



CHAPTER 76.

An Act to empower the Minister of National Insurance to give effect to arrangements for paying unemployment benefit to persons ordinarily resident in Eire who have served in His Majesty's forces; and for purposes connected with the matters aforesaid.

[6th November 1946.]

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 :—

Payment out of Unemployment Fund of cost of unemployment benefit in Eire to former members of His Majesty's forces.

1.—(1) If His Majesty by Order in Council declares that arrangements have been entered into, and are in force, under which His Majesty's Government in the United Kingdom undertake to meet the cost of paying unemployment benefit under the law in force in Eire to persons who since the third day of September, nineteen hundred and thirty-nine have served in His Majesty's forces in service of any kind specified in the arrangements, being persons who at any time before entering on service in those forces were ordinarily resident in Eire, then subject to the provisions of this section the Minister of National Insurance (hereafter in this Act referred to as "the Minister") may during the continuance in force of the arrangements make payments out of the Unemployment Fund to meet the said cost in accordance with the arrangements as for the time being in force :

Provided that payments under this subsection shall not be made in respect of such benefit paid after the expiration of three years from the making of the Order in Council unless the person to whom the benefit is paid has served in His Majesty's forces

for a continuous period beginning before the fifteenth day of August, nineteen hundred and forty-five and ending after the expiration of two years from the making of the Order in Council.

(2) No payment shall be made under the last foregoing subsection in respect of benefit to any person—

25 & 26 Geo. 5. c. 8.

(*a*) unless under section ninety-six of the Unemployment Insurance Act, 1935 (hereafter in this Act referred to as "the Act of 1935") the person in question is to be treated as if not less than thirty contributions had been paid in respect of him as an insured contributor in respect of the two years immediately preceding the date on which a claim for the benefit is made, or, where a previous claim has been made for benefit in Eire, being benefit in respect of which a payment could be made under the last foregoing subsection, in respect of the two years immediately preceding the date on which the first such claim was made;

(*b*) so that the aggregate amount so paid to meet the cost of unemployment benefit for any one person, excluding the cost of any increase of benefit in respect of children or other dependants, would exceed the amount of the unemployment benefit, excluding any such increase as aforesaid, which could be paid to him under the Act of 1935 in respect of a period of one hundred and eighty days.

(3) If under the arrangements estimates of the cost of paying unemployment benefit in Eire as mentioned in subsection (1) of this section are submitted to the Minister in advance of the disbursement of the benefit, the Minister may make advances out of the Unemployment Fund, at such times and in such manner as he may determine, in respect of payments under the said subsection (1) to meet the cost to which the estimates relate.

Provisions for avoiding double benefit.

2.—(1) The Minister may by regulations make such provision as appears to him requisite for securing that, where payments have been made under subsection (1) of the last foregoing section in the case of any person, his rights to unemployment benefit in the United Kingdom shall be so modified as to offset the benefit received by him in Eire in respect of which the payments were made, excluding any increase of benefit in respect of children or other dependants.

(2) In the application of subsection (2) of the last foregoing section to a person who after the termination of his service in His Majesty's forces has received unemployment benefit in the United Kingdom, the maximum fixed by paragraph (*b*) of that subsection shall be reduced by the amount of the said benefit, excluding any such increase of benefit as aforesaid.

Financial provisions

3.—(1) The purposes for which payments are to be made under subsection (3) of section ninety-six of the Act of 1935 (which provides for payments out of moneys provided by Parliament for navy, army and air force services, being payments, by way of employers' and employed persons' contributions, in respect of persons who have served in His Majesty's forces of an amount sufficient to enable such persons to be treated as insured contributors) shall include meeting the cost of payments under section one of this Act and any other expenses incurred by the Minister for the purposes of such arrangements as are mentioned in that section.

(2) Any expenses incurred by the Minister for the purposes of such arrangements as aforesaid, other than the amount of payments under section one of this Act, shall be defrayed in the like manner as the expenses incurred by the Minister in carrying the Act of 1935 into effect, and the reference in subsection (1) of section sixty-two of that Act to the expenses of Government departments attributable to the exercise of functions in connection with insurance against unemployment in manner provided by that Act shall include a reference to the expenses of the Minister which under this subsection are to be defrayed as aforesaid.

Adaptations consequential on 9 & 10 Geo. 6. c. 67.

4. In relation to any period specified in regulations of the Minister under this section and beginning with or after the coming into operation of any provisions so specified of the National Insurance Act, 1946, relating to unemployment insurance, the three foregoing sections shall have effect subject to such adaptations as may be so specified, being adaptations appearing to the Minister to be necessary in consequence of the coming into operation of the said provisions.

Regulations.

5.—(1) Any regulations under this Act shall be laid before Parliament forthwith after they have been made, and if either House of Parliament within the period of forty days beginning with the day on which any such regulations as aforesaid are laid before it resolves that the regulations be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and the Minister shall revoke the regulations, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or to the making of new regulations.

(2) In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made under this Act shall not be deemed to be, or to contain, statutory rules to which that section applies. 56 & 57 Vict. c. 66.

Short title and interpretation.

6.—(1) This Act may be cited as the Unemployment Insurance (Eire Volunteers) Act, 1946.

(2) In this Act references to service in His Majesty's forces include references to any service such that on the termination thereof at the passing of this Act a person would be treated under section ninety-six of the Act of 1935 as an insured contributor for the purposes of benefit under that Act.

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