a female probationer undergoing training for employment as such a nurse.

(2) Where, as the result of the formation of any company or of the amalgamation of any companies, or of any other like process, any person, company or body of persons is succeeded by a company or body as employer in any business or undertaking, the Minister may, in

determining for the purposes of the provisions of paragraph (*d*) of Part II. of the First Schedule to the principal Act what is the normal practice of the employer or whether a person has completed three years' service in the employment, treat the normal practice of the old employer as being the normal practice of the new employer and treat any service under the old employer as being service under the new employer.

(3) Any certificate with respect to employment in the service of a railway company or joint committee of two or more such companies given by the Minister under paragraph (*d*) of Part II. of the First Schedule to the principal Act, as amended by Act No. 1 of 1921, at any time before the first day of July, nineteen hundred and twenty-two, shall, if the conditions on which it was given so long remain unchanged continue in force for a period of five years from the first day of July, nineteen hundred and twenty-two, notwithstanding anything therein to the contrary.

(4) Subsection (1) of this section shall come into operation on the first day of July, nineteen hundred and twenty-two.

Wife or husband of offender to be competent witness in legal proceedings.

11. The wife or husband of a person charged with an offence under the principal Act as amended by any subsequent enactment may be called as a witness either for the prosecution or defence and without the consent of the person charged.

Amendment of s. 9 (4) of 11 Geo. 5. c. 1.

12. Subsection (4) of section nine of Act No. 1 of 1921 (which contains a saving with respect to the provision for unemployment benefit which may be required to be made by an association for the purposes of section seventeen of the principal Act) shall have effect as though the second day of July, nineteen hundred and twenty-three, were therein substituted for the third day of November, nineteen hundred and twenty-one, and as though the words "under the principal Act as originally enacted" were substituted for the words "if this Act had not passed" where those words secondly occur.

Provision as to Unemployed Workers' Dependants Fund.

13.—(1) Any balance remaining in the unemployed workers' dependants fund on the date upon which this Act comes into force shall be apportioned equitably in accordance with directions to be given by the Minister between the unemployment fund and the several funds

out of which benefits under any special schemes are payable.

(2) For the purposes of subsection (1) of section five of the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, which authorises an amount equal to the expenses incurred by the Minister in carrying that Act into effect to be paid out of that fund, and applied as an appropriation in aid, the expenses so incurred by the Minister shall be treated as having amounted to ten per centum of the receipts of the fund.

(3) Subject as hereinbefore in this section provided, the unemployed workers' dependants fund constituted under the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, shall be deemed to have been as from the date on which it came into existence part of the unemployment fund, and all contributions and sums which under that Act are payable into the unemployed workers' dependants fund and which are outstanding at the commencement of this Act shall be paid into the unemployment fund.

11 & 12 Geo. 5. c. 62.

The Minister may give directions with respect to the adjustment of accounts between the unemployment fund and the unemployed workers' dependants fund.

Amendment as to outdoor relief.

14.—(1) In any case in which an authority has granted outdoor relief to a person not in receipt of benefit, in excess of the amount which would have been granted if that person had been in receipt of benefit, the Minister may, if a claim by that person for benefit in respect of any part of the period during which relief has been so granted is subsequently allowed, treat the benefit allowed in respect of that person as reduced for the purposes of this section by an amount not exceeding such an amount as the authority certify to have been so paid in excess in respect of the period for which the benefit was allowed, and the Minister may pay to that authority the amount by which the benefit is treated as having been reduced as aforesaid, so, however, that the total charge on the unemployment fund shall not be greater than the amount of the benefit allowed.

(2) Section twenty-seven of the principal Act (which relates to out-door relief) shall cease to have effect, and in determining whether outdoor relief shall or shall not be granted to a person in receipt of or entitled to receive benefit (including benefit under a special scheme), the

authority having power to grant the relief shall take into account the amount of the benefit.

Power to adapt special schemes to the provisions of this Act.

15. For the purpose of securing in the case of a special scheme, that the like additions shall be made to the weekly rate of benefit payable to persons to whom the scheme applies as are under this Act to be made to the weekly rate of benefit payable to persons subject to the general provisions of the Unemployment Insurance Acts, 1920 and 1921, as amended by this Act and that the benefits under the scheme shall otherwise be not less favourable than those provided by the said general provisions (but for no other purposes), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme and any such order may provide for consequential amendments as to rates of contributions and otherwise.

Construction, saving, short title, commencement, and duration.

16.—(1) In this Act, unless the context otherwise requires,—

The expression "person formerly engaged in war service" means any person belonging to the classes of persons to whom the scheme in force at the commencement of Act No. 1 of 1921 for paying donation in respect of unemployment to discharged sailors, soldiers, and other persons applied, or would have applied if it had continued in force:

The expression "a dependent child" means any child under the age of fourteen years who is maintained wholly or mainly at the cost of the person entitled to benefit, or any child between the ages of fourteen and sixteen who is under full-time instruction in a day school and is so maintained as aforesaid:

The expression "child" includes a stepchild, an adopted child, and an illegitimate child:

The expression "local employment committee" means any local committee to which questions may be referred under subsection (5) of section thirteen of the principal Act:

The expression "the Minister" means the Minister of Labour:

The expression "benefit" means unemployment benefit under the Unemployment Insurance Acts, 1920 and 1921:

The expression "the principal Act" means the Unemployment Insurance Act, 1920, the expression "Act No. 1 of 1921" means the Unemployment Insurance Act, 1921, and the expression "Act No. 2 of 1921" means the Unemployment Insurance (No. 2) Act, 1921.

For the purposes of this Act, a husband shall be deemed to be dependent on his wife if he is prevented by physical or mental infirmity from supporting himself and is being maintained wholly or mainly by her.

(2) If any question arises as to whether any person is a person who was formerly engaged in war service within the meaning of this Act, that question shall be decided by the Minister.

(3) The decision of the Minister upon any question which, under this Act is to be decided by him, shall be final and conclusive and not subject to appeal to any court.

The Minister may, if he sees fit, refer any such question to a local employment committee for their report and recommendation.

(4) Save as in this Act otherwise expressly provided, nothing therein contained (other than such parts thereof as provide for terminating the second special period and for repealing enactments) shall operate so as to deprive any person of, or to prevent any person from receiving, any benefit which he would have been entitled to receive if this Act had not been passed.

(5) Provision may be made by Order in Council under the Irish Free State (Agreement) Act, 1922, for applying this Act, with or without modifications, to Ireland, exclusive of Northern Ireland, but, except in so far as it is so applied, this Act shall not apply to Ireland.

12 Geo. 5. c. 4.

(6) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(7) This Act may be cited as the Unemployment Insurance Act, 1922, and shall be construed as one with

the Unemployment Insurance Acts, 1920 and 1921, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1922.

(8) This Act shall, except as therein otherwise expressly provided, be deemed to have come into operation on the sixth day of April, nineteen hundred and twenty-two.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

PART I.

RATES OF CONTRIBUTIONS BY EMPLOYED PERSONS AND EMPLOYERS.

Ordinary Rates.

From the employed person for each week :—

In the case of men - - - - - -	9*d.*
In the case of women - - - - -	7*d.*

From the employer for each week :—

In the case of an employed person being a man - - - - - - -	10*d.*
In the case of an employed person being a woman - - - - - - -	8*d.*

Rates in the case of persons under eighteen.

From the employed person for each week :—

In the case of boys - - - - - -	4½*d.*
In the case of girls - - - - -	4*d.*

From the employer for each week :—

In the case of an employed person being a boy - - - - - - - -	5*d.*
In the case of an employed person being a girl - - - - - - - -	4½*d.*

PART II.

RATES OF CONTRIBUTION OUT OF MONEYS PROVIDED BY PARLIAMENT.

Ordinary Rates.

For every contribution paid in respect of a man	$6\frac{3}{4}d.$
For every contribution paid in respect of a woman	$5\frac{1}{4}d.$

Rates in the case of persons under eighteen.

For every contribution paid in respect of a boy	$3\frac{7}{8}d.$
For every contribution paid in respect of a girl	$3\frac{5}{8}d.$

Rates in the case of exempt persons.

For every contribution paid in respect of a man	$2d.$
For every contribution paid in respect of a woman	$1\frac{3}{4}d.$
For every contribution paid in respect of a boy	$1d.$
For every contribution paid in respect of a girl	$\frac{7}{8}d.$

Section 16.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 Geo. 5. c. 1	Unemployment Insurance Act, 1921.	Subsection (2) of section two.
11 & 12 Geo. 5. c. 62.	Unemployed Workers' Dependants (Temporary Provision) Act, 1921.	The whole Act.