

No. 6 of 1971

REGULATIONS

Made Under

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969

(No. 15 of 1969)

IN EXERCISE OF THE POWERS CONFERRED ON ME BY SECTION 51 OF THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969, I HEREBY MAKE THE FOLLOWING REGULATIONS.

1. These Regulations may be cited as the National Insurance and Social Security (Benefit) (Amendment) Regulations, 1971, and amend the National Insurance and Social Security (Benefit) Regulations, 1969, hereinafter referred to as the Principal Regulations.

2. The Principal Regulations are hereby amended in the following respects.

(a) by the addition of the undermentioned definition after that of "the Act", in regulation 2(1).

"average wage" means—

(a) in the case of a person paid monthly, the total amount of wages paid for the month previous to the month in which the first day of interruption of employment occurred;

(b) in the case of a person paid weekly or fortnightly, the total amount of wages paid for each complete week or fortnight, for the period of four weeks previous to the week in which the first day of interruption of employment occurred divided by four;

(c) in the case of a person who was not employed by the same employer for the whole of the period of one month or four weeks as prescribed in sub-paragraph (a) or (b), the total wages paid or payable in that period by the last employer divided by the number of days worked for him in that period and multiplied by six;

(d) in the case of a person employed continuously or otherwise, not being on a weekly, fortnightly or monthly basis, in the period of one month or four weeks, as the case may be, up to and including the day of interruption of employment, the weekly wages payable to a person employed

in the same category at the same work by the same employer, or if there is no such person so employed, by such a person in the same category employed in the same class of employment and in the same locality;

- (e) in the case of a person who on the first day of the interruption of employment commenced his employment with an employer not being the employer or employers for whom he had been working in the period of four weeks prior to the first day of interruption of employment, the total wages paid or payable by his present employer for the first day of the interruption of employment, multiplied by six;—
- (b) by the addition of the undermentioned definition after that of “dependant” in regulation 2(1)—

“interruption of employment” means in the case of a claimant for sickness benefit, the period of incapacity for work and in the case of a claimant for maternity benefit, the period during which she is entitled to payment of maternity benefit;—

- (c) by the substitution of “forty-five” for “fifty-five” in regulation 14(3)(b)(i);
- (d) by adding the words “under the foregoing provisions of these Regulations” immediately after the word “grant” when it first occurs in regulation 18(1);
- (e) by inserting a colon for the semi-colon at the end of paragraph (1)(b) of regulation 18 and adding the following proviso—

“Provided that, where the dependant is the widow of the deceased, it shall not be necessary for her to prove that she is incapable of self-support;—

- (f) by the substitution of the word “or” for the word “and” where it appears for the second time in regulation 22;
- (g) by inserting a comma after the words “employed in” in regulation 23(c) and adding thereafter the words “and paid contributions for;—
- (h) (i) by renumbering regulation 26 as regulation 26(1) and inserting the words “serious and wilful” between the words “own” and “misconduct” in sub-paragraph (a);
- (ii) by adding the following paragraph to regulation 26 as paragraph (2) thereof —

“(2) For the purposes of this regulation, “serious and wilful misconduct” includes—

- (a) the claimant being under the influence of drugs or intoxicating drink; or
 - (b) any other act or omission which the Director may, having regard to all the circumstances of the case, determine to be serious and wilful misconduct.”;
- (i) by inserting a comma after the words “engaged in” in regulation 28(b) and adding thereafter the words “and paid contributions for,”; and
 - (j) by deleting all the words beginning with the word “for” where it first appears in regulation 38 and ending with the word “made”.

Made this 3rd day of March, 1971.

W. CARRINGTON,
Minister of Labour and Social Security.

N.I. 2/3/10

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