



**BILLE ARACHAIS (DIOMHAOINTEAS IDIRBHRISTE), 1939.**  
**INSURANCE (INTERMITTENT UNEMPLOYMENT) BILL,**  
1939.

*Mar do tugadh isteach.*

*As introduced.*



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BILLE ARACHAIS (DIOMHAOINTEAS IDIRBHRISTE), 1939.  
INSURANCE (INTERMITTENT UNEMPLOYMENT) BILL,  
1939.

## BILL

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*entitled*

AN ACT TO PROVIDE FOR MANUAL WORKERS EMPLOYED  
IN THE BUILDING TRADE INSURANCE AGAINST  
INTERMITTENT UNEMPLOYMENT RESULTING FROM  
STOPPAGES OF WORK DUE TO INCLEMENT 10  
WEATHER, TO PROVIDE FOR THE EXTENSION OF  
SUCH INSURANCE TO MANUAL WORKERS EMPLOYED  
IN OTHER TRADES, AND TO PROVIDE FOR OTHER  
MATTERS CONNECTED WITH THE MATTERS AFORE-  
SAID. 15

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

### PART I.

#### PRELIMINARY AND GENERAL.

Short title and  
commencement.

1.—(1) This Act may be cited as the Insurance (Intermittent  
Unemployment) Act, 1942. 20

(2) This Act (except sections 18 and 28) shall come into  
operation immediately upon the passing thereof.

(3) Section 18 of this Act shall come into operation on such  
day as shall be fixed for the purpose by order of the Minister.

(4) Section 28 of this Act shall come into operation on such day 25  
as shall be fixed for the purpose by order of the Minister.

Interpretation  
generally.

2.—(1) In this Act—

the expression “ the Minister ” means the Minister for Industry  
and Commerce;

the expression “ local office ” means an employment exchange 30  
or other office which is a local office for the purposes of regu-  
lations made under section 6 of the Unemployment Insurance  
Act, 1920, in relation to the collection of contributions under that  
Act;

the expression “ local officer ” means an officer who for the time 35  
being is in charge of a local office;

the expression “ calendar week ” means the period of seven  
days commencing from midnight between Sunday and Monday;

the word “ prescribed ” means prescribed by regulations made  
by the Minister under this Act. 40

(2) A person shall for the purposes of this Act be deemed not  
to have attained the age of sixteen until the commencement of

the sixteenth anniversary of the day of his birth and similarly with respect to other ages.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended or extended by any subsequent enactment.

3.—In this Act the expression “employment in the building trade” means employment on work of a kind commonly undertaken or carried out by builders or building contractors, and includes employment on work of the following descriptions, that is to say:—

Employment in the building trade.

- (a) all work in the construction, reconstruction, alteration, repair, painting, decoration or demolition of buildings;
- (b) all work in the installation, alteration, fitting, repair, painting, decoration, maintenance or demolition in any building or its site of articles, fittings, pipes, containers, tubes, wires or instruments (including central heating apparatus or machinery or fuel containers connected thereto), for the heating, lighting, power or water supply of such building, but excluding work in the construction or laying of public mains for the supply of water, gas, or electricity or the connection of buildings and their sites with such mains;
- (c) all work usually carried out or undertaken by a builder or building contractor—
- (i) in the clearing and laying out of sites for buildings,
- (ii) in the construction of foundations on such sites,
- (iii) in the construction, reconstruction, repair and maintenance within such sites of all sewers, drains or other works for use in connection with the sanitation of buildings or the disposal of waste,
- (iv) in the erection on such sites of boundary walls or fences for the use, protection or ornamentation of buildings,
- (v) in the making of roads and paths within the boundaries of such sites;
- (d) all work in the manufacture, alteration, fitting or repair of articles of wood, worked stone, marble, slate, plaster, cement (including concrete blocks) or of cement-like material, for use in the construction, reconstruction, alteration, fitting, repair, decoration or maintenance of buildings and of a type commonly made in builders' workshops or yards, but excluding—
- (i) the manufacture, alteration or repair of any article or monument designed as a memorial to living or dead persons,
- (ii) the quarrying and cutting of slate at a quarry,
- (iii) the quarrying in rough blocks of marble or stone,
- (iv) the manufacture of articles of movable furniture,
- (v) the manufacture of articles requiring treatment in an oven or kiln in the process of manufacture,
- (vi) the manufacture of sewer pipes, drain pipes, bricks, floor tiles, roof tiles,
- (vii) the manufacture of articles composed wholly or mainly of a combination of cement and asbestos.

Insurable  
employment.

4.—In this Act the expression “ insurable employment ” means employment by way of manual labour that—

(a) is either—

(i) employment in the building trade, or

(ii) employment in any other trade that is declared by an order made by the Minister under this Act to be insurable employment for the purposes of this Act, and

(b) is not an employment specified in the First Schedule to this Act.

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Excepted  
persons.

5.—(1) Whenever the Minister is satisfied, in respect of any class of persons employed by a particular employer in an insurable employment, that—

(a) having regard to the normal practice of such employer, the employment of such class of persons is permanent in character, and

(b) no deductions are made on account of time lost owing to inclement weather from wages of such class of persons, and

(c) the other circumstances of the employment of such class of persons render it unnecessary that persons belonging to such class should be insured under this Act,

he may issue to such employer a certificate (in this Act referred to as a certificate of exception) that he is so satisfied.

(2) Where a certificate of exception in respect of a class of persons has been issued to an employer, then, any person employed by such employer who belongs to such class and who has completed three years or more permanent service with such employer shall, so long as such certificate is in force and such person remains in the employment of such employer, be an excepted person for the purposes of this Act, and the expression “ excepted person ” shall in this Act be construed accordingly.

(3) The Minister may at any time revoke any certificate of exception.

Insured persons.

6.—In this Act the expression “ insured person ” means any person of the age of sixteen years or upwards who is employed in insurable employment under a contract of service or apprenticeship, written or oral, whether expressed or implied and whether such person is paid by the employer or some other person, and whether paid by time or by the piece or partly by time and partly by the piece, or otherwise, or without any money payment, but does not include a person employed under a contract of apprenticeship under which no money is payable by the employer, or a person who is for the time being an excepted person.

Classes of insured  
persons.

7.—(1) In this Act—

the expression “ skilled worker ” means—

(a) as respects employment in the building trade, an insured person who is employed under a contract of service or apprenticeship in (i) the capacity of carpenter, joiner, wood-cutting machinist, bricklayer, mason, stonecutter, stonemason, terrazzo and mosaic worker, floor and wall tiler, plasterer, slater, roof-tiler, painter, paperhanger, decorator, glazier, plumber, heating-fitter, gas-fitter, french-polisher or electrician, or (ii) such other capacity as the Minister may decide generally or in a particular case to be employment as a skilled worker,

(b) as respects employment in any other trade that is declared by an order made by the Minister under this Act to be insurable employment for the purposes of this Act, an insured person who is employed under a contract of service or apprenticeship in (i) a capacity which constitutes such person a skilled worker as defined by such order or (ii) such other capacity as the Minister may decide generally or in a particular case to be employment as a skilled worker;

15 the expression "unskilled worker" means an insured person who is not a skilled worker;

the expression "young person" means an insured person who has attained the age of sixteen years but has not attained the age of twenty-one years.

15 (2) A person (other than a person who has attained the age of twenty-one years before the date of the commencement of section 18 of this Act) shall not be regarded as a skilled worker or an unskilled worker until the first day after the termination of the insurance year in which he has attained the age of twenty-  
20 one years.

(3) A person who attains the age of twenty-one years after the date of the commencement of section 18 of this Act shall be regarded as a young person until the last day of the insurance year in which he attains that age.

25 (4) An insured person who is a skilled worker and whose normal occupation alters in such way as to make him an unskilled worker shall be regarded as a skilled worker until such date as it is proved to the satisfaction of the Minister that the normal occupation of the insured person has so altered.

30 (5) An insured person who is an unskilled worker and whose normal occupation alters in such way as to make him a skilled worker shall be regarded as an unskilled worker until such date as it is proved to the satisfaction of the Minister that the normal occupation of the insured person has so altered.

35 8.—In this Act—

the expression "inclement weather" means weather that, owing to rain, storm, snow, hail, frost, flood, or other adverse climatic condition renders temporarily unsafe or impracticable the performance of work in an insurable employment, having regard  
40 to the health or safety of the persons engaged therein or to the nature or technical requirements of the work;

Inclement  
weather and  
intermittent  
unemployment.

the expression "intermittent unemployment" means unemployment and consequent loss of wages due to stoppage of work which is unavoidable owing to inclement weather, in an insurable  
45 employment, and the expression "intermittently unemployed" shall be construed accordingly.

9.—(1) In this Act the expression "insurance year" means  
such period as may be prescribed. Insurance year.

(2) Until regulations are made by the Minister prescribing  
50 the period which is to be an insurance year, each of the following periods shall be an insurance year for the purposes of this Act, that is to say:—

(a) the period (in this Act referred to as the first insurance year) commencing on the date of the commencement of section 18 of this Act and ending on the first Sunday in the month of October, next following the commencement of the said section 18,  
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(b) any period (being a period subsequent to the first

insurance year) commencing on the Monday following the first Sunday in each October and ending on the first Sunday in October in the next following year.

Decision of questions by Minister.

10.—(1) If any question arises—

- (a) as to whether any employment or any class of employment is, was or will be such employment as to make the person employed therein an insured person within the meaning of this Act or whether a person is or was an insured person within the meaning of this Act, or 5
- (b) as to whether an insured person is or was a skilled worker or an unskilled worker or a young person within the meaning of this Act, or 10
- (c) as to who is or was the employer of any insured person, or
- (d) as to the rate of weekly contribution to be paid under this Act in respect of an insured person, 15

the question shall be decided by the Minister, but the Minister may, if he thinks fit, instead of himself deciding any such question, refer the question for decision to the High Court.

(2) Any person aggrieved by the decision of the Minister under this section may appeal from that decision to the High Court. 20

(3) The Minister may, on new facts being brought to his notice, revise or reverse any decision given by him under this section, other than a decision against which an appeal is pending or as respects which the time for appealing has not expired, and an appeal shall lie against any such revised or reversed decision in the same manner as against an original decision. 25

(4) The rules of court for regulating appeals and references to the High Court under sub-section (3) of section 10 of the Unemployment Insurance Act, 1920, shall apply to appeals and references to the High Court under this section. 30

(5) The Minister shall be entitled to appear and be heard on any appeal or reference under this section.

(6) Notwithstanding anything in any Act an appeal or reference under this section shall be to a single judge of the High Court to be nominated by the Chief Justice for the purpose, and the decision of the High Court on an appeal or reference under this section shall be final and conclusive. 35

(7) The Minister may by regulations prescribe the procedure to be followed on the consideration of questions to be decided by him under this Act. 40

Application of this Act to persons employed by the State.

11.—This Act shall apply to persons employed in insurable employment by the State to whom this Act would apply if the employer were a private person, except to such of those persons as are serving in an established capacity in the permanent service of the State or having been granted certificates by the Civil Service Commissioners are serving a probationary period preliminary to establishment. 45

Regulations generally.

12.—The Minister may make regulations for any of the following purposes, that is to say:— 50

- (a) for any purpose for which regulations are expressly authorised to be made by any of the provisions of this Act;

(b) for prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed; and

(c) generally for carrying this Act into effect.

13.—Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such regulation is passed by either such House within the next subsequent twenty-one days on which such House has sat after such regulation is laid before it, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

Laying of regulations before Houses of the Oireachtas.

14.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses of the Minister.

15.—(1) The Minister, with the consent of the Minister for Finance, may, whenever and so often as he thinks fit, by order—

Extension of meaning of "insurable employment" and "skilled worker".

(a) declare that employment in any trade (defined in such manner as the Minister thinks fit) shall be insurable employment for the purposes of this Act,

(b) define, by reference to employment in such capacities as the Minister thinks proper and specifies in such order, the expression "skilled worker" in relation to the employment declared by such order to be insurable employment.

(2) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

## PART II.

### COMPULSORY INSURANCE AGAINST INTERMITTENT UNEMPLOYMENT.

16.—Every insured person shall be insured in the manner provided by this Act against intermittent unemployment.

Insured persons to be insured against intermittent unemployment.

## PART III.

### CONTRIBUTIONS BY EMPLOYERS AND INSURED PERSONS.

17.—The funds required for providing supplementary benefit and for making any other payments that under this Act are to be made out of the Supplementary Unemployment Fund established under this Act shall be derived partly from weekly contributions by insured persons, and partly from weekly contributions by the employers of those persons.

Sources of contributions.

18.—(1) Every insured person of the classes set out in the first column of the Second Schedule to this Act and every employer of any such insured person shall be liable to pay contributions (in this Act referred to as weekly contributions) weekly at the respective rates set out in the second and third columns of that Schedule or, if other rates are under this Act substituted for such first-mentioned rates, the rates for the time being so substituted.

Liability of employers and insured persons for contributions.

(2) Except where otherwise prescribed by regulations under this Act, the employer of an insured person shall in the first instance be liable to pay both the weekly contribution payable by himself (in this Act referred to as the employer's contribution) and also on behalf of and to the exclusion of such insured person, the weekly contribution payable by such insured person (in this Act referred to as the insured person's contribution), and for the purposes of this Act weekly contributions paid by an employer on behalf of an insured person shall be deemed to be weekly contributions by the insured person.

(3) A weekly contribution shall be payable for each calendar week during the whole or any part of which an insured person has been employed by an employer, subject however as follows:—

(a) where one weekly contribution has been paid in respect of an insured person in any calendar week, no further weekly contribution shall be payable in respect of him for the same calendar week, and

(b) where no services are rendered by an insured person during any calendar week and no remuneration is paid in respect of that calendar week, the employer shall not be liable to pay any weekly contribution either on his own behalf or on behalf of the insured person in respect of that calendar week.

(4) Persons who are employed in any calendar week under the same employer partly in insurable employment and partly in some other employment shall be treated for the purpose of this Part of this Act as if they were wholly employed in insurable employment during that calendar week.

Employer's contribution irrecoverable from insured person.

19.—Notwithstanding any contract to the contrary, the employer of an insured person shall not be entitled to deduct from the wages of, or otherwise to recover from such insured person, the employer's contribution.

Recovery by employer of insured person's contribution.

20.—(1) Subject to the provisions of this section and subject to any regulations which the Minister may make under this Act, the employer of an insured person shall be entitled to recover from such insured person in accordance with the provisions of this section the amount of any weekly contributions paid by him on behalf of such insured person.

(2) Where an insured person receives wages or other pecuniary remuneration from his employer, the amount of any weekly contribution paid by the employer on behalf of such insured person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of such insured person or from any other remuneration due from the employer to such insured person and not otherwise, but no such deductions may be made from any wages or remuneration other than such as are paid in respect of the period or part of the period in respect of which the weekly contribution is payable, or in excess of the sum which represents the amount of the weekly contributions for the period in respect of which the wages or other remuneration are paid.

(3) Where a weekly contribution paid by the employer of an insured person on behalf of such insured person is recoverable from such insured person, but is not recoverable by means of deductions as aforesaid, it shall (without prejudice to any other means of recovery) be recoverable as a simple contract debt in a court of competent jurisdiction but no such weekly contribution shall be recoverable unless proceedings for the purpose are instituted within three months from the date when the contribution was payable.

(4) Where an insured person is not paid wages or other money payments by his employer or any other person, the employer shall be liable to pay the weekly contributions payable both by himself and such insured person and shall not be entitled to recover any part thereof from such insured person.

(5) Any sum deducted by an employer from wages or other remuneration under this section shall be deemed to have been entrusted to him for the purpose of paying the weekly contribution in respect of which it was deducted.

10 **21.**—Where an insured person is employed by more than one person in any calendar week, the first person employing him in that week shall be deemed to be the employer of such insured person for the purposes of the provisions of this Act relating to the payment of weekly contributions. Persons to be treated as employers in certain cases.

15 **22.**—(1) Where it has been decided by the Minister in manner provided by this Act that weekly contributions under this Act are not payable in respect of any person or class of persons and that decision is subsequently revised or reversed by him or, on appeal, by the High Court so as to make weekly contributions payable  
20 in respect of that person or that class of persons, weekly contributions shall be so payable only as from the date on which the decision was revised or reversed. Date from which contributions are payable in certain cases.

(2) Where it has been decided by the Minister that weekly contributions in respect of a person or class of persons are payable  
25 at a particular rate under this Act and that decision is subsequently revised or reversed by him or, on appeal, by the High Court so as to make weekly contributions payable at another rate in respect of that person or class of persons, weekly contributions shall be so payable at such other rate only as from  
30 the date on which the decision was revised or reversed.

**23.**—Any weekly contributions paid by a person and his employer respectively under the erroneous belief that the weekly contributions were payable in respect of that person under the provisions of this Act may be returned to them by the Minister on application being made to him in that behalf in such form as he may require before the expiration of twelve months from the date the weekly contributions were paid, subject, in the case of the insured person's contributions, to the deduction of any amount of supplementary benefit received by him to which he  
40 would not have been entitled if these weekly contributions had not been paid. Repayment in certain cases of contributions.

**24.**—The Minister may make regulations providing for any matters incidental to the payment and collection of weekly contributions and in particular for— Power to make regulations as to payment of contributions by stamps, etc.

45 (a) the payment of weekly contributions

(i) by means of adhesive or other stamps (in this Act referred to as supplementary insurance stamps) affixed to or impressed upon books or cards (in this Act respectively referred to as supplementary unemployment books and supplementary unemployment cards) or otherwise, and for  
50 regulating the manner, times and conditions in, at, or under which supplementary insurance stamps are to be affixed or impressed; or

55 (ii) by direct payments by the employers of insured persons to the Minister in such manner, at such times and under such conditions as the Minister may prescribe; or

(iii) by such other means as the Minister may by such regulations prescribe;

(b) the entry in or upon supplementary unemployment books or cards of particulars of weekly contributions paid in respect of any specified period or of such other particulars as may be required in the case of the persons to whom the supplementary unemployment books or cards relate, and for the acceptance of such entry as sufficient evidence of the number of weekly contributions so paid, or of the other particulars so entered;

(c) the application for, the issue, sale, custody, production and delivery up of supplementary unemployment books or cards and the replacement of supplementary unemployment books or cards which have been lost, destroyed or defaced;

(d) the rendering by employers to the Minister of such particulars relating to persons employed by them as the Minister may require or by such regulations prescribe.

Issue of supplementary insurance stamps.

**25.**—Supplementary insurance stamps shall be prepared and issued in such manner as the Revenue Commissioners, with the consent of the Minister for Finance, may direct and the said Commissioners may, by regulations, provide for applying, with the necessary adaptations, as respects supplementary insurance stamps, all or any of the provisions, including penal provisions of the following enactments, that is to say, sections 21, 35, and 36 of the Inland Revenue Regulation Act, 1890, the Stamp Duties Management Act, 1891; section 9 of the Stamp Act, 1891, and section 65 of the Post Office Act, 1908, and may, with the consent of the Minister for Posts and Telegraphs, provide for the sale of supplementary insurance stamps at Post Offices.

Provision for enabling Minister for Posts and Telegraphs to exercise powers in relation to supplementary insurance stamps.

**26.**—(1) The Government may by order provide that any powers and duties of the Revenue Commissioners with reference to supplementary insurance stamps shall be exercised and performed by the Minister for Posts and Telegraphs, either to the exclusion of the Revenue Commissioners or concurrently with the Revenue Commissioners, and any such order may contain such provisions as appear to the Government to be necessary or expedient for giving full effect to the exercise and performance of the duties to which such order relates in the manner provided by such order.

(2) Every order under this section shall have the force of law.

Priority of claims for contributions due by a bankrupt employer.

**27.**—(1) There shall be included among the debts that under section 209 of the Companies Consolidation Act, 1908, are in the distribution of assets of a company being wound up to be paid in priority to all other debts all weekly contributions payable under this Act by the company in respect of insured persons during the four months before the commencement of the winding-up or the winding-up order, and that Act shall have effect accordingly and formal proof of the debts to which priority is given under this section shall not be required except in cases where it may otherwise be provided by the rules made under that Act.

(2) Sub-section (1) of this section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

(3) There shall be included among the debts that under section 4 of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are in the distribution of the property of a bankrupt or arranging debtor to be paid in priority to all other debts all weekly contributions payable by the bankrupt or arranging debtor in respect of

insured persons during the four months before the date of the order of adjudication in the case of a bankrupt or the filing of the petition for arrangement in the case of an arranging debtor and that Act shall have effect accordingly and formal proof of the debts to which priority is given under this sub-section shall not be required except in cases where it may otherwise be provided by general orders made under the said Act.

#### PART IV.

##### SUPPLEMENTARY BENEFIT.

- 10 **28.**—(1) Every insured person who is intermittently un-  
employed on any day (other than a Sunday or a public holiday  
within the meaning of the Conditions of Employment Act, 1936  
(No. 2 of 1936), or the first day of a spell of insurable employ-  
ment with the person who was his employer when such inter-  
mittent unemployment occurred) and in whose case the statutory  
15 conditions are fulfilled shall, subject to the provisions of this Act,  
be entitled to receive payment (in this Act referred to as supple-  
mentary benefit) in respect of each hour of intermittent unemploy-  
ment occurring on such day during working hours.
- 20 (2) Where the duration of a period of intermittent unemploy-  
ment occurring during working hours on any day is a fraction of  
an hour only or is one or more hours and a fraction of an hour,  
supplementary benefit shall not be payable in respect of such  
fraction of an hour.
- 25 (3) In this section the expression “ working hours ” means,  
in relation to an insured person, the hours, exclusive of overtime  
and mealtime, during which, if there was not inclement weather,  
work in an insurable employment would have been performed by  
such insured person.
- 30 **29.**—Subject to the provisions of this Act, supplementary benefit  
in the case of an insured person of any class set out in the first  
column of the Third Schedule to this Act shall be at the hourly rate  
set out in the second column of the said Schedule opposite the  
mention of that class or, if another hourly rate is under this Act  
35 substituted for such first-mentioned rate, the rate for the time being  
so substituted.
- 40 **30.**—(1) The first condition (in this Act referred to as the first  
statutory condition) for the receipt of supplementary benefit in  
respect of intermittent unemployment by an insured person in any  
insurance year is that prior to the week in which such intermittent  
unemployment occurs at least twelve weekly contributions have  
been paid in respect of him as an insured person since—
- (a) in case such insurance year is the first insurance year, the  
beginning of that insurance year,
- 45 (b) in any other case, the beginning of the insurance year next  
preceding the insurance year in which the intermittent  
unemployment occurs.
- (2) The second condition (in this Act referred to as the second  
statutory condition) for the receipt by an insured person of sup-  
plementary benefit in respect of intermittent unemployment on  
50 any day is that the current unemployment book issued to him  
under the Unemployment Insurance Act, 1920, is in the possession  
of his employer on that day.

Right to supple-  
mentary benefit  
and periods in  
respect of which  
it is payable.

Hourly rates of  
supplementary  
benefit.

Statutory  
conditions for  
the receipt of  
supplementary  
benefit.

(3) The third condition (in this Act referred to as the third statutory condition) for the receipt by an insured person of supplementary benefit in respect of any period of intermittent unemployment is that the person to whom a report relating to that period is sent under the next following section has received the report within three days (or such longer period as the Minister may in a particular case accept) after the day on which the intermittent unemployment occurred and that that person has acknowledged the receipt of such report. 5

(4) Where the current unemployment book issued under the Unemployment Insurance Act, 1920, of an insured person is not in the possession of his employer on a particular day, and a local officer certifies that such book was not delivered to a local office in connection with a claim to unemployment benefit under the Unemployment Insurance Act, 1920, or an application for unemployment assistance under the Unemployment Assistance Act, 1933 (No. 46 of 1933), in respect of that day, such book shall, for the purposes of the second statutory condition, be deemed to have been in the possession of such employer on that day. 10 15

(5) In this Act the expression "the statutory conditions" means the first statutory condition, the second statutory condition and the third statutory condition. 20

Notification of  
intermittent  
unemployment.

**31.**—(1) Where a stoppage of work has occurred on any day and the employer of an insured person or such insured person claims that such stoppage constitutes intermittent unemployment, the employer shall on that day transmit to such person as the Minister may in any particular case direct or, in the absence of such direction, to a local officer a report stating that such stoppage has occurred, the duration thereof, and the nature of the weather conditions alleged to have caused it. 25 30

(2) Where an insured person claims that he has been intermittently unemployed on any day, he may send to such person as the Minister may in any particular case direct or, in the absence of such direction, to a local officer a report stating that such intermittent unemployment has occurred, the duration thereof and the nature of the weather conditions alleged to have caused it but this provision shall not be construed as relieving the employer of such person of the obligation imposed on him by sub-section (1) of this section. 35

(3) Where a person receives a report under this section he shall as soon as may be acknowledge the receipt thereof. 40

Payment of  
supplementary  
benefit by  
employers.

**32.**—(1) Subject to the provisions of this Act and to such directions as may be given by the Minister either generally or in any particular case, any amount or amounts of supplementary benefit to which an insured person becomes entitled shall be paid to him by his employer, and the insured person and his employer shall, in respect of each such payment, supply to the Minister such particulars, and complete and transmit such forms, including the insured person's acknowledgment of the amount received by him, as may be prescribed. 45 50

(2) An insured person who is not satisfied that the amount of supplementary benefit paid to him by his employer is the amount which he is entitled to receive under the provisions of this Act or his employer, at his request, shall be entitled to apply to an insurance officer to determine, in accordance with the provisions of this Act relating to the determination of questions as to payment of supplementary benefit, the amount of supplementary benefit to which he is entitled. 55

(3) Where a local officer or other person to whom a report in relation to the intermittent unemployment of an insured person 60

has been sent in accordance with the immediately preceding section sends to the employer of such insured person a notification that he is not satisfied that the stoppage of work to which the report relates was due to inclement weather or that the other provisions of this Act governing the payment of supplementary benefit are fulfilled, or where in any case an employer is in doubt whether supplementary benefit is payable or as to the amount or rate of supplementary benefit payable, the employer shall forthwith apply to an insurance officer to determine the question in accordance with the provisions of this Act relating to determination of questions as to payment of supplementary benefit.

(4) If in any case an insured person has not received payment of any supplementary benefit to which he believes he is entitled under this Act and is not satisfied that the question of his title to receive such benefit has been referred to an insurance officer under the provisions of sub-section (3) of this section he shall be entitled either to request his employer so to refer it or himself to refer the question to an insurance officer for determination.

(5) An employer who receives an insured person's request to refer a question of his title to supplementary benefit for an insurance officer's determination shall, unless he has already done so, forthwith refer the question to an insurance officer for determination.

(6) Where in accordance with the provisions of sub-section (3) or sub-section (4) of this section any question has to be referred to an insurance officer, the insured person shall not be entitled to receive payment from his employer under sub-section (1) of this section unless and until it is determined by the insurance officer that he is so entitled, and the employer shall not make such payment pending such determination or except in accordance therewith.

**33.**—In any special case in which the Minister is of opinion that it would be impossible or unduly burdensome for an employer to pay under the provisions of this Act the amount of supplementary benefit due to an insured person, the Minister may excuse such employer from the duty of so paying and where an employer is so excused the Minister shall pay or cause to be paid from the Supplementary Unemployment Fund any amount of supplementary benefit payable to the insured person by such employer if he were not so excused.

Payment of supplementary benefit by the Minister.

**34.**—The amount of any supplementary benefit duly paid in accordance with the provisions of this Act by an employer shall be repaid to such employer by the Minister out of the Supplementary Unemployment Fund on application being made, in such manner as may be prescribed, by the employer for such repayment.

Repayment by the Minister of supplementary benefit paid by employers.

**35.**—Whenever an employer makes a payment of supplementary benefit to a person not entitled to receive supplementary benefit under the provisions of this Act or in excess of the amount to which he was entitled the amount or the excess so paid shall not be repayable to the employer out of the Supplementary Unemployment Fund.

Repayments not to be made to employers from the Supplementary Unemployment Fund in certain cases.

**36.**—(1) Any amount of supplementary benefit received by an insured person from his employer that is not repayable to the employer out of the Supplementary Unemployment Fund by reason of the provisions of the immediately preceding section shall be repayable by such insured person to the employer on demand made in that behalf by the employer and, if not so repaid, may be recovered by the employer as a simple contract

Recovery of amounts improperly paid.

debt in any court of competent jurisdiction or by deduction from any payment or payments of supplementary benefit to which such insured person subsequently becomes entitled.

(2) Every payment of supplementary benefit received by an insured person from the Minister that he was not entitled to receive under the provisions of this Act shall be repayable by him to the Minister on demand made in that behalf by the Minister, and, if not so repaid, may be recovered as a simple contract debt in any court of competent jurisdiction or by deduction from any payment or payments of supplementary benefit to which such insured person subsequently becomes entitled.

(3) Where under sub-section (2) of this section an amount may be deducted from the supplementary benefit to which an insured person becomes entitled it shall be the duty of an employer to make such deduction as the Minister may direct from any supplementary benefit payable to the insured person by that employer under the provisions of this Act, and to pay to the Minister any amount or amounts so deducted.

(4) Any amount paid to an employer out of the Supplementary Unemployment Fund to which, under the provisions of this Act, he was not entitled shall be repayable by the employer on demand made in that behalf by the Minister and, if not so repaid, may be recovered as a simple contract debt in any court of competent jurisdiction or by deduction from any amount or amounts that subsequently become payable to that employer out of the Supplementary Unemployment Fund.

(5) Every sum recovered by or repaid to the Minister under the provisions of this section shall be paid into the Supplementary Unemployment Fund.

Notification to employers and insured persons of amounts improperly paid in certain cases.

**37.**—Where it has been determined in the manner provided in this Part of this Act that an amount paid by an employer is not repayable out of the Supplementary Unemployment Fund the employer who paid the amount and the person who received it shall be informed by the insurance officer of the determination.

Umpire and courts of referees.

**38.**—(1) The umpire for the time being appointed and acting under and for the purposes of the Unemployment Insurance Act, 1920, shall be the umpire for the purposes of this Part of this Act, and accordingly in this Act the expression “the umpire” means the umpire so appointed and acting.

(2) Every court of referees for the time being subsisting under and for the purposes of the Unemployment Insurance Act, 1920, shall be a court of referees for the purposes of this Part of this Act and accordingly in this Act the expression “court of referees” means a court of referees so subsisting.

(3) There shall be paid out of moneys provided by the Oireachtas to the umpire and members of courts of referees such salaries or remuneration as the Minister for Finance may determine.

Insurance officers.

**39.**—(1) The Minister may, with the sanction of the Minister for Finance, appoint such and so many persons as he thinks fit to be insurance officers for the purposes of this Part of this Act.

(2) In this Act, the expression “insurance officer” means a person who is either—

(a) a person appointed to be an insurance officer under sub-section (1) of this section, or

(b) a person who is an insurance officer for the purposes of the Unemployment Insurance Act, 1920.

(3) There shall be paid out of moneys provided by the Oireachtas to insurance officers such salaries or remuneration as the Minister for Finance may determine.

40.—(1) If any question arises—

Determination of questions as to the payment of supplementary benefit.

- 5 (a) as to whether a stoppage of work in an insurable employment was due to inclement weather; or
- (b) as to the fulfilment of the statutory conditions for the receipt of supplementary benefit by an insured person; or
- 10 (c) as to the title to supplementary benefit of an insured person or as to the rate or the amount of such benefit; or
- (d) as to the title of an employer to repayment from the Supplementary Unemployment Fund; or
- 15 (e) as to the fulfilment of any provision of this Part of this Act relating to payment of supplementary benefit or to repayment from the Supplementary Unemployment Fund;

20 the question shall, subject to the provisions of this Part of this Act, be determined by an insurance officer.

(2) Where under the provisions of sub-section (1) of this section any question has been or is to be determined by an insurance officer—

25 (a) any person aggrieved by the determination of the insurance officer may, within twenty-four days from the date of the insurance officer's decision or within such further time as the Minister may in any particular case for special reasons allow, require the insurance officer to refer the matter to a court of referees and the insurance officer, unless he can revise his determination, shall so refer it; and

30

(b) the insurance officer may, if he thinks fit, instead of himself determining the question refer it to a court of referees.

35 (3) On any question referred to it by an insurance officer the court of referees shall make to the insurance officer such recommendations as it thinks fit and the insurance officer unless he disagrees shall give effect to those recommendations.

40 (4) If an insurance officer disagrees with a recommendation made by a court of referees under this section he shall refer the recommendation, with his reasons for disagreement, to the umpire.

45 (5) Where a recommendation has been made under this section by a court of referees any association of employers or insured persons of which a person aggrieved by the recommendation is a member, or with the consent of the court, that person may require the insurance officer to refer the question to the umpire and the insurance officer, if so required, shall refer the question accordingly.

(6) The umpire shall determine every matter referred to him under this section and his determination thereon shall be final and conclusive.

50 (7) Nothing in this section shall be construed as preventing an insurance officer or umpire or a court of referees, on new facts being brought to his or its knowledge, from reversing or revising a decision or recommendation given in any particular case.

(8) Where an insurance officer or the umpire reverses or revises a previous determination by such officer or by the umpire and the reversal or revision has the effect of refusing or decreasing the amount of supplementary benefit previously allowed such reversal or revision shall have effect in regard to such dates or hours as the insurance officer or the umpire may determine. 5

Expenses of persons attending before courts of referees or umpire.

41.—In any case where—

- (a) a person is required to attend before a court of referees and so attends; or
- (b) on an appeal to the umpire from a decision of a court of referees a person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends;

that person shall be paid out of moneys provided by the Oireachtas such travelling and other allowances, including compensation for loss of remunerative time, as the Minister with the sanction of the Minister for Finance may determine. 15

General provisions as to procedure under Part IV.

42.—(1) The Minister may by regulations—

- (a) prescribe the evidence to be required as to the fulfilment of the statutory conditions and the other provisions of this Part of this Act relating to an insured person's title to supplementary benefit, and for that purpose require the attendance of insured persons at such offices or places and at such times as may be required, and require employers to answer inquiries relating to any matters in connection with which information is required to enable an insured person's title to supplementary benefit to be determined; 20 25

(b) prescribe the time, manner and form of—

- (i) the payment by employers to insured persons of supplementary benefit due to them, 30
  - (ii) the repayment out of the Supplementary Unemployment Fund to employers of amounts of supplementary benefit paid by them,
  - (iii) raising questions for determination by insurance officers, 35
  - (iv) the doing of any other thing incidental to the reporting of intermittent unemployment, the acknowledgment of the receipt of reports of intermittent unemployment, and the paying of supplementary benefit and the repayment out of the Supplementary Unemployment Fund of supplementary benefit paid by employers; 40
- (c) require employers, insured persons and others to furnish such information as the Minister may consider desirable in connection with payments of supplementary benefit and the occurrence of intermittent unemployment; 45
  - (d) prescribe the practice and procedure to be followed on the consideration and examination of questions to be considered and determined by the umpire, courts of referees and insurance officers; 50
  - (e) provide for the appointment of a person to receive, on behalf of or as representative of a person who becomes of unsound mind or dies, any sums payable out of the Supplementary Unemployment Fund to or in respect of him. 55

(2) Regulations made by the Minister by virtue of paragraph (a) of sub-section (1) of this section shall not be construed as affecting the operation of the next following section.

5 43.—(1) Where supplementary benefit has been paid to an insured person in respect of any day or part thereof a certificate, in the prescribed form, signed by such insured person or the person who was the employer of such insured person on such day certifying any one or more of the following matters—

Additional  
methods of  
proving  
fulfilment of  
statutory  
conditions, etc.

10 (a) that such insured person was intermittently unemployed on such day,

(b) that the hours during which such insured person was intermittently unemployed on such day were working hours,

15 (c) that such day was not a Sunday or a public holiday within the meaning of the Conditions of Employment Act, 1936 (No. 2 of 1936),

(d) that such day was not the first day of a spell of insurable employment with the person who was the employer of such insured person,

20 shall, for the purposes of this Part of this Act, be sufficient evidence of the facts so certified, unless and until the contrary is shown to be the case.

25 (2) Where supplementary benefit has been paid to an insured person a certificate, in the prescribed form, by such insured person that he is the rightful holder of a particular supplementary unemployment book or a certificate, in the prescribed form, by the person who was the employer of such person at the time such supplementary benefit was paid that he is satisfied that such insured person is the rightful holder of such book shall, for the purposes of this  
30 Part of this Act, be sufficient evidence of the identity of such insured person, unless and until the contrary is shown to be the case.

35 (3) Where weekly contributions in respect of an insured person are paid by affixing supplementary insurance stamps to his supplementary unemployment book, and supplementary benefit has been paid to such insured person in any insurance year, the following provisions shall, for the purposes of the first statutory condition, have effect, that is to say:—

40 (a) a certificate, in the prescribed form and containing the prescribed particulars, by the person (in this subsection referred to as the employer) who was the employer of such insured person at the time such supplementary benefit was paid that, prior to the week in which occurred the intermittent unemployment for  
45 which such supplementary benefit was paid, a specified number of weekly contributions had been paid for such person in respect of such insurance year shall be sufficient evidence of the facts so certified, unless and until the contrary is shown to be the case;

50 (b) a certificate, in the prescribed form and containing the prescribed particulars, by the employer that there was entered, in accordance with regulations made under Part III of this Act, on the current supplementary unemployment book of such insured person a statement  
55 that a specified number of weekly contributions had been paid for such insured person in respect of the immediately preceding insurance year shall, unless and until the contrary is shown to be the case, be sufficient evidence that there were paid the number of weekly contributions so certified to be so entered.

60 (4) Where supplementary benefit has been paid to any insured person in respect of a particular day or part thereof, a certificate,

in the prescribed form, by the person who was the employer of such person on that day, that the current unemployment book issued under the Unemployment Insurance Act, 1920, of such insured person was in his possession on that day shall, for the purposes of the second statutory condition, be sufficient evidence 5 of the facts so declared, unless and until the contrary is shown to be the case.

Restriction on payment of unemployment benefit and unemployment assistance.

44.—Unemployment benefit under the Unemployment Insurance Act, 1920, or unemployment assistance under the Unemployment Assistance Act, 1933 (No. 46 of 1933), shall not be payable for a day in respect of which or part of which supplementary benefit is paid or payable under this Act. 10

## PART V.

### THE SUPPLEMENTARY UNEMPLOYMENT FUND.

Establishment of Supplementary Unemployment Fund.

45.—(1) For the purpose of this Act there shall be established, 15 under the control and management of the Minister, a fund to be called and known as the Supplementary Unemployment Fund into which shall be paid all weekly contributions payable by employers and insured persons and any other moneys which under this Act are to be paid into the said Fund and out of which shall be paid 20 all payments which under this Act are to be made out of the said Fund.

(2) The accounts of the Supplementary Unemployment Fund shall be kept in such form as the Minister for Finance may direct or approve. 25

(3) The accounts of the Supplementary Unemployment Fund for every year of account shall be submitted for audit to the Comptroller and Auditor-General and when examined and certified shall be laid before each House of the Oireachtas.

(4) Any moneys forming part of the Supplementary Unemployment Fund may from time to time be paid over to the Minister for Finance and by him invested and kept invested at his discretion on behalf of the said Fund in all or any of the following ways, that is to say, in the purchase of any stock, fund or security in which trustees are authorised by the law for the time 30 being in force to invest trust funds or in the purchase of any stock, shares or security the principal and interest of which is guaranteed under statutory authority by the Government and any interest received from such investment shall be paid into the said Fund. 40

(5) Moneys available for investment under the immediately preceding sub-section of this section shall be Government money within the meaning of the Approved Investments Act, 1933 (No. 34 of 1933), and that Act shall apply in regard thereto accordingly. 45

Provisions for securing solvency of Supplementary Unemployment Fund, etc.

46.—(1) Whenever and so often as it appears to the Minister that the Supplementary Unemployment Fund is or is likely to be either insufficient or more than sufficient to discharge the liabilities imposed or about to be imposed upon the said Fund under this Act or that the rates of weekly contributions are or are likely to be excessive or deficient the Minister may, with the concurrence of the Minister for Finance, by regulations do either or both of the following things, that is to say:— 50

(a) amend the Second Schedule to this Act by substituting for the respective rates of weekly contributions set out in the second and third columns of that Schedule such other rates of weekly contributions as he thinks fit, but 55

not so as to vary the rates of weekly contributions unequally as between employers and insured persons,

5 (b) amend the Third Schedule to this Act by substituting for the hourly rates of supplementary benefit set out in the second column of that Schedule such other hourly rates of supplementary benefit as he thinks fit.

(2) References in sub-section (1) of this section to the Second Schedule to this Act and to the Third Schedule to this Act shall be construed as references to the said Schedules respectively as amended by any regulations previously made under the said sub-section (1).  
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**47.**—(1) The Minister for Finance may out of the Central Fund or the growing produce thereof advance any sums required for the purpose of discharging the liabilities of the Supplementary Unemployment Fund, and for the purpose of providing the sums to be so advanced the Minister for Finance may borrow money in such manner as he may think proper and all moneys so borrowed shall be paid into the Exchequer. Advances out of the Central Fund.  
15

(2) Any sums advanced under the foregoing sub-section together with interest (if any) thereon at such rate as may be fixed by the Minister for Finance shall be charged on and be repayable out of the Supplementary Unemployment Fund and when so repaid shall be paid into the Exchequer.  
20

(3) The principal of and interest on any securities issued by the Minister for Finance for the purpose of borrowing under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.  
25

## PART VI.

### 30 INSPECTION.

**48.**—(1) The Minister may, with the sanction of the Minister for Finance, appoint such and so many persons as he thinks fit to be inspectors for the purposes of this Part of this Act. Inspectors.

(2) In this Act, the word " inspector " means a person who is either—  
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(a) a person appointed to be an inspector under sub-section (1) of this section, or

(b) a person who is an inspector for the purposes of the Unemployment Insurance Act, 1920.

(3) There shall be paid out of moneys provided by the Oireachtas to inspectors such salaries or remuneration as the Minister for Finance may determine.  
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**49.**—(1) An inspector shall, for the purposes of the execution of this Act, have power to do all or any of the following things, namely—  
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(a) to enter at all reasonable times any premises or place, where he has reasonable grounds for supposing that any persons employed in an insurable employment are employed or any records in relation to any such persons are kept;  
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(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

(c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined; 5

(d) to exercise such other powers as may be necessary for carrying this Act into effect. 10

(2) The occupier of any such premises or place and any other person employing any insured person, and the servants and agents of any such occupier or other person, and any employed person shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wages sheets, records of wages, and other documents as the inspector may reasonably require. 15

(3) If any person wilfully delays or obstructs an inspector in the exercise of any power under this section or fails to give such information or to produce such documents as aforesaid, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 20 25

(4) No one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

(5) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate to the occupier. 30

## PART VII.

### MISCELLANEOUS PROVISIONS.

Provisions in relation to excepted persons whose employment is terminated.

**50.**—Where a person (in this sub-section referred to as the employer) terminates the employment in an insurable employment of a person (in this sub-section referred to as the employee) who immediately before such termination was an excepted person, the following provisions shall have effect, that is to say:— 35

(a) in case the employee was an excepted person during the twelve weeks immediately preceding such termination, the employer shall pay to the Minister, in respect of such twelve weeks, a sum equal to the amount of the weekly contributions which would, if the employee had not been an excepted person during the said twelve weeks, have been payable in respect of the employee under this Act for the said twelve weeks; 40 45

(b) in case the employee was not an excepted person during the twelve weeks immediately preceding such termination, the employer shall pay to the Minister, in respect of the weeks immediately preceding such termination during which the employee was an excepted person, a sum equivalent to the amount of the weekly contributions which would, if the employee had not been an excepted person during those weeks, have been payable under this Act in respect of the employee for those weeks; 50 55

(c) no part of any sum paid by the employer under this sub-section shall be recoverable by the employer from the employee;

- (d) any sum payable to the Minister by the employer under this section shall, for the purposes of the other provisions (including penal provisions) of this Act, be deemed to be weekly contributions, and those provisions shall apply accordingly;
- 5
- (e) any sum recovered by or paid to the Minister under this section shall be paid into the Supplementary Unemployment Fund;
- (f) any sums recovered by or paid to the Minister under this section in respect of any weeks shall, for the purposes of the first statutory condition, be deemed to be weekly contributions paid under Part III of this Act in respect of the employee for those weeks.
- 10

**51.—(1)** If for the purpose of obtaining any supplementary benefit or payment or repayment under this Act, either for himself or for any other person or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, or conceals any material fact, such person shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds. Offences.

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(2) If—

- (a) any employer or insured person has failed or neglected to pay any weekly contributions which he is liable under this Act to pay, or
- (b) any employer or insured person or any other person is guilty of any contravention of or non-compliance with any of the requirements of this Act or the regulations made thereunder in respect of which no special penalty is provided, or
- (c) any employer deducts or attempts to deduct from the wages or other remuneration of an insured person, the whole or any part of the employer's contribution,
- 25
- 30
- 35

such person shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(3) Where an employer has been convicted under sub-section (2) of this section of the offence of failing or neglecting to pay any weekly contributions which he is liable under this Act to pay, he shall be liable to pay to the Supplementary Unemployment Fund a sum equal to the amount which he has so failed or neglected to pay, and on such a conviction, if notice of the intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer to pay other weekly contributions in respect of the same person during the three years preceding the date when the information was so laid, and on proof of such failure or neglect the employer shall be liable to pay to the Supplementary Unemployment Fund a sum equal to the total of all the weekly contributions which he is so proved to have failed or neglected to pay.

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Any sum paid by an employer under this sub-section shall be treated as a payment in satisfaction of the unpaid weekly contributions, and the insured person's portion of those weekly contributions shall not be recoverable by the employer from the insured person.

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(4) Every person—

- (a) who buys, sells or offers for sale, takes or gives in ex-

change or pawns or takes in pawn any supplementary unemployment card, supplementary unemployment book or used supplementary insurance stamp, or

- (b) who attempts to evade payment of a weekly contribution by affixing or attempting to affix to any supplementary unemployment book or supplementary unemployment card a used supplementary insurance stamp which has been removed either by him or by some other person from any supplementary unemployment book or supplementary unemployment card or from any other material to which it was affixed or which has been previously used in any other manner,

shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and in any proceedings under this sub-section with respect to used stamps, a stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever or if it has been removed from any supplementary unemployment book or supplementary unemployment card or any other material to which it was affixed and whether it has been actually used for the purpose of payment of a weekly contribution or not.

(5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Supplementary Unemployment Fund and all such sums shall be recoverable as debts due to the State and without prejudice to any other remedy may be recovered by the Minister as a simple contract debt in any court of competent jurisdiction.

(6) In any proceedings under this section or in any proceedings involving any question as to the payment of weekly contributions under this Act or for the recovery of any sums due to the Supplementary Unemployment Fund, the decision of the Minister on any question whether a person is or was an insured person within the meaning of this Act or not or as to who was the employer of an insured person, or as to the rate of weekly contribution to be paid in respect of an insured person shall, unless an appeal against the decision is pending or the time for appealing against the decision has not expired, be conclusive for the purpose of those proceedings and, if such a decision has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the Minister for decision in accordance with the provisions of this Act and where any such appeal is pending or the time for so appealing has not expired or any question has been so referred to the Minister, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

(7) Any sum that an employer is liable to pay under sub-section (3) of this section or any sum due to the Supplementary Unemployment Fund for which a court has made an order for payment may, without prejudice to other methods of recovery, be deducted by the Minister from any sums payable out of the Supplementary Unemployment Fund to such employer under this Act and any amounts so deducted shall be paid by the Minister into the Supplementary Unemployment Fund.

Prosecutions.

52.—(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Minister or by an inspector or other officer appointed for the purpose of this Act and authorised in that behalf by special or general directions of the Minister.

(2) A prosecution for an offence under any section of this Act may be brought at the suit of the Minister.

(3) A prosecution for an offence under any section of this Act may be brought at any time within whichever of the following periods later expires, that is to say:—

5 (a) three months after the date on which it is certified in writing sealed with the official seal of the Minister that evidence sufficient to justify the institution of such prosecution came into the possession or procurement of the Minister, or

(b) one year after the commission of the offence.

10 53.—(1) Where any employer has failed or neglected to pay any weekly contributions which under this Act he is liable to pay in respect of any insured person in his employment or has failed or neglected to comply in relation to any such person with any other requirements of this Act and the regulations made thereunder and 15 by reason thereof that person has lost in whole or in part the supplementary benefit to which he would have been entitled under this Act he shall be entitled to recover from the employer as a simple contract debt a sum equal to the amount of the supplementary benefit so lost. Civil proceedings against employer.

20 (2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.

25 54.—Where for the purposes of this Act the age or death of any person is required to be proved by the production of a certificate of birth or death, any person shall, on presenting a written requisition in such form and containing such particulars as the Minister for Local Government and Public Health may direct and on payment of a fee, in the case of a birth certificate, of sixpence and, in the case of a death certificate, of one shilling, be entitled to obtain 30 a certified copy of the entry of the birth or death as the case may be of such first-mentioned person in the register of births or deaths as the case may be, under the hand of the registrar or superintendent registrar or other person having custody thereof and forms for such requisition shall, on request, be supplied without 35 any charge by every registrar of births and deaths and by every superintendent registrar or other person having custody of the register. Proof of age and death.

55.—Stamp duties shall not be chargeable upon documents used in connection with business under this Act. Exemption of documents from stamp duty.

40 56.—(1) If in any respect any difficulty arises in bringing into operation this Act or any provision thereof, the Minister, with the consent of the Minister for Finance, may by order do anything which appears to him necessary or expedient for bringing this Act or such provision into operation, and any such order 45 may modify the provisions of this Act so far as may appear to the Minister necessary or expedient for carrying the order into effect. Power to remove difficulties.

(2) No order may be made under this section after two years from the date on which the whole of this Act has come into 50 operation.

#### FIRST SCHEDULE.

##### EXCLUDED EMPLOYMENTS.

1.—Employment under any local or other public authority or public board excluded for the time being from the provisions of 55 the Unemployment Insurance Act, 1920, by the operation of a special order made under paragraph (c) of Part I of the First Schedule to the said Act.

2.—Employment excepted for the time being from the provisions of the Unemployment Insurance Act, 1920, by the operation of a certificate of exception under paragraph (d) of Part II of the First Schedule to the said Act.

3.—Employment in the military service of the State. 5

4.—Employment of unskilled workers and of young persons on works undertaken by or on behalf of the Irish Land Commission for the improvement of lands purchased or agreed to be purchased under the Land Purchase Acts.

**SECOND SCHEDULE.** 10

**RATES OF WEEKLY CONTRIBUTIONS PAYABLE BY INSURED PERSONS AND EMPLOYERS.**

Class of insured person to whom the rate applies (1)	RATE OF WEEKLY CONTRIBUTION	
	By the insured person (2)	By the employer (3)
Skilled worker ... ..	8d.	8d.
Unskilled worker ... ..	5d.	5d.
Young person ... ..	2d.	2d.

**THIRD SCHEDULE.**

**HOURLY RATES OF SUPPLEMENTARY BENEFIT.**

Class of insured person to whom the rate applies (1)	Hourly rate of supplementary benefit (2)
Skilled worker ... ..	s. d. 1 0
Unskilled worker ... ..	0 7½
Young person ... ..	0 3

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IDIRBHRISTE), 1939.

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## BILLE

(*mar do tugadh isteach*)

*dá ngairmtear*

Acht chun árachais, in aghaidh díomhaointis idirbhriste de dheascaibh oibre go stad mar gheall ar dhoininn, do chur ar fáil do lámh-oibríthe ar fostú sa bhfoirgneoireacht, chun soeruithe do dhéanamh chun an árachais sin do leathnú go dtí lámh-oibríthe ar fostú i geeárda eile, agus chun soeruithe do dhéanamh i dtaobh nithe eile bhaineas leis na nithe roimhráite.

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*An tAire Tionnscail agus Tráchtála do thug isteach.*

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*Do hordúíodh, ag Dáil Eireann, do chlóbhuailadh, 5adh Iúil, 1939.*

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INSURANCE (INTERMITTENT UNEMPLOYMENT) BILL, 1939.

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## BILL

(*as introduced*)

*entitled*

An Act to provide for manual workers employed in the building trade insurance against intermittent unemployment resulting from stoppages of work due to inclement weather, to provide for the extension of such insurance to manual workers employed in other trades, and to provide for other matters connected with the matters aforesaid.

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*Introduced by the Minister for Industry and Commerce.*

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*Ordered by Dáil Eireann, to be printed, 5th July, 1939.*

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