STATUTORY RULES OF NORTHERN IRELAND

1992 No. 151

SOCIAL SECURITY

The Social Security (Barbados) Order (Northern Ireland) 1992

Made - - - -	*16th March 1992*
Coming into operation	*1st April 1992*

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**1**) and Article 17 of the Child Benefit (Northern Ireland) Order 1975(**2**) 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 (Barbados) Order (Northern Ireland) 1992 and shall come into operation on 1st April 1992.

Modification of the Social Security (Northern Ireland) Act 1975

2. The Social Security (Northern Ireland) Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Modification of the Child Benefit (Northern Ireland) Order 1975

3. Part II of the Child Benefit (Northern Ireland) Order 1975 (child benefit) and any regulations made under it shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in the Schedule to this order, so far as the same relate to Northern Ireland.

(**1**) 1975 c. 15; section 134 was amended by section 20(3) of, and extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), and further amended by Article 66(2) of the Social Security (Northern Ireland) Order 1986 (S. I. 1986/1888 (N. I. 18)); subsection (1A) was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S. I. 1981/1118 (N. I. 25))

(**2**) S. I. 1975/1504 (N. I. 16); Article 17 was amended by Article 16 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S. I. 1977/610 (N. I. 11)), and Article 66(3) of the Social Security (Northern Ireland) Order 1986; paragraph (1A) was inserted by Article 7(2) of the Social Security (Northern Ireland) Order 1981

P. L. Brooke
One of Her Majesty's Principal Secretaries of State

Dated this 16th day of March 1992.

SCHEDULE Articles 2 and 3

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

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

Being resolved to co-operate in the field of social affairs and, in particular, in the matter of social security;

Wishing to promote the welfare of persons moving between or working in their respective territories;

Wishing to ensure that persons from both countries shall enjoy equal rights in respect of matters covered by this Convention under their respective social security legislation;

Wishing to make arrangements for insurance periods completed under the legislation of the Contracting Parties to be added together for the purpose of determining the right to receive benefit;

Wishing further to make arrangements for enabling persons moving between their respective territories to keep the rights which they have acquired under the legislation of the one Party or to enjoy corresponding rights under the legislation of the other Party;

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;

"Barbados" means the Island of Barbados;

"benefits for industrial accidents and industrial diseases" means—

(i) 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 Jersey, and, in addition, accident benefit payable under the legislation of Jersey;

(ii) a 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;

(iii) employment injury benefits payable to a person in insurable employment for loss of physical or mental faculty, as a result of an accident or disease arising out of, and in the course of, such employment, or in respect of death resulting therefrom, under the legislation of Barbados;

"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 insurance 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 Jersey or 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 to a married woman under the legislation of Jersey or Guernsey by virtue of the contributions of her husband while he is alive;

"child benefit" means child benefit payable under the legislation of Great Britain, Northern Ireland or the Isle of Man or family allowance payable under the legislation of Jersey;

"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, the Social Security Committee of the States of the Island of Jersey or the States of Guernsey Insurance Authority as the case may require, and, in relation to Barbados, the Minister responsible for National Insurance, the National Insurance Board or the Director, National Insurance Scheme, as the context requires;

"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;

"death grant" means a death grant payable under the legislation of Jersey or Guernsey, or a funeral grant payable under the legislation of Barbados;

"dependant" means, in relation to the United Kingdom, 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 concerned;

"employed person" means—

(i) , except for the purposes of Articles 23 to 25, 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;

(ii) , for the purposes of Articles 23 to 25, a person who is, or who is treated as being, an employed person under the legislation of Great Britain, Northern Ireland, the Isle of Man or Barbados, or an employed or self-employed person under the legislation of Jersey or 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 one or the other Party;

"gainfully employed" means employed or self-employed;

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

"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 invalidity pension, additional pension and invalidity allowance payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, invalidity

benefit payable under the legislation of Jersey or Guernsey, and invalidity pension or grant payable under the legislation of Barbados;

"Jersey" means the Island of Jersey;

"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;

"maternity allowance" means maternity allowance payable under the legislation of the United Kingdom, and maternity benefit payable under the legislation of Barbados;

"maternity grant" means maternity grant payable under the legislation of Jersey, Guernsey or Barbados;

"orphan's benefit" means guardian's allowance payable under the legislation of Great Britain, Northern Ireland, the Isle of Man or Guernsey;

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

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

"retirement pension" means retirement pension or old age pension payable under the legislation of the United Kingdom, and old age contributory pension payable under the legislation of Barbados;

"seasonal worker" means a person subject to the legislation of Jersey or Guernsey or Barbados who goes to the territory of Jersey or Guernsey or Barbados (not being the one in which he is ordinarily resident) 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;

"self-employed person" means a person who, in the applicable legislation, comes within the definition of a self-employed earner or of a self-employed person or is treated as such, and the words "person is self-employed" shall be construed accordingly;

"sickness benefit" means sickness benefit payable under the legislation of either Party;

"social assistance" means income support payable under the legislation of Great Britain and Northern Ireland, and supplementary benefit payable under the legislation of the Isle of Man;

"statutory maternity pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in connection with pregnancy and for a period before and after confinement;

"statutory sick pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in respect of sickness;

"territory" means, in relation to the United Kingdom, Great Britain, Northern Ireland and also the Isle of Man, Jersey and Guernsey; and references to the "United Kingdom" or to "territory" in relation to the United Kingdom shall include the Isle of Man, Jersey and Guernsey where appropriate;

"widow's benefit" means widow's allowance, widow's payment, widowed mother's allowance and widow's pension payable under the legislation of the United Kingdom and, in addition, widowed father's allowance payable under the legislation of Jersey, and survivors' pensions payable under the legislation of Barbados.

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.