**1977 No. 378**

# SOCIAL SECURITY

## The Social Security (Isle of Man) Order (Northern Ireland) 1977

*Made* . . . . . 21*st December* 1977

*Coming into operation* . . . 1*st January* 1978

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**), as that section is amended by section 20(3) of, and as that section is extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977(**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 (Isle of Man) Order (Northern Ireland) 1977 and shall come into operation on 1st January 1978.

(2) Any reference in this order to any provision made by, or contained in, any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument, and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply for the purposes of the interpretation of this order and the revocation effected by it as they would apply if this order and the Order which it revokes were Acts of Parliament and the revocation were a repeal.

*Modification and Adaptation of the Social Security (Northern Ireland) Act* 1975

**2.**—(1) 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 Agreement relating to Social Security set out in Schedule 1 to this order, so far as the same relate to Northern Ireland.

(2) In particular and without prejudice to paragraph (1) above any provision of the Social Security (Northern Ireland) Act 1975 specified in Schedule 2 to this order shall be adapted so that any act, omission or event to which the corresponding provision in Isle of Man legislation relates is deemed to be an act, omission or event to which that provision of the Social Security (Northern Ireland) Act 1975 relates; and in that provision references to—

(*a*) the Department shall be construed as including references to the Isle of Man Board of Social Security;

(*b*) the Northern Ireland National Insurance Fund shall be construed as including references to the Manx National Insurance Fund;

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(a) 1975 c. 15
(b) 1977 c. 5
(c) 1889 c. 63

(*c*) benefit, contributions and employed earners shall be construed as references to benefit, contributions and employed earners respectively within the meaning of the Social Security Act 1975(**d**) (an Act of Parliament) as applied to the Isle of Man by virtue of orders made under the Social Security Legislation (Application) Act 1974 (an Act of Tynwald),

and cognate expressions shall be construed accordingly.

*Revocation and Variation of Orders*

**3.**—(1) The National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order (Northern Ireland) 1949(**e**) is hereby revoked.

(2) In Schedule 1 to the Social Security (Reciprocal Agreements) (Northern Ireland) Order 1976(**f**) the references to the said Order of 1949 and to the National Insurance (Isle of Man Reciprocal Agreement) Order (Northern Ireland) 1949(**g**) shall be omitted.

Dated this 21st day of December 1977.

*Roy Mason*
One of Her Majesty's Principal Secretaries of State

(**d**) 1975 c. 14
(**e**) S.R. & O. (N.I.) 1949 No. 84 (p. 334)
(**f**) S.I. 1976/1044
(**g**) S.R. & O. (N.I.) 1949 No. 83 (p. 310)

SCHEDULE 1 Article 2(1)

**Agreement relating to Social Security between the Secretary of State for Social Services and the Department of Health and Social Services for Northern Ireland of the one part and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security constituted under the Isle of Man Board of Social Security Act 1970, of the other part**

1.—(1) In the present Agreement, unless the context otherwise requires:

"the Acts" means, in relation to the United Kingdom, the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975 in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by an instrument and, in relation to the Isle of Man, any applied legislation relating to social security; but does not include any enactment made for the purpose of giving effect to the provisions of any agreement applying to one of the territories and providing for reciprocity with a scheme of social security in force outside the United Kingdom and the Isle of Man;

"applied legislation relating to social security" means any legislation having effect in the Isle of Man by virtue of an order made under the Social Security Legislation (Application) Act 1974 (an Act of Tynwald) as amended by any subsequent Act of Tynwald but not including legislation relating to supplementary benefit or child benefit;

"competent authority" means, in relation to the United Kingdom, the Secretary of State for Social Services or the Department of Health and Social Services for Northern Ireland as the case may require and in relation to the Isle of Man, the Isle of Man Board of Social Security;

"territory" means, in relation to the United Kingdom, England, Scotland, Wales and Northern Ireland, and in relation to the Isle of Man, the Isle of Man.

(2) Unless the context otherwise requires, in the application of the present Agreement to a territory, expressions in the present Agreement shall have the same respective meanings as in the Act which relates to that territory.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of the present Agreement as they apply for the purpose of the interpretation of an Act of Parliament.

2.—(1) For the purposes of all or any of the provisions of the systems of social security established by the Acts—

(*a*) acts, omissions and events and in particular residence, presence, employment (including employment as a mariner or airman), the occurrence of an industrial accident or the development of any prescribed disease, the payment, crediting or treating as paid of contributions (including graduated contributions and payments in lieu of graduated contributions), the refund of contributions paid in excess of the annual maximum amounts payable and the claiming or payment of benefit; and

(*b*) the operation of any provisions as to exception from liability to pay contributions,

having effect for all or any of those purposes in one territory shall have corresponding effect for all or any of those purposes in the other territory.

(2) If an employed earner has an accident after he leaves one territory to go in the course of his employment to the other territory and before he arrives in the latter territory, then for the purpose of any right to benefit in respect of that accident:—

(*a*) a claim for benefit may be made in either territory; and