1982 No. 378

SOCIAL SECURITY

The Social Security (Reciprocal Agreements) Order (Northern Ireland) 1982

Made	*27th October 1982*
Coming into operation . . .	*27th October 1982*

In exercise of the powers conferred on me by section 134(1) of the Social Security (Northern Ireland) Act 1975(a) 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 (Reciprocal Agreements) Order (Northern Ireland) 1982 and shall come into operation on 27th October 1982.

Modification of Orders in Council or orders made by the Secretary of State

2.—(1) Any Order in Council, or order made by the Secretary of State, specified in Schedule 2 to this order shall, for the purposes of section 134 of the Social Security (Northern Ireland) Act 1975, have effect subject to the modifications relating to such Order in Council, or order made by the Secretary of State, contained in Schedule 1 to this order.

(2) Any such Order in Council, or order made by the Secretary of State, shall have effect as if the agreement proposed by Her Majesty's Government for modifying the agreement set out in the Schedule to such Order in Council, or order made by the Secretary of State, so as to take account of changes in the legislation of the United Kingdom without otherwise altering the effect of such agreement, had been entered into.

Dated this 27th day of October 1982.

James Prior
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 further amended by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

SCHEDULE 1

1. Modification of the National Insurance and Industrial Injuries (Reciprocal Agreement with Sweden) Order (Northern Ireland) 1957

The agreement contained in the Schedule to the National Insurance and Industrial Injuries (Reciprocal Agreement with Sweden) Order (Northern Ireland) 1957(a) shall be amended as follows:—

(*a*) in sub-paragraph (*c*) of Article 7 the words "maternity grant or" shall be deleted;

(*b*) for Article 11 there shall be substituted the following:—

"*Article 11*

(1) Where a woman is confined in the United Kingdom (other than a woman who is treated as having been confined there by virtue of paragraph (2) of this Article), periods during which she was present in Sweden shall be treated for the purpose of a claim by her for maternity grant under the legislation of that part of the United Kingdom in whose territory the confinement occurred as if they were periods during which she was present in that territory.

(2) For the purpose of any right to maternity grant under the legislation of the United Kingdom, a confinement in Sweden shall be treated as if it were a confinement in the United Kingdom.

(3) Where, but for the provisions of this paragraph, a woman would be entitled to receive a maternity grant under the legislation of more than one part of the United Kingdom by virtue of the provisions of this Convention, a grant shall be payable only under the legislation of the part in which the confinement occurred, unless the confinement occurred in Sweden, in which case the grant shall be payable under the legislation of that part of the United Kingdom in which she was last resident.".

2. Modification of the Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland) 1960

The agreement contained in the Schedule to the Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland) 1960(b) shall be amended as follows:—

(*a*) in sub-paragraph (*c*) of Article 7, the words "maternity grant or" shall be deleted;

(*b*) for Article 9 there shall be substituted the following:—

"ARTICLE 9

Maternity Grant

(1) Where a woman is confined in the territory of one Party, for the purpose of a claim for maternity grant under the legislation of that Party, periods of presence or residence completed in the territory of the other Party shall, where necessary, be treated as if they were periods of presence or residence completed in the territory of the former Party.

(2) Where a woman would be entitled to a maternity grant under the legislation of both Parties in respect of the same confinement, whether by virtue of this Convention or otherwise:

(*a*) the grant shall be payable only under the legislation of the Party in whose territory the confinement occurs; or

(*b*) if the confinement does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under which the woman was last insured before the confinement, or, if she were never insured, under the legislation of the Party under whose legislation her husband was last insured, before her confinement.".

(a) S.R. & O. (N.I.) 1957 No. 98 (p. 755) as modified by S.I. 1976/1044 and S.R. 1979 No. 92
(b) S.R. & O. (N.I.) 1960 No. 67 as modified by S.I. 1976/1044 and S.R. 1979 No. 92