

CHAPTER 8.

An Act to extend the powers of education authorities with respect to courses of instruction provided under the Unemployment Insurance Act, 1935; to render certain employments insurable in like manner as employment in agriculture; to amend the provisions of the said Act relating to the discharge of the liabilities of the Unemployment Fund and to Treasury advances to that Fund; and to amend the law as to the insurance of discharged seamen, marines, soldiers and airmen. [17th February 1938.]

A.D. 1938.

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:—

Extension of powers of education authorities with regard to courses of instruction.

1. The functions of education authorities in providing courses of instruction under section seventy-six of the Unemployment Insurance Act, 1935, (hereinafter referred to as "the principal Act") shall include power to provide for persons attending such courses—

(*a*) meals in the like circumstances and subject to the like conditions as meals may, under sections eighty-two to eighty-five of the Education Act, 1921, be provided by local education authorities for elementary education for children

25 & 26 Geo. 5. c. 8.
11 & 12 Geo. 5. c. 51.

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in attendance at public elementary schools in their area;

(*b*) during the hours during which instruction is being given, milk and biscuits free of charge subject to such conditions as may be approved by the Minister of Labour (hereinafter referred to as "the Minister"):

Provided that the said powers shall not be exercised by an education authority except in accordance with proposals submitted to the Minister by the authority and approved by him, and the Minister shall not approve any such proposals unless they are in accord with schemes made by him with the consent of the Treasury.

Certain employments to be insurable in like manner as employment in agriculture.

2.—(1) Every employment specified in the Schedule to this Act that is an employment specified in Part I of the First Schedule to the principal Act shall, on and after the fourth day of April nineteen hundred and thirty-eight be an insurable employment for the purposes of the Unemployment Insurance Acts, 1935 and 1936, unless it is an excepted employment, and those Acts and any regulations made thereunder before the commencement of this Act shall on and after the said date have effect as if the said employments were employment in agriculture, and references therein to employment in agriculture shall be construed accordingly.

(2) The power of the Minister to make regulations under the principal Act shall include power by such regulations made with the consent of the Treasury to provide, either unconditionally or subject to such conditions as may be specified in the regulations, for including, on or at any time after the said fourth day of April any class of persons employed wholly or mainly out of doors in an excepted employment in domestic service among the classes of persons employed in insurable employment, and upon the coming into force of such regulations the Unemployment Insurance Acts, 1935 and 1936, and any regulations theretofore made thereunder shall have effect as if the employment specified in the regulations were employment in agriculture, and references therein to employment in agriculture shall be construed accordingly.

(3) For paragraph 2 of Part II of the First Schedule to the principal Act, which contains the general list of excepted employments, there shall on and after the said

fourth day of April be substituted the following paragraph :— A.D. 1938.

"Employment in domestic service, except where the employed person is employed in any trade or business carried on for the purposes of gain, and except where the employed person is employed in an employment specified in the Schedule to the Unemployment Insurance Act, 1938, or in the order made under section fourteen of the Unemployment Insurance (Agriculture) Act, 1936, or is comprised in a class of persons included by virtue of regulations made under this Act among the classes of persons employed in insurable employment." 26 Geo. 5. & 1 Edw. 8. c. 13.

Power to apply moneys of Unemployment Fund in reduction of instalments payable in redemption of debt.

3.—(1) In addition to the power of the Unemployment Insurance Statutory Committee under subsection (2) of section fifty-nine of the principal Act, to make recommendations for the application of sums towards the discharge of the liabilities mentioned in subsection (2) of section sixty of that Act, the Committee may at any time recommend the application of other sums towards the discharge of those liabilities, and the Minister may, under this subsection, apply towards the discharge of those liabilities such amounts as may be specified in such a recommendation out of any moneys forming part of the Unemployment Fund and standing to the credit of the General Account of that fund, including any moneys for the time being invested in accordance with the provisions of subsection (3) of section fifty-eight of the principal Act.

(2) Any sums applied towards the discharge of the liabilities aforesaid, either under the power conferred by the last foregoing subsection or in pursuance of recommendations made by the Committee under subsection (2) of section fifty-nine of the principal Act, shall be paid to the National Debt Commissioners in such amounts and at such times as may be agreed between the said Commissioners and the Minister, and after any such payment has been made every half-yearly instalment subsequently payable out of the Unemployment Fund to the National Debt Commissioners under subsection (2) of section sixty of the principal Act (as reduced by reason of any previous payment made under this subsection) shall be reduced (or further reduced) to a sum

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calculated by those Commissioners to be such that instalments at that rate will discharge the aforesaid liabilities, together with interest thereon at the appropriate rate as defined by subsection (2) of section sixty of the principal Act, by the thirty-first day of March nineteen hundred and seventy-one.

Treasury advances to Unemployment Fund.

4.—(1) If at any time the Unemployment Insurance Statutory Committee recommend to the Minister that an amount specified in the recommendation should be advanced under this subsection to the Unemployment Fund for the purpose of enabling that fund to meet, either wholly or in part, the liabilities falling to be charged to the General Account of the fund, the Treasury may under this subsection make advances to that fund out of the Consolidated Fund of the United Kingdom or the growing produce thereof not exceeding in the aggregate the amount recommended by the Committee:

Provided that no advance shall be made under this subsection which would cause the total amount of the advances so made to exceed an amount determined by the Treasury to be the amount by which the outstanding liabilities mentioned in subsection (2) of section sixty of the principal Act would then have been greater if no sums had been applied towards the discharge of those liabilities under the power conferred by subsection (1) of the last foregoing section.

(2) In determining for the purposes of subsection (2) of section fifty-nine of the principal Act whether the Unemployment Fund is or is likely to become and is likely to continue to be insufficient to discharge its liabilities, the Committee may have regard to the power of the Treasury to make advances under this section.

(3) All sums issued out of the Consolidated Fund under the foregoing provisions of this section shall be repaid to that fund by the Treasury out of moneys borrowed by them for that purpose by means of terminable annuities created for terms ending on the thirty-first day of March nineteen hundred and seventy-one.

(4) All sums due on account of the annuities created under this section shall be charged on, and payable out of, the Unemployment Fund:

Provided that, where the moneys of the Unemployment Fund are insufficient to pay any sum so due or

any part thereof, the Treasury shall pay out of the Consolidated Fund or the growing produce thereof the sum required to make good the deficiency, and an amount equal to that sum shall be treated as having been temporarily advanced to the Unemployment Fund under subsection (3) of section sixty of the principal Act, and subsection (6) of that section shall apply accordingly, so, however, that the period of six months specified in that subsection shall begin with the date on which the deficiency was made good as aforesaid.

Amendments as to discharged seamen, marines, soldiers and airmen.

5.—(1) Subsection (6) of section ninety-six of the principal Act (which excludes from the provision for unemployment made by that section certain seamen, marines, soldiers and airmen discharged at their own request) is hereby repealed.

(2) In subsection (7) of the said section ninety-six the words "or who is discharged or dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act, or the Air Force Act, or by any civil court, or to any person who is discharged on account of fraudulent enlistment" shall cease to have effect; and section thirty of the principal Act (which relates to miscellaneous disqualifications for benefit) shall have effect as if at the end thereof there were inserted the following subsection:—

> "(3) Any seaman, marine, soldier, or airman who is discharged or dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act, or the Air Force Act, or by any civil court, shall be disqualified for receiving benefit during the period of six weeks next after his discharge or dismissal; and for the purposes of any claim for benefit a certificate purporting to be signed by a person authorised in that behalf by the Admiralty, Army Council, or Air Council, as the case may be, as to the fact of any person having been so discharged or dismissed and as to the date of the discharge or dismissal shall be conclusive evidence thereof, unless it is proved that the certificate was not signed by a person so authorised as aforesaid."

(3) Where any seaman, marine, soldier, or airman discharged after the commencement of this Act has during his service been lawfully subjected to a forfeiture

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of all ordinary pay for any complete week, subsection (1) of section ninety-six of the principal Act shall apply in his case as if no contribution had been paid in respect of him for that week.

Application to Scotland.

6. This Act in its application to Scotland shall have effect as if for paragraph (*a*) of section one thereof there were substituted the following paragraph:—

"(*a*) meals and medical (including surgical and dental) treatment in the like circumstances and subject to the like conditions as meals and treatment may under the Education (Scotland) Acts, 1872 to 1936, be provided by an education authority for children under obligation to attend school and attending a school within their area."

Provisions as to Northern Ireland.

7.—(1) Any seaman, marine, soldier, or airman who is discharged or dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act, or the Air Force Act, or by any civil court, shall be subject to the like disqualification for receiving benefit under the enactments relating to unemployment insurance in force in Northern Ireland as is imposed in relation to benefit under the Unemployment Insurance Acts, 1935 and 1936, by subsection (3) of section thirty of the principal Act; and the provisions of the said subsection (3) as to evidence of such discharge or dismissal shall apply for the purposes of such enactments as they apply in relation to claims for benefit under the said Acts.

(2) The provisions of this Act other than this section shall not extend to Northern Ireland save in so far as they affect the provisions of the principal Act which extend to Northern Ireland.

Expenditure out of moneys provided by Parliament.

8. There shall be defrayed out of moneys provided by Parliament—

(*a*) any sums by which the expenses of the Minister under the principal Act, or any education grants under any other Act, are increased by reason of the additional functions conferred by this Act on education authorities (without prejudice to the power to make grants towards such expenses out of the Unemployment Fund under section eighty of the principal Act); and

(*b*) any increase attributable to the passing of this Act in the sums payable out of moneys provided by Parliament by virtue of sections twenty-one, ninety-four, ninety-five, or ninety-six of the principal Act. A.D. 1938.

Short title and citation.

9. This Act may be cited as the Unemployment Insurance Act, 1938, and this Act and the Unemployment Insurance Acts, 1935 and 1936, may be cited together as the Unemployment Insurance Acts, 1935 to 1938.

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SCHEDULE.

Section 2.

EMPLOYMENTS INSURABLE IN LIKE MANNER AS EMPLOYMENT IN AGRICULTURE.

Employment in domestic service as a gamekeeper, warrener, ghillie, river keeper, water bailiff, groom, or stable man, except where the employed person is employed in any trade or business carried on for the purposes of gain.

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