1976 No. 196

SOCIAL SECURITY

The Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976

Made . . . . . *25th June* 1976

Coming into operation . . . *6th September* 1976

The Department of Health and Social Services for Northern Ireland, in conjunction with the Department of Finance for Northern Ireland, in exercise of the powers conferred on it by section 133 of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976 and shall come into operation on 6th September 1976.

(2) Any reference in these regulations 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(**b**) shall apply in relation to this statutory rule and in relation to any revocation effected by it as if this statutory rule, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament and as if each revocation were a repeal.

Modification of the Social Security (Northern Ireland) Act 1975, the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955, the Births and Deaths Registration Act (Northern Ireland) 1967 and certain regulations

2.—(1) The provisions contained in the Memorandum of Reciprocal Arrangements set out in Schedule 1 to these regulations shall have effect so far as the same relate to Northern Ireland, and the Social Security (Northern Ireland) Act 1975 and regulations made or having effect as if made under that Act or the Social Security (Consequential Provisions) Act 1975(**c**), so far as such regulations relate to Northern Ireland, shall have effect subject to such modifications as may be required in them for the purpose of giving effect to the said provisions.

(2) In particular and without prejudice to paragraph (1) above any provision of the Social Security (Northern Ireland) Act 1975 specified in column 1 of Part I, or of the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955(**d**) specified in column 1 of Part II, or of the

(**a**) 1975 c. 15
(**b**) 1889 c. 63
(**c**) 1975 c. 18
(**d**) 1955 c. 29 (N.I.)

Births and Deaths Registration Act (Northern Ireland) 1967(e) specified in column 1 of Part III, of Schedule 2 to these regulations ("the column 1 provision") shall be adapted so that any act, omission, event or other matter to which the provision of the Great Britain legislation specified in the corresponding paragraph of column 2 of the said Part I, II or III, as the case may be, relates is deemed to be an act, omission, event or other matter to which the column 1 provision relates; and in that provision references to—

(*a*) the Department shall be construed as including references to the Secretary of State for Social Services;

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

(*c*) benefit, contributions and employed earners shall be construed as including references to benefit, contributions and employed earners respectively within the meaning of the Social Security Act 1975(f);

and cognate expressions shall be construed accordingly.

Revocations

3.—(1) The National Insurance (Industrial Injuries) (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1948(g) and regulation 5 of the Social Security (Miscellaneous Amendments and Transitional Provisions) Regulations (Northern Ireland) 1975(h) are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 25th June 1976.

(L.S.) *C. G. Oakes*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 25th June 1976.

(L.S.) *C. F. Darling*
Senior Assistant Secretary

(e) 1967 c. 25 (N.I.)
(f) 1975 c. 14
(g) S.R. & O. (N.I.) 1948 No. 193 (p. 1089)
(h) S.R. 1975 No. 95

SCHEDULE 1 Regulation 2(1)

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO SOCIAL SECURITY BETWEEN THE SECRETARY OF STATE FOR SOCIAL SERVICES, WITH THE CONSENT OF THE TREASURY, OF THE ONE PART AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND, WITH THE CONSENT OF THE DEPARTMENT OF FINANCE FOR NORTHERN IRELAND, OF THE OTHER PART.

1.—(1) In this Memorandum, unless the context otherwise requires:—

"the Act" means, in relation to Great Britain, the Social Security Act 1975 and, in relation to Northern Ireland, 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 any instrument; but not one made for the purpose of giving effect to the provisions of any agreements applying to one of the two territories and providing for reciprocity with a scheme of social security in force outside the United Kingdom; and "the Acts" means both of those Acts;

"determining authority" means, in relation to Great Britain, an insurance officer, a local tribunal, a Commissioner, a medical board, a medical appeal tribunal, or the Attendance Allowance Board, as the case may require, and in relation to Northern Ireland, an insurance officer, a local tribunal, a Commissioner, a medical board, a medical appeal tribunal or the Attendance Allowance Board for Northern Ireland, as the case may require;

"territory" means Great Britain or Northern Ireland, as the case may require.

(2) Unless the context otherwise requires, in the application of this Memorandum to a territory, expressions used in this Memorandum 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 this Memorandum as they apply for the purposes 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 payment or claiming 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

(*b*) the accident shall be treated as if it had happened in the territory in which the claim is made; and

(*c*) the employed earner's absence from either territory shall be disregarded in determining whether the employment is employed earner's employment for the purposes of those provisions of the Acts relating to industrial injuries benefits.

3.—(1) Subject to paragraphs (2) and (3) of this Article—

(*a*) a decision of the determining authority on any question relating to a claim for benefit arising under or in connection with the Acts may be reviewed;

(*b*) any appeal from such a decision, from a decision given on a review of, or from a refusal to review, such a decision may be determined; and

(*c*) an assessment of the extent of disablement may be reviewed, on account of an unforeseen aggravation of the results of the relevant injury,

under the legislation of the territory in which the claimant is as if that question or appeal had arisen or that assessment had been made in that territory notwithstanding that it arose or was made in the other territory.

(2) For the purposes of this Article a reference to a medical appeal tribunal for consideration of a decision of a medical board shall be treated as if it were an appeal from that decision.

(3) Nothing in this Article shall permit an appeal to a Commissioner in Great Britain from a decision of a medical appeal tribunal in Northern Ireland.

4. The provisions of Articles 2 and 3 of this Memorandum shall not confer a right to double benefit.

5. The National Insurance Joint Authority shall be responsible for making any necessary financial adjustments between the National Insurance Fund and the Northern Ireland National Insurance Fund as a consequence of the provisions of this Memorandum.

6. The National Insurance Joint Authority shall from time to time determine the administrative procedure appropriate for the purposes of giving effect to the provisions of this Memorandum.

7. The arrangements in this Memorandum shall come into operation on 6th September 1976, but either Party may terminate them by giving not less than six months' notice in writing to the other.

8. The Memoranda of Reciprocal Arrangements dated 11th November 1947 and 22nd December 1947 as amended and extended (which arrangements relate to national insurance and industrial injuries respectively) and made between the Minister of National Insurance, with the consent of the Treasury, of the one part and the Ministry of Labour and National Insurance for Northern Ireland, with the consent of the Ministry of Finance for Northern Ireland, of the other part shall be terminated upon the coming into operation of this Memorandum, and anything whatsoever occurring, done or suffered before any such termination and having effect for the purposes of the said Memoranda shall be treated as having a corresponding effect for the purposes of this Memorandum.

Signed, on 13th day of May 1976.

David Ennals
Secretary of State for Social Services.