STATUTORY RULES OF NORTHERN IRELAND

1996 No. 345

SOCIAL SECURITY

The Social Security (Malta) Order (Northern Ireland) 1996

Made - - - -	*24th July 1996*
Coming into operation	*1st September 1996*

In exercise of the powers conferred on me by section 155(1) and (2) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Social Security (Malta) Order (Northern Ireland) 1996 and shall come into operation on 1st September 1996.

Modification of the Social Security Contributions and Benefits (Northern Ireland) Act, the Social Security Administration (Northern Ireland) Act and the Jobseekers (Northern Ireland) Order

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), the Social Security Administration (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995(**3**) and any regulations made or having effect thereunder(**4**) shall be modified to such an extent as may be required to give effect to the provisions contained in the Convention on Social Security (providing for the earlier Conventions on Social Security to be consolidated into a single document) set out in the Schedule to this Order, so far as the same relate to Northern Ireland.

Revocation and variation of Orders

3.—(1) The National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1957(**5**) and the National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1958(**6**) are hereby revoked.

(**1**) 1992 c. 8
(**2**) 1992 c. 7
(**3**) S.I. 1995/2705 (N.I. 15)
(**4**) *See* section 155(5) of the Social Security Administration (Northern Ireland) Act 1992, as amended by paragraph 48 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995
(**5**) S.R. & O. (N.I.) 1957 No. 11
(**6**) S.R. & O. (N.I.) 1958 No. 118

(2) In Schedule 1 to the Social Security (Reciprocal Agreements) (Northern Ireland) Order 1976(**7**), the Schedule to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1979(**8**), the Schedule to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1988(**9**) and Schedule 2 to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1995(**10**), the entries relating to the National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1957 and the National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1958 shall be omitted.

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of State

Dated this 24th day of July 1996.

(**7**) S.I. 1976/1044
(**8**) S.R. 1979 No. 92
(**9**) S.R. 1988 No. 120
(**10**) S.R. 1995 No. 110

SCHEDULE Article 2

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF MALTA

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malta;

Having established reciprocity in the field of social security by means of the Conventions which were signed on their behalf at Valetta on 26th October 1956 and 21st March 1958;

Wishing to consolidate the above Conventions into a single document; and

Wishing to extend and modify the scope of that reciprocity and to take account of changes in their legislation;

Have agreed as follows:

Part I

General Provisions

ARTICLE 1**Definitions**

(1) For the purpose of this Convention, except where the context otherwise requires:

"additional pension" payable under the legislation of Great Britain, Northern Ireland or the Isle of Man means any additional pension based on the payment of insurance contributions above the level required for entitlement to basic pension;

"benefits for industrial accidents and industrial diseases" means—

(a) a pension or benefit payable to a person for loss of physical or mental faculty as a result of an industrial accident or an industrial disease arising out of, and in the course of, employed earner's employment under the legislation of Great Britain, Northern Ireland or the Isle of Man, or

(b) a pension or benefit payable to a person for personal injury or for loss of physical or mental faculty as a result of an accident arising out of, and in the course of, an insured person's employment or self-employment or an industrial disease under the legislation of Guernsey, or

(c) a pension or benefit payable to a person for the permanent loss of physical or mental faculty as a result of an industrial accident or an industrial disease arising out of, and in the course of, a person's employment or self-occupation as construed under the legislation of Malta;

"Category A retirement pension" means either, or both, a basic retirement pension and an additional pension based on a person's own insurance contributions or, for certain persons whose marriages have ended by divorce or widowhood, a basic retirement pension based on the former spouse's insurance contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension based on a person's own contributions or, for certain persons whose marriages have ended by divorce or widowhood, based on the former spouse's contributions, payable under the legislation of Guernsey;

"Category B retirement pension" means a basic retirement pension payable to a married woman on her husband's contributions, or, for a widow or widower, either, or both, a basic retirement pension and an additional pension based on the late spouse's contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension payable

under the legislation of Guernsey, to a married woman by virtue of the contributions of her husband while he is alive;

"competent authority" means in relation to the territory of the United Kingdom, the Department of Social Security for Great Britain, the Department of Health and Social Services for Northern Ireland, the Department of Health and Social Security of the Isle of Man, or the Guernsey Social Security Authority as the case may require, and in relation to Malta, the Department of Social Security in Malta;

"contribution period" means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation in question;

"dependant" means a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependant under the legislation in question;

"employed person" means—

(i) except for the purposes of Articles 26 to 28, a person who, in the applicable legislation, comes within the definition of an employed earner or of an employed person or is treated as such and the words "person is employed" shall be construed accordingly, or

(ii) for the purposes of Articles 26 to 28, a person who is, or who is treated as being, an employed earner or an employed person under the legislation of Great Britain, Northern Ireland or the Isle of Man, or an employed or self-employed person under the legislation of Guernsey;

"employment" means employment as an employed person and the words "employ", "employed" or "employer" shall be construed accordingly;

"equivalent period" means a period for which contributions appropriate to the benefit in question have been credited under the legislation of the Party in question;

"first contribution condition" means, for sickness benefit—

(i) in relation to Great Britain, Northern Ireland or the Isle of Man, that a person has paid fifty-two Class I or Class II contributions at any time before 6th April 1975, or has paid, in an income tax year beginning on or after 6th April 1975, Class I or Class II contributions producing an earnings factor of at least fifty times that year's lower earnings limit, or

(ii) in relation to Guernsey, that a person has paid at least twenty-six reckonable contributions since 4th January 1965;

"former Conventions" means the Conventions signed at Valletta on 26th October 1956 and 21st March 1958;

"gainfully employed" means, in relation to the United Kingdom, employed or self-employed and in relation to Malta, employed or self-occupied;

"Guernsey" means the Islands of Guernsey, Alderney, Herm and Jethou;

"income tax year" means in relation to the United Kingdom, the twelve months beginning with 6th April in any year;

"insurance authority" means the authority competent to decide entitlement to the benefit in question;

"insurance period" means a contribution period or an equivalent period;

"insured" means, in relation to both Parties, that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned;

"invalidity benefit" means—

(i) long-term incapacity benefit, additional pension, invalidity allowance and incapacity age addition payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or

(ii) invalidity benefit payable under the legislation of Guernsey, or

(iii) a pension in respect of invalidity payable under the legislation of Malta;

"legislation" means, in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of a Party, or in any part of the territory of that Party;

"Malta" has the same meaning as that assigned to it in the Constitution of Malta;

"orphan's benefit" means guardian's allowance payable under the legislation of the United Kingdom, and orphan's allowance and orphan's supplementary allowance payable under the legislation of Malta;

"Party" means the United Kingdom, including any part of the United Kingdom, or Malta;

"pension", "allowance" or "benefit" includes any increases of, or any additional amount payable with, a pension, allowance or benefit respectively;

"prescribed period" means, in relation to Guernsey, the period commencing on the same date under the legislation of Guernsey as the relevant period for the purposes of old age pension and ending on 31st December next preceding the date on which entitlement to invalidity benefit first arose;

"qualifying period" means, for invalidity benefit—

(i) in relation to Great Britain, Northern Ireland, or the Isle of Man, a period of incapacity of 364 days under the legislation of Great Britain, Northern Ireland or the Isle of Man, or

(ii) in relation to Guernsey, a period of incapacity of 156 days, excluding Sundays, under the legislation of Guernsey;

"qualifying year" means—

(i) in relation to Great Britain, Northern Ireland or the Isle of Man, at least fifty weeks of insurance for periods before 6th April 1975, or that the person has received, or been treated as having received, earnings of at least fifty-two times the lower earnings limit in an income tax year after 5th April 1978 under the legislation of Great Britain, Northern Ireland and the Isle of Man, or

(ii) in relation to Guernsey or Malta, an insurance period of not less than fifty weeks under the relevant legislation;

"reckonable year" means, in relation to the United Kingdom, an income tax year between 6th April 1975 and 5th April 1978 during which contributions have been paid on earnings received, or treated as received, of at least fifty times the lower earnings limit for that year;

"retirement pension" means retirement pension or old age pension payable under the legislation of the United Kingdom, and a pension in respect of retirement payable under the legislation of Malta, excluding a Two-Thirds Pension;

"seasonal worker" means a person subject to the legislation of Guernsey or Malta, who goes to the territory of Guernsey or Malta (not being the one in which he ordinarily resides) in order to carry out in that territory for an employer or undertaking with a place of business there, employment of a seasonal character which depends on the cycle of the seasons and which recurs automatically each year, and the duration of which cannot in any case exceed eight months, and who remains in that territory for the duration of his employment;

"second contribution condition" means, for sickness benefit—

(i) in relation to Great Britain, Northern Ireland or the Isle of Man, that a person has either paid or has been credited with Class I or Class II contributions producing an earnings