1987 No. 399

SOCIAL SECURITY

The Social Security (Portugal) Order (Northern Ireland) 1987

Made	*21st October 1987*
Coming into operation . .	*22nd October 1987*

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**) and Article 17 of the Child Benefit (Northern Ireland) Order 1975(**b**) and of all other powers enabling me in that behalf, I hereby make the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security (Portugal) Order (Northern Ireland) 1987 and shall come into operation on 22nd October 1987.

(2) In this order ''the principal order'' means the Social Security (Portugal) Order (Northern Ireland) 1979(**c**).

Modification of Act and Order and variation of the principal order

2. The Social Security (Northern Ireland) Act 1975 and the Child Benefit (Northern Ireland) Order 1975 and any regulations made under it shall be modified and the principal order shall be varied so as to give effect to the agreement made on 28th September 1987 the terms of which are contained in the Note from the Portuguese Ambassador to the Court of St. James' to the Secretary of State for Foreign and Commonwealth Affairs which is set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Dated this 21st day of October 1987.

Tom King
One of Her Majesty's Principal Secretaries of State

(**a**) 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 (1977 c. 5), and subsection (1A) of section 134 was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(**b**) 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 paragraph (1A) of Article 17 was inserted by Article 7(2) of the Social Security (Northern Ireland) Order 1981

(**c**) S.R. 1979 No. 303

SCHEDULE

Note from the Portuguese Ambassador to the Court of St. James' to the Secretary of State for Foreign and Commonwealth Affairs

28th September 1987

Sir,

I have the honour to acknowledge receipt of your Note of 14th August 1987 which reads as follows—

"I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Portugal, which was signed at London on 15th November 1978 (hereinafter referred to as "the Convention"), and to recent correspondence between the Department of Health and Social Security of the United Kingdom and the Departamento de Relações Internacionais e Convenções de Segurança Social of Portugal concerning the need to amend the Convention to introduce revised family allowance provisions, to take account of changes made in United Kingdom social security legislation, and to make other minor modifications.

I now have the honour to propose the following amendments to the said Convention:

(*a*) in Article 11 the existing paragraph (4) shall be renumbered (5) and the following paragraph inserted after paragraph (3):

"(4) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 5 to 9 of this Convention, he shall be treated under that legislation for the purpose of any claim to sickness benefit or maternity allowance as if he were in the territory of the latter Party."

(*b*) Article 12 shall be amended by inserting after paragraph (2) the following new paragraph (3):

"(3) Where a woman is confined on or after 4th July 1982 in Great Britain, Northern Ireland or the Isle of Man (other than a woman who is treated as having been confined there by virtue of Article 12(1)), periods during which she was present in the territory of Portugal shall be treated for the purpose of a claim by her for maternity grant under the legislation of the Party in whose territory the confinement occurred as if they were periods during which she was present in that territory."

(*c*) Article 26 shall be deleted and the following provision substituted—

"*Article 26*

(1) Subject to the provisions of paragraph (9) of this Article, where a person (other than a self-employed person) is employed in the territory of one Contracting Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 5 to 9 of this Convention he shall be treated, for the purpose of any claim to receive family allowance under that legislation—

(*a*) as if he were in the territory of the latter Party and employed in that territory;

(*b*) as if his children or other dependants were in the territory of the latter Party, if they are in the territory of the former Party.

(2) Subject to the provisions of paragraphs (1), (3), (4) and (9) of this Article, a person (other than a self-employed person) subject to the legislation of one Party in respect of his employment shall be entitled to the family allowance