THIRD SCHEDULE.

Name and Address of Employer by whom you were employed in excepted employment.....

What was the employer's business ?.....

On what dates did your employment begin and end ?.....

Give a short description of your work while employed.....

.....

Were you employed whole-time ? If not, state the hours of employment.....

.....

Were you required to work during fixed hours ?.....

Had your employer the right to give directions as to how your work was to be carried out ?.....

What rate of wages or other remuneration did you receive ?.....

Signed.....

Date.....

Contributions.

THE UNEMPLOYMENT INSURANCE (CONTRIBUTIONS) REGULATIONS (NORTHERN IRELAND), 1937, DATED 30TH DECEMBER, 1937, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936, (26 GEO. 5 & 1 EDW. 8, C. 30).

1937. No. 148.

The Ministry of Labour for Northern Ireland by virtue of the powers conferred on it by Sections 5, 7, 11, 13, 14, 15, 106 and 111 of the Unemployment Insurance Act (Northern Ireland), 1936, and of all other powers in that behalf, and after consultation with the Board of Trade as to Part IV hereof, hereby makes the following Regulations :—

PART I.

General.

Citation, commencement and repeal. 12 Geo. 5, c. 4.

1.—(1) These Regulations may be cited as the Unemployment Insurance (Contributions) Regulations (Northern Ireland), 1937, and shall come into force on the date hereof.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) The Regulations set out in the First Schedule hereto are hereby revoked, but such revocation shall not effect any right, privilege, obligation or liability acquired, accrued or incurred, or anything done or to be done, under those Regulations.

Interpretation.

2.—(1) In these Regulations unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"the Act" means the Unemployment Insurance Act (Northern Ireland), 1936;

"Inspector" means an inspector appointed for the purposes of the Act;

"insured contributor" means a person insured under the general provisions of the Act, and includes, except where the context otherwise requires, a person required to be or to become insured under the general provisions of the Act;

"local office" means an employment exchange or other office appointed by the Ministry as a local office for the purposes of the Act, or of these Regulations;

"mariner" means a master, seaman or apprentice to the sea service or sea fishing service who is an employed person;

"the Ministry" means the Ministry of Labour for Northern Ireland;

"stamp" means an unemployment insurance stamp;

"termination of employment" means the day on which the employment actually comes to an end whether such termination is in accordance with the terms of the contract or not, or whether or not the employment is to be resumed at a later date;

"Unemployment book" includes any book or card to which or upon which stamps are to be affixed for the purposes of the Act and these Regulations.

(2) Expressions in Part IV. of these Regulations to which meanings are assigned by the Merchant Shipping Acts, 1894 to 1932, have the same meanings as in those Acts as modified by the National Health Insurance Act, 1936.

(3) Unless the context otherwise requires, any reference in these Regulations to the Unemployment Insurance Act (Northern Ireland), 1936, shall be construed as a reference to that Act as amended by any order or subsequent enactment.

PART II.

COLLECTION OF CONTRIBUTIONS.

Issue, Custody and Disposal of Books, etc.

Provisions as to obtaining and custody of books, etc.

3.—(1) Every person who is required by the Act to be or to become an insured contributor shall attend at a local office and there obtain an unemployment book to be called a "regular book," and shall sign the book forthwith in the space provided for the purpose:

Provided that the Ministry may, if it thinks fit, in any particular case allow the book to be obtained in such other manner as it may direct;

Provided also that any person who has already obtained a book for the Insurance Year 1937-38 in accordance with the

Regulations set out in the First Schedule hereto shall not, unless the Ministry otherwise directs, be required to obtain a book for that Insurance Year in accordance with this Regulation.

(2) An insured contributor on obtaining a regular book in accordance with these Regulations shall be responsible for its custody until it is delivered to an employer or to a local office in accordance with these Regulations.

(3) Every employer of an insured contributor shall obtain from the insured contributor a current regular book immediately on the commencement of the employment, or in the case of an employed person required to become an insured contributor by reason of attaining a specified age or of an amendment in the law relating to insurable employment or to the classes of persons required to be insured, immediately he attains that age or such amendment comes into operation, as the case may be; and it shall be the duty of the insured contributor to deliver or cause to be delivered his book to the employer accordingly:

Provided that where at the time of engagement an insured contributor's book is lodged at a local office, the employer shall be held to have complied with this Regulation as soon as he has obtained from the insured contributor the receipt or token card for such book duly issued by the local office and has despatched it to that local office with a view to obtaining the book;

Provided also that where, in response to an application for a book properly made by an insured contributor, a book is issued by a local office direct to his employer, the requirements of paragraphs (1) and (3) of this Regulation shall be deemed to have been satisfied, and the insured contributor shall sign the book as soon as may be after its receipt by the employer.

(4) The employer on obtaining the regular book shall become responsible for the custody thereof so long as the employment continues, or till the book is returned to the insured contributor or delivered to the local office in accordance with these Regulations.

(5) The person for the time being responsible for the custody of the regular book in accordance with these Regulations, or any person having in his possession or under his control any unemployment book issued in respect of an insured contributor, shall produce it for inspection at any reasonable time when required to do so by an inspector, and if so required shall deliver up the book to the inspector who may if he thinks fit retain it.

Right of insured contributor to inspect book in custody of employer.

4. If any insured contributor desires to inspect his regular book while it is in the custody of the employer, the employer shall give him a reasonable opportunity of so doing either within or immediately before or after working hours:

Provided that no insured contributor shall be entitled by virtue of this provision to inspect his book more than once in any one

month nor except at such time as may be fixed by the employer for the purpose.

Disposal of book on termination of employment otherwise than by death of insured contributor, etc.

5. Subject as hereafter provided in these Regulations :—

(1) On the termination of the employment of any insured contributor for any cause other than his death, or on contributions ceasing for any cause to be payable in respect of him under the general provisions of the Act, the employer shall forthwith return the regular book to the insured contributor, or in the case of an insured contributor under the age of 18 years send it to such local office or dispose of it in such manner as may be directed by the Ministry. No note or mark of any kind shall be made in, affixed to, or impressed on the book other than any such mark as is required for the purpose of cancelling in accordance with these Regulations any stamp affixed to the book. Where a book is to be sent to a local office in accordance with this Regulation the employer shall give to the insured contributor a token card to be provided by the Ministry as an acknowledgment that the book has been or is about to be sent by the employer to the local office.

(2) Where contributions cease to be payable in respect of an insured contributor by virtue of a certificate given under Part III of the First Schedule to the Act, the employer shall, on the receipt of such certificate, return the regular book to the Ministry.

(3) Except in cases in which the regular book is sent to a local office in accordance with paragraph (1) of this Regulation, the insured contributor on the termination of his employment shall apply to the employer for the return of his book, and on the book being returned to him shall give to the employer if he demands it a receipt for the book. Where the book is to be sent to a local office in accordance with paragraph (1) of this Regulation, the insured contributor on the termination of his employment shall apply to the employer for the said token card.

(4) An employer shall comply with any directions which may be given by the Ministry as to the sending to a local office or the return to an insured contributor of his regular book at any other time than on the termination of his employment.

(5) Subject to any directions of or regulations made by the Ministry the insured contributor to whom a regular book is returned under the foregoing provisions shall, if he is unemployed, or if for any other reason contributions cease to be payable in respect of him under the general provisions of the Act, forthwith

deliver the book to a local office, there to be retained till contributions again become or are about to become payable in respect of him under the general provisions of the Act.

(6) If for any reason the regular book is not returned to the insured contributor in accordance with paragraph (1) of this Regulation on the termination of his employment or on contributions ceasing for any other reason to be payable in respect of him under the general provisions of the Act, the employer shall, as soon as may be, deliver the book to a local office, provided that nothing in this sub-section shall relieve the employer of his obligation to comply with the said paragraph (1).

Disposal of book on death of insured contributor.

6. On the death of an insured contributor the employer, if the regular book is then in the custody of the employer, or if the book is not then in the custody of the employer, the insured contributor's representative, whether legally so constituted or not, shall forthwith deliver the book to a local office.

Issue and currency of books.

7.—(1) A regular book shall be issued without charge to a person properly applying for a book, and when issued shall remain the property of the Ministry.

(2) A regular book shall be in such form as the Ministry directs, and shall be current during an insurance year, or during such other period as the Ministry may in any special case or class of case provide, and shall within six days, or such longer time as the Ministry in any special case allows, after the date on which it ceases to be current be returned by the person for the time being responsible in accordance with these Regulations for the custody of the book, to a local office, and a fresh book shall thereupon be issued without charge to the person so returning the book :

Provided that, where the book on the date on which it ceases to be current is in the custody of the employer, he shall, if the insured contributor so requires but subject to the provisions of Regulation 5 hereof instead of returning it to a local office, return it to the insured contributor who shall give to the employer, if he demands it, a receipt for the book, and shall himself exchange the book for a fresh book, at a local office and deliver the fresh book forthwith to the employer ;

Provided also that, where the Ministry so directs, a book may be exchanged for a fresh book at any time or in a manner other than that prescribed in this Regulation.

Loss, etc., of books

8.—(1) If a regular book is destroyed, or lost, or is defaced in any material particular, the Ministry may issue a new book in substitution for it and, if it thinks fit, may charge a sum not exceeding one shilling for the new book, such sum to be paid by the person for the time being responsible in accordance with these

Regulations for the custody of the book so destroyed, lost or defaced as aforesaid and such number of contributions (including the dates of payment thereof) as are shown to the satisfaction of the Ministry to have been paid by the affixing of stamps to the book so destroyed, lost, or defaced, may in the discretion of the Ministry be credited to the insured contributor.

Save as aforesaid no charge shall be made by the Ministry in connection with the issue, custody, delivery up, or exchange, or replacement of any unemployment book.

(2) Where a regular book is destroyed, lost or defaced and the number of the book cannot be supplied to the Ministry, the Ministry may decline to take any steps to trace the account with the Unemployment Fund of the person whose book has been so destroyed, lost or defaced.

(3) Where a regular book is lost the Ministry, if it thinks fit, may pay out of the Unemployment Fund any sum not exceeding one shilling by way of reward to the person by whom the book is returned to the local office, and it may refuse to restore the book to the person responsible for its custody until that person has repaid to the Ministry any sum which has been so paid by the Ministry by way of reward and which he is liable to repay under sub-section (3) of section 15 of the Act.

Emergency books.

9.—(1) If any person in respect of whom contributions are payable, or are about to become payable, under the general provisions of the Act, has not delivered or caused to be delivered to his employer a regular book in accordance with these Regulations, the employer shall obtain an unemployment book to be called an emergency book from a local office, but an emergency book shall be deemed to be an unemployment book only for the purpose of the provisions of these Regulations relating to the stamping of regular books and to deductions from wages in respect of stamps affixed by employers, and of the provisions of Regulation 17 hereof.

(2) An emergency book shall be in such form as the Ministry may direct and shall be current during such period not exceeding six weeks from the date of the issue thereof, as may be specified thereon, and shall at the end of such period or on the previous termination of the aforesaid person's employment be returned by the employer to the local office from which it was issued :

Provided that if the aforesaid person before such date delivers or causes to be delivered to the employer a book in accordance with these Regulations, the employer shall deliver the emergency book to the aforesaid person in exchange for the Book.

Method of Payment of Contributions.

Stamping of books, etc.

10.—(1) Every contribution payable under the general provisions of the Act shall, except as otherwise provided in these Regulations, be paid by the affixing of a stamp to the regular

book of the insured contributor in the space indicated for the purpose upon the book :

Provided that payment of an agricultural contribution shall, except as otherwise provided, be made by means of an agricultural stamp, and no such stamp shall be used for the purpose of paying any contribution other than an agricultural contribution.

(2) An employer who is liable to pay contributions in respect of any insured contributor shall pay those contributions at the following times in accordance with the following provisions, that is to say :—

(*a*) Where he pays to the insured contributor wages or other pecuniary remuneration in respect of the employment of such insured contributor he shall, before paying to the insured contributor the wages or remuneration in respect of the period for which contributions are payable, affix to the regular book of the insured contributor a stamp or stamps in payment of the contributions due in respect of that period.

(*b*) Where he does not pay to the insured contributor wages or other pecuniary remuneration in respect of the employment, he shall, on the first day of employment in each calendar week, affix to the regular book of the insured contributor a stamp in payment of the contribution in respect of that week.

(*c*) In the case of a person to whom section 95 of the Unemployment Insurance Act, 1935, passed by the Parliament of the United Kingdom, applies the time for affixing stamps to the regular book of such person in payment of contributions due under the general provisions of the Act shall, where the period of currency of the book expires during any of the periods mentioned in the said section, be any time before the expiration of the period of currency, and where the period of currency does not so expire, be at any time before the termination of the said periods.

(3) It shall be the duty of the employer, in addition to his obligation to comply with any other requirement of the Act or these Regulations, to affix to the regular book of the insured contributor—

(*a*) on the termination of the employment whether or not any wages are then paid ;

(*b*) within six days after the expiration of the period of currency of the book ;

a stamp or stamps in payment of all the weekly contributions due from him but still outstanding in respect of the period ending at the date of such termination or expiration.

(4) It shall further be the duty of the employer, on being so required by an inspector or by any duly appointed officer of the Ministry to affix to an unemployment book to be called an arrears book a stamp or stamps in payment of all the weekly contributions due from him but still outstanding in respect of any insured contributor who is or has been in his employment and to forward the arrears book, when stamped, to the person or address indicated thereon.

(5) Where the employer employs a substantial number of insured contributors regularly, he may deposit with the Ministry a sum equal to the estimated amount of the contributions payable by him during a period of twenty-seven weeks or such less period as may be agreed between him and the Ministry in respect of those insured contributors both on his own behalf and on behalf of those insured contributors.

On making such deposit the obligation of the employer to stamp the books of those insured contributors on the occasions or at the intervals hereinbefore specified shall cease and in lieu thereof he shall be liable as follows :—

(*a*) In cases where the employment of any of those insured contributors terminates before the expiration of any period of twenty-seven weeks or such less period as may be agreed, the employer shall be liable on such termination and whether or not any wages are then paid to stamp the regular book of the insured contributor whose employment so terminates in respect of all weeks up to such termination ; and

(*b*) In the case of any insured contributor whose employment does not so terminate, the employer shall be liable either to stamp the regular book of that insured contributor at intervals of twenty-seven weeks or such less period as may be agreed or, if the Ministry so permits, to pay the contributions payable in respect of that insured contributor through the Ministry at intervals of twenty-seven weeks, or such less period as may be agreed, in such manner as the Ministry may direct.

Where a deposit has been made under the foregoing provision, the employer, for the purpose of deducting from wages the amount of the insured contributor's contribution shall be deemed to have duly affixed the necessary stamps to the regular book of the insured contributor at the several dates on which he would have been bound to affix them if no such deposit had been made.

If the Ministry thinks fit, it may allow any sum which is to be deposited under the foregoing provisions to be paid to it at weekly or other intervals during the period for which the deposit is to be made instead of being paid to it in one sum at the commencement of the period.

(6) No stamp shall be affixed to any unemployment book otherwise than in respect of insurable employment and any stamp affixed otherwise shall not be deemed to be a payment of a contribution except for the purpose of section 14 of the Act.

(7) (*a*) An employer shall immediately after affixing any stamp to any unemployment book cancel the stamp by writing in ink, or stamping with a metallic die with black indelible ink or composition, across the face of the stamp the date upon which it is affixed and not otherwise, but save as expressly provided in regulations made under the Act, or as directed by the Ministry no other writing or mark shall be made at any time upon the book or stamp.

(*b*) An employer may, if he thinks fit, inscribe upon the unemployment book of any insured contributor employed by him, but only in such manner as to be easily erased or removed, the number of that person upon the pay-list or in the books of the employer.

(8) No person shall affix to any unemployment book a stamp which has been cancelled or defaced or which has been previously affixed to a book or other document to which stamps are required or authorised to be affixed for the purposes of the Act.

Exceptional Cases.

Employment by two or more employers.

11.—(1) Where any insured contributors are ordinarily employed by two or more employers in a week, the employers or any class or group of the employers of those persons may, if they think fit, submit to the Ministry an arrangement for the payment of contributions under the Act in respect of those persons.

(2) Where the Ministry is satisfied that any arrangement so submitted to it is such as to secure the due payment of the contributions payable under the Act in respect of every insured contributor to whom the arrangement applies for every week during any part of which he is employed by any employer who is a party to the arrangement, it may, if it thinks fit, approve the arrangement.

(3) Any such arrangement may make such modifications in these Regulations as may be necessary to give effect to the terms of the arrangement.

(4) Where an arrangement has been approved by the Ministry the parties to the arrangement who have employed any insured contributor to whom the arrangement applies in the course of a week, shall in respect of that week be deemed jointly to be the employer of that insured contributor for the purposes of the provisions of the Act relating to the payment of contributions.

Employment as agent by two or more employers.

12. In the case of an insured contributor employed as an agent by two or more employers, and paid by commission or fees or a share of the profits, or partly in one and partly in another of those ways, the employer in the employment on which the

insured contributor is mainly dependent for his livelihood shall be deemed to be the employer of the insured contributor for the purposes of the provisions of the Act relating to the payment of contributions.

First employer during week.

13. Where an insured contributor is employed by two or more employers in any week, and no one of these employers is the first person employing him in that week within the meaning of the Act, then unless the case is one for which other provision is expressly made by these Regulations, that one of the employers who first makes a money payment to the insured contributor in respect of his employment in that week shall be deemed to be the employer of that insured contributor for the purpose of the provisions of the Act relating to the payment of contributions.

Agreement by grouped employers.

14.—(1) Notwithstanding anything in these Regulations, where any one insured contributor is ordinarily employed by more than one employer in the week, the employers of that insured contributor may enter into an agreement in such form as the Ministry may approve for the payment of contributions in respect of that insured contributor, and where any such agreement is entered into between any such employers the following provisions shall have effect :—

(*a*) Where in any week the insured coutributor in respect of whom the agreement is made is, before any contribution has become payable under this agreement in respect of him for that week, employed by an employer who is not a party to the agreement, that employer shall, for the purposes of the provisions of the Act relating to the payment of contributions, be deemed to be the employer of that insured contributor for that week ;

(*b*) If in any week a contribution is payable by the employers who are parties to the agreement or by any of them, that contribution shall in the first such week be paid by that one of the parties to the agreement employing the insured contributor during that week whose signature to the agreement appears first in order, and in any subsequent week by that one of the parties to the agreement employing the insured contributor during that week whose signature to the agreemeut is next in succession to that of the person who paid the last weekly contribution payable by the parties to the agreement, and for this purpose the signatures of the parties shall be read in rotation, the first signature being deemed to be next in succession to the last and the signature of any person who does not employ the insured contributor during that week being disregarded ;

(*c*) The employer whose duty it is to pay the contribution for any week shall be deemed to be the employer of the insured contributor for the purpose of the provisions of the Act relating to the payment of contributions ;

(*d*) Any one of the parties to the agreement may immediately after paying a contribution, but not at any other time, strike out his signature to the agreement, and write his initials with the date opposite his signature and upon doing so he shall cease to be a party to the agreement, and the insured contributor may, upon ceasing to be employed by any person who is a party to the agreement strike out from the agreement the signature of that person, and on so doing shall write his own initials with the date opposite the signature so struck out ;

(*e*) If at any time any other person employing or about to employ the insured contributor desires to become a party to the agreement, he may, subject as hereinafter provided, append his signature, with the date at the end of the signatures appended to the agreement, and this Regulation shall thereupon apply to him in like manner as if he had been an original party to the agreement :

Provided that where a contribution would be payable in any week in respect of the insured contributor by any such other person if that person did not become a party to the agreement, that person shall not be entitled to append his signature as aforesaid unless and until he pays the contribution so payable.

(2) Employers desiring to enter into an agreement for the purposes of this Regulation shall enter their names and addresses in a register to be issued for the purpose by the Ministry and every such register shall be signed in each week by the employer paying the contribution in respect of that week.

(3) Upon the termination of the period specified in any such register, the agreement shall cease to be binding on the employers, and any person having possession of the register shall forthwith return it to the Ministry.

Insured contributors employed by one person for purpose of business of another.

15. Where an insured contributor works under the general control and management of some person who is not his immediate employer, that person (in this Regulation referred to as the substantial employer) shall be deemed to be the employer for the purpose of the provisions of the Act and regulations thereunder relating to the payment of contributions if he would be so deemed under the regulations made in that behalf under the National Health Insurance Act, 1936, or would have been so deemed under that Act if the insured contributor had been of the age of 16 years

or upwards, and the aforesaid provisions of the Act and regulations shall in that case be construed and have effect as if the substantial employer were the immediate employer of the insured contributor :

Provided that the substantial employer may deduct from any payments due from him to the immediate employer any sums paid by him as contributions on behalf of the insured contributor, and the immediate employer may deduct from the insured contributor's wages or from any other payments due from him to the insured contributor any sums which the substantial employer would be entitled to deduct were he the immediate employer.

Miscellaneous.

Fractions of contributions.

16. On any occasion on which the number of contributions paid in respect of an insured contributor is recorded, any fraction of a contribution other than an agricultural contribution, whether arising by reason of the affixing of stamps of the wrong kind or of the wrong denomination to an unemployment book or in any other way whatsoever, may be disregarded.

Unemployment books not to be assigned, etc.

17. No person shall assign or charge or agree to assign or charge any unemployment book, and any sale, transfer or assignment of or any charge on, any book shall be void and of no effect, and no person shall deface or destroy a book or alter or amend any of the figures or particulars (other than his address) therein contained.

For the purposes of this Regulation a person who removes from a book a stamp which has been affixed thereto shall be deemed to have defaced that book.

Part III.

Excluded Persons.

Section A.

Application for exemption certificate.

18.—(1) Any employed person not being a person referred to in section 5 (3) (*a*) or (*b*) or section 5 (4) (*a*) of the Act who can prove that he is either :—

(*a*) in receipt of any pension or income of the annual value of twenty-six pounds or upwards, which does not depend on his personal exertions ; or

(*b*) ordinarily and mainly dependent for his livelihood upon some other person ; or

(*c*) ordinarily and mainly dependent for his livelihood on the earnings derived by him from an occupation which is not insurable employment ; or

(*d*) a person who is employed in an occupation which is of a seasonal nature and does not ordinarily extend over more than eighteen weeks in any year and who is not

ordinarily employed in any other occupation which is insurable employment,

may apply to the Ministry for an Unemployment Insurance Exemption Certificate (hereinafter referred to as an "exemption certificate") exempting him from liability to be insured under the Act. Every application for an exemption certificate shall be made in such form and shall be forwarded to the Ministry in such manner as it may from time to time direct.

(2) Every person making application for an exemption certificate, or for the renewal of such a certificate shall—

(*a*) state fully and correctly all particulars required to be given in the form of application ; and

(*b*) make a full disclosure of all facts on which he relies to show that he is entitled to exemption ; and

(*c*) furnish such further evidence in relation to his application as the Ministry may in any particular case require.

Form of certificate. Unemployment (Exempt Persons) Book. 26 Geo.5 & 1 Edw. 8, c. 32.

19.—(1) An exemption certificate shall be in the form prescribed in the Second Schedule hereto, or in such other form substantially to the like effect as the Ministry may from time to time approve and any employed person who shows that he is the holder of an exemption certificate, or of a certificate of exemption granted under the provisions of section 5 of the National Health Insurance Act, 1936, shall be entitled to an unemployment book to be called an Unemployment (Exempt Persons) Book, and so long only as the holder of a certificate of exemption granted under the National Health Insurance Act, 1936, is the rightful holder of an Unemployment (Exempt Persons) Book, that certificate shall have effect as an exemption certificate.

(2) An Unemployment (Exempt Persons) Book shall be in such form as the Ministry may from time to time direct, and the provisions of Part II. of these Regulations with regard to the issue, custody and stamping of regular books of insured contributors shall, so far as they are not inconsistent, apply to the issue, custody and stamping of Unemployment (Exempt Persons) Books.

Expiration avoidance and renewal of certificate.

20.—(1) An exemption certificate shall remain in force for such period, not exceeding five years, from the date of its being granted or renewed, as may be specified in the certificate :

Provided that—

(*a*) if while the exemption certificate is in force the circumstances of the exempt person alter in such a way as to disentitle him to exemption, or if he attain the age of 65 the certificate shall thereupon become void ; and

(*b*) if at any time the exempt person gives notice to the Ministry that he desires that the exemption certificate granted to him shall be cancelled, the certificate shall be cancelled accordingly, and shall thereupon become void as from such date as the Ministry may determine.

(2) An exemption certificate which has expired or become void shall be surrendered forthwith by the holder thereof to the Ministry, or otherwise as the Ministry may direct, together with a statement in such form as the Ministry may direct of the circumstances in which the certificate is surrendered, and any person surrendering an expired or void exemption certificate or certificate of exemption granted under the provisions of the National Health Insurance Act, 1936, shall at the same time surrender to a local office or otherwise as the Ministry may direct, the Unemployment (Exempt Persons) Book held by him.

(3) Where an exempt person desires to obtain a renewal of his exemption certificate he may if he can prove that he will after the expiration of that certificate continue to be qualified under the first paragraph of Regulation 18 hereof, make application to the Ministry before the expiration of his certificate for the renewal thereof in such a manner as the Ministry may direct.

Section B.

Persons employed in agriculture not domiciled in the United Kingdom who are ordinarily resident outside the United Kingdom.

21.—(1) The provisions of Part II. of these Regulations shall apply to persons to whom the provisions of section 5 (4) (*a*) of the Act apply (in this Regulation referred to as "non-resident workers in agriculture") as they apply to insured contributors:

Provided that—

(*a*) The unemployment book in respect of a non-resident worker in agriculture (hereinafter referred to as a "non-resident book (agriculture)") shall be in such form as the Ministry may from time to time direct, and no stamps shall be affixed to any such book except in respect of the employment of such a person.

(*b*) Every non-resident worker in agriculture shall attend at a local office and shall make application for a non-resident book (agriculture) in such form as the Ministry may direct and shall at the same time sign a declaration that he is not domiciled in the United Kingdom, and is ordinarily resident outside the United Kingdom.

(*c*) A non-resident book (agriculture) shall be current during the period commencing on the first Monday in any calendar year and ending on the Sunday preceding the first Monday in the next calendar year, or during such other period as the Ministry may, in any special case or class of case, provide.

(*d*) A non-resident book (agriculture) shall be delivered to a local office when it ceases to be current, or when the person in respect of whom it was issued makes application for benefit or ceases to be a non-resident worker in agriculture, or immediately before such person leaves the United Kingdom; save as aforesaid

it shall not be necessary to deliver a non-resident book (agriculture) to a local office by reason only of the fact that the person in respect of whom it was issued is unemployed.

(*e*) Where an employer has in his possession or under his control a regular book issued under Part II of these Regulations or an Unemployment Book issued under the Regulations revoked by these Regulations in respect of a person who, after the issue of such book, becomes a non-resident worker in agriculture, he shall, as soon as may be, return it duly stamped to that person, and that person shall forthwith deliver it to a local office.

(*f*) Where a non-resident worker in agriculture fails to deliver to his employer a non-resident book (agriculture), the employer shall, instead of paying contributions on an emergency book, make application to a local office for the issue to him of a non-resident book (agriculture) and in such a case the provisions of paragraph (*b*) of this Regulation shall not apply: so, however, that a non-resident book (agriculture) so issued as aforesaid, shall be current during such period not exceeding six weeks from the date of issue thereof as may be specified thereon, and shall at the end of such period, or on the previous termination of the employment of the non-resident worker in agriculture in respect of whom the book was issued, be returned by the employer of such worker to a local office.

(*g*) Paragraph 4 of Regulation 10 of these Regulations shall apply as if for the expressions "an unemployment book to be called an arrears book," "the arrears book" and "to the person or address indicated thereon" there were substituted respectively the expressions "a non-resident book (agriculture)", "the book" and "to the person by whom, or the local office by which the book was issued."

(2) The provisions of the Contributory Pensions and Unemployment Insurance (Collection of Contributions for Persons over 65) Regulations (Northern Ireland), 1928 (*a*), shall apply to non-resident workers in agriculture who have attained the age of 65 years instead of the provisions of this Regulation."

Part IV.

Mercantile Marine.

Section A.

Persons employed in home trade or foreign going ships.

Mariners in home trade or foreign going ships.

22. Subject to the provisions of this Part of these Regulations the provisions of Part II hereof shall apply to mariners employed in a home trade or a foreign going ship.

(*a*) S.R. & O. of N.I., 1928 (No. 47) p. 274.

Mariner at sea or outside Northern Ireland.

23. Where on account of the absence of a mariner at sea or outside Northern Ireland an employer or a mariner is unable to perform an act required by Part II hereof to be done either forthwith or on the happening of a certain event, or within a specified time, he shall be deemed to have complied with the provisions of Part II hereof if he performs the act as soon as is reasonably possible after the happening of the event or the expiration of the specified time.

Master to comply with orders of owner.

24. It shall be the duty of the master of every ship to comply with all orders or directions given to him by the owner of the ship with a view to carrying into effect the provisions of the Act or of these Regulations.

Termination of insurance year where ship is at sea or outside Northern Ireland.

25. Where a ship is at sea or at a port outside Northern Ireland at the termination of an insurance year the books of any mariners employed on that ship shall remain current—

(*a*) if the engagement terminates in Northern Ireland, until the termination of the engagement, and

(*b*) if the engagement terminates outside Northern Ireland, until the return of the mariner to Northern Ireland.

Issue of temporary books for mariners.

26.—(1) Every employer shall whenever necessary apply to a superintendent or consular officer for a sufficient number of unemployment books (in this Regulation referred to as temporary unemployment books (Mercantile Marine)) for every ship, and such books shall be in such form as the Ministry may direct and shall not be used except—

(*a*) where the mariner has been unable for any reason to obtain a regular book before joining the ship ; or

(*b*) where all the appropriate spaces on the regular book have been filled by the affixing of stamps.

(2) Before affixing stamps to a temporary unemployment book (Mercantile Marine) the employer shall insert in such book in the space provided the following particulars of the person in respect of whom contributions are payable, that is to say :—

(*a*) his full name,

(*b*) his rating,

(*c*) the number of the regular book, if known,

(*d*) the number of his continuous discharge book or certificate of discharge,

(*e*) the period for which wages are payable, and

(*f*) the name and official number of the ship on which he is employed,

and shall obtain his signature in such book.

Mariners not in receipt of wages.

27. Where an employer does not pay wages or other pecuniary remuneration in respect of the employment of any mariner he shall affix stamps to the unemployment book of that person before the termination of the voyage, or before the termination of

the agreement, whichever happens first, and shall not be bound to affix stamps on the first day of employment in each week.

Mariners left ashore, dying or deserting.

28.—(1) Where a mariner is left behind on shore in any place out of Northern Ireland on the ground of his unfitness or inability to proceed to sea, the master of the ship in which he was employed shall deliver his unemployment book duly stamped to the mariner himself if he is left in Great Britain or in a British possession, and if he is left elsewhere, to the consular officer.

(2) In the event of a mariner deserting his ship or dying during the period of his engagement, the master of the ship shall deliver the unemployment book of that person duly stamped to a superintendent or consular officer on the termination of the voyage.

(3) In any case where for any reason other than the loss or destruction of the unemployment book, the book cannot be delivered in accordance with the provisions of this Regulation, the employer shall as soon as may be deliver it to a local office.

Section B.

Foreign domiciled seamen. Certain excluded persons employed in foreign-going ships.

Foreign domiciled and certain other seamen.

29. Where contributions are payable in respect of—

(*a*) any person excluded from the Act by regulations made by the Ministry under Section 106 thereof ; or

(*b*) any mariner who is employed in a foreign-going ship and either has attained the age of 65 years or is a person to whom the Second Schedule of the Act applies,

the employer shall pay such contributions at the same time and in the same manner, and shall prepare and furnish a schedule and particulars in the same form as may be prescribed under the National Health Insurance Act, 1936, and the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, in the case of contributions payable under those Acts in respect of masters, seamen, or apprentices to the sea service or sea fishing service who are neither domiciled nor have a place of residence in the United Kingdom or who are over 65 years of age and are employed in a foreign-going ship ; and notwithstanding anything contained in the Contributory Pensions and Unemployment Insurance (Collection of Contributions for persons over 65) Regulations (Northern Ireland) 1928, all contributions payable in respect of such persons shall be paid in accordance with the provisions of this Regulation.

Part V.

Arrangements.

Application for arrangement.

30. Every application by an employer for an arrangement under section 13 of the Act shall be in such form as the Ministry may direct.

Deposit by employers with Ministry.

31. Every arrangement made under the said section by the Ministry with an employer for the performance by an employment exchange of all or any of the duties of the employer required under the Act, or under the National Health and Contributory Pensions Acts as defined in the said section, shall provide that the employer shall deposit with the Ministry a sum sufficient to cover the estimated maximum amount of the contributions payable by the employer during a period of 14 weeks, or such less period as may be agreed between him and the Ministry, both on his own behalf and on behalf of the persons in respect of whom the arrangement is made, and that the employer shall not, unless such a deposit is made, be entitled to make any deductions from any wages or other payments due by him to these persons in respect of contributions so payable as aforesaid.

Inspection of book at local office.

32. Every person to whom the arrangement applies shall have the same right of inspecting his unemployment book or his card while it is in the custody of a local office under the arrangement as he would have had if the book or card had been in the custody of the employer, and the provisions of Part II of these Regulations and of the Collection of Contributions Regulations made under the said National Health and Contributory Pensions Acts, shall apply accordingly, and any such arrangement shall provide that the person shall be in a position, as regards obtaining possession of and making delivery of any unemployment book or card which is at least as favourable as under the provisions of the said Regulations.

In this Regulation the expression "card" has the meaning attributed to it in the National Health Insurance and Contributory Pensions (Collection of Contributions) Regulations (Northern Ireland), 1932,(*a*).

Payment of cost by employer.

33. Every such arrangement shall provide for the payment by the employer of a sum calculated in accordance with a scale approved by the Ministry of Finance for the performance by the employment exchange on behalf of the employer of such of the duties imposed on him by the Act, or the said National Health and Contributory Pensions Acts, as are performed by the employment exchange under the arrangement.

Power to cancel arrangement.

34. The Ministry may at any time by notice in writing cancel as from the date specified in the notice any such arrangement if in its opinion the employer ceases to comply with any of the conditions contained therein or in these Regulations.

Provided that—

(*a*) the employer shall be entitled to receive any sum that may be repayable in respect of the balance of the deposit held by the Ministry as aforesaid; and

(*a*) S.R. & O. of N.I., 1932 (No. 105) p. 302.

(*b*) the employer shall be liable to pay any sums payable under the arrangement to the Ministry in respect of any period during the currency of the arrangement.

Part VI.

Return of Contributions.

Return of contributions paid in error, computation of amount, and person to receive repayment.

35. Where any contributions have been paid in respect of any person under the erroneous belief that the contributions were payable in respect of that person under the general provisions of the Act, that person and his employer or either of them may make application to the Ministry for the return of the contributions so paid by them respectively; and the Ministry if it is satisfied that the contributions paid were in fact so paid as aforesaid and that they were not payable under the gneneral provisions of the Act, shall repay to the applicants or either of them a sum equal to the amount of the contributions so paid by them respectively:

Provided that—

(*a*) in calculating the amount of any repayment to be made to a person under this Regulation there shall be deducted the amount (if any) paid to that person by way of benefit since the date on which the first contribution paid in error within the period prescribed in Regulation 36 hereof was paid, less any amount which in the opinion of the Ministry was paid to that person since the said date and within the said period by way of benefit in respect of either—

(i) valid contributions paid in respect of that person at any time; or

(ii) contributions paid in error in respect of that person before the beginning of the said period; and

(*b*) the Ministry may repay to the employer instead of to such person as aforesaid the contributions erroneously paid by the employer on behalf of that person and not recovered from him.

Time and manner for making application.

36.—(1) Application for the return of any contribution paid in respect of any person under the said erroneous belief shall be made—

(*a*) within six years from the date on which that contribution was paid if paid at its due date; or

(*b*) within six years from the due date if the contribution was paid at a later date than the due date or within twelve months from the date of actual payment of the contribution whichever period is the longer:

Provided that if in any case the Ministry is satisfied that the contribution was paid in consequence of the direction of an

officer of the Ministry, it may permit an application for the repayment thereof to be made within such extended period as it thinks fit; so, however, that—

(i) no application shall be made more than six years after the due date of the payment of the last of the contributions to which the application relates, or twelve months after the actual date of payment thereof whichever is the later; and

(ii) where an extension of time is allowed hereunder the period to which the application may relate shall not in the case of contributions paid on behalf of any person commence earlier than the end of the insurance year in which (more than six years before the date on which the application for repayment is made) an application for benefit under which a sum by way of benefit was paid, was last made by that person.

(2) An application under this Regulation shall be made in such form as the Ministry may from time to time direct.

(3) In this Regulation, the expression "due date" means the date on which the contribution if it had been payable would have been due to be paid.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 30th day of December, 1937.

(L.S.) *R. R. Bowman,*
Assistant Secretary to the Ministry of Labour for Northern Ireland.

FIRST SCHEDULE.

Unemployment Insurance (Collection of Contributions) Regulations, 1920, (S.R. & O. 1920 (No. 2014), II, p. 1500).

Unemployment Insurance (Arrangements under Section 31) Regulations, 1920 (S.R. & O. 1920 (No. 2097), II, p. 1488).

Unemployment Insurance (Mercantile Marine) (Collection of Contributions) Regulations, 1921 (S.R. & O. 1921 (No. 202) p. 1410).

Unemployment Insurance (Collection of Contributions) (Amendment) Regulations (Northern Ireland), 1926 (S.R. & O. of N.I. 1926 (No. 60), p. 268).

Unemployment Insurance (Return of Contributions) Regulations (Northern Ireland), 1926 (S.R. & O. of N.I. 1926 (No. 49), p. 283).

Unemployment Insurance (Exempt Persons) Regulations (Northern Ireland), 1928 (S.R. & O. of N.I. 1928 (No. 61), p. 248).

Paragraph (ii) of Regulation 3 of the Contributory Pensions and Unemployment Insurance (Collection of Contributions for Persons over 65) Regulations (Northern Ireland), 1928 (S.R. & O. of N.I. 1928 (No. 47), p. 274).

Unemployment Insurance (Mercantile Marine) (Collection of Contributions) (Amendment) Regulations (Northern Ireland), 1929, (S.R. & O. of N.I. 1929 (No. 161) p. 429).

Unemployment Insurance (Return of Contributions) (Amendment) Regulations (Northern Ireland), 1930 (S.R. & O. of N.I. 1930, (No. 75) p. 394).

Unemployment Insurance (Collection of Contributions) (Amendment) Regulations (Northern Ireland), 1934, (S.R. & O. of N.I. 1934 (No. 57), p. 423).

Unemployment Insurance (Collection of Contributions) (Amendment) Regulations (Northern Ireland), 1936 (S.R. & O. of N.I., 1936 (No. 59), p. 393.)

Unemployment Insurance (Exempt Persons) (Amendment) Regulations (Northern Ireland), 1936, (S.R. & O. of N.I. 1936 (No. 63), p. 406).

Unemployment Insurance (Return of Contributions) (Amendment) Regulations (Northern Ireland), 1936 (S.R. & O. of N.I. 1936 (No. 152), p. 414).

SECOND SCHEDULE.

MINISTRY OF LABOUR.

UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936.

Certificate of Exemption.

No.....

Date.....19....

THIS IS TO CERTIFY THAT.....

residing at.....

is exempted from liability to become or to continue to be insured under the Unemployment Insurance Act (Northern Ireland), 1936, until.....

.....19.....

On behalf of the Ministry of Labour for Northern Ireland.

Assistant Secretary.

Ministry of Labour for Northern Ireland,
Stormont,
Belfast.

Courts of Referees.

THE UNEMPLOYMENT INSURANCE (COURTS OF REFEREES) REGULATIONS (NORTHERN IRELAND), 1937, DATED 19TH MAY, 1937, MADE BY THE MINISTRY OF LABOUR FOR NORTHREN IRELAND UNDER THE UNEMPLOYMENT INSURANCE ACT (NORTHERN IRELAND), 1936 (26 GEO. 5 & 1 EDW. 8, C. 30).

1937. No. 43.

The Ministry of Labour for Northern Ireland by virtue of the powers conferred on it by Sections 42, 44, 45, 49 and 111 of the Unemployment Insurance Act (Northern Ireland), 1936, and of all other powers in that behalf, hereby makes the following Regulations :—

Short title, commencement and repeal.

1.—(1) These Regulations may be cited as the Unemployment Insurance (Courts of Referees) Regulations (Northern Ireland), 1937, and shall come into force on the date hereof.

12 Geo 5, c. 4.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) The Regulations set out in the First Schedule hereto are hereby revoked, but such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under those Regulations, or anything done or to be done thereunder.

Interpretation.

2.—(1) In these Regulations unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

"the Act" means the Unemployment Insurance Act (Northern Ireland), 1936;