

5. New Section 43.

There is no change in this section which is the old section thirty-two re-numbered.

5. New Section 44.

In substance the new section forty-four contains the same provisions as the old section forty-five which reads as follows:

"45. Where a claim for benefit by an insured person is disallowed by the court of referees or the umpire, on the ground

(a) that the third statutory condition is not fulfilled in his case; or

(b) that he is disqualified for receiving benefit under paragraphs (b) or (c) of section forty-three of this Act,

the court of referees or the umpire shall declare the insured person to be disqualified from receiving benefit for a period not exceeding six weeks beginning from such date as may be determined by the court of referees or the umpire, as the case may be."

The only change is that the provisions in paragraph (a) in the old section forty-five are not carried forward into the new section. The old forty-five (a) provided for a fixed period of disqualification where the claimant was, for example, unable to show that he was presently capable of entering employment. It is equally unsound to attempt to determine in advance what the period of physical incapacity will be and it could work out quite unfairly where, for instance, the person at the time of making his claim was unfit for employment and a six weeks' disqualification imposed. It might very well be that the physical incapacity would clear up in two weeks and the disqualification should be effective only until such time as the claimant can show that he is no longer incapacitated.

It is proposed to retain a provision (subsection two) permitting disqualification where it is clear there has been misrepresentation of unemployment, capability or availability.

5. New Section 45.

The new section forty-five is the old section forty-six re-numbered.

Paragraph (d) has been amended to include all the questions of coverage specified in section 28 (3).