1972. No. 4 **[NC]**

NATIONAL INSURANCE

Republic of Ireland

ORDER IN COUNCIL, DATED 3RD JANUARY 1972, MADE UNDER SECTION 99 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

WHEREAS at London on 14th September 1971, an Agreement on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland (which Agreement is set out in the Schedule and is hereinafter referred to as "the Agreement") was signed on behalf of those Governments:

AND WHEREAS by Article 13 of the Agreement it is provided that the Agreement should come into force on 23rd September 1971:

AND WHEREAS by section 99 of the National Insurance Act (Northern Ireland) 1966(a), it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting that Act in its application to cases affected by agreements with other governments providing for reciprocity in matters specified in that section:

NOW, THEREFORE, I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of Northern Ireland, in pursuance of the said section 99, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:

Citation and commencement

1. This Order may be cited as the National Insurance (Republic of Ireland) Order (Northern Ireland) 1972 and shall come into operation with effect from 23rd September 1971.

Modification of Acts

2. The provisions contained in the Agreement shall have full force and effect, so far as they relate to Northern Ireland and provide for reciprocity in any matters specified in section 99(1) of the National Insurance Act (Northern Ireland) 1966; and the National Insurance Acts (Northern Ireland) 1966 to 1971 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

GIVEN at Government House, Hillsborough, this 3rd day of January 1972.

H. V. Kirk
W. K. Fitzsimmons
W. J. Long

(a) 1966. c. 6 (N.I.).

SCHEDULE

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND

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

Desirous of amending the Agreements on social security which have been signed on their behalf and extending the scope of those Agreements;

Have agreed as follows:

ARTICLE 1

(1) This Agreement shall be read as one with the Agreement on Social Security which was signed on behalf of the Contracting Parties at Dublin on 28 February 1966, as amended by the Agreement on Social Security which was signed on their behalf at Dublin on 3 October 1968 (hereinafter called, respectively, "the Agreement of 1966" and "the Agreement of 1968").

(2) In Article 1(1) of the Agreement of 1966, for the definitions of "competent authority", "old age benefit" and "yearly average" there shall be, respectively, substituted the following definitions:

"competent authority" means, in relation to the United Kingdom, according to the context, the Secretary of State for Social Services or the Ministry of Health and Social Services for Northern Ireland or the Isle of Man Board of Social Security and, in relation to the Republic of Ireland, the Minister for Social Welfare;

"old age benefit" means retirement pension (other than graduated retirement benefit) under the legislation of the United Kingdom and retirement pension or old age (contributory) pension under the legislation of the Republic of Ireland;

"yearly average", with respect to any person, means—

(*a*) in relation to the legislation of the United Kingdom, the yearly average of the contributions paid by or credited to him ascertained in accordance with that legislation at the date of his attaining pensionable age or dying under that age;

(*b*) in relation to the legislation of the Republic of Ireland, the average per contribution year of the contributions paid by or credited to him ascertained in accordance with that legislation for the purposes of satisfying, according to the context,

(i) the third contribution condition for either retirement pension or old age (contributory) pension or

(ii) the second contribution condition set out in paragraph 4(*b*)(ii) of the Fourth Schedule to the Social Welfare Act, 1952 (as amended by the Social Welfare (Miscellaneous Provisions) Act, 1966) for widow's (contributory) pension by virtue of the insurance of the widow's late husband.

(3) At the end of Article 1(1) of the Agreement of 1966, as amended by Article 3(2) of the Agreement of 1968, there shall be added the following definitions:

"contribution of the appropriate class" means a contribution under the legislation of one (or the other) country having effect for all the purposes of the benefit in question;

"invalidity pension" has the meaning assigned to it in the legislation concerned;

"relevant reciprocal provisions" means the provisions of any reciprocal agreement made before 1966 between the Contracting Parties or the competent authorities of the two countries.

(4) The relevant reciprocal provisions, and the provisions of the Agreement of 1966 and the Agreement of 1968, concerning sickness benefit and disability benefit shall apply to invalidity pension in the same way as they apply to sickness benefit and disability benefit provided that Article 7(1)(*aa*) of the Agreement of 1960 and Article 7(2)(*aa*) of the Agreement of 1964 shall not apply.

(5) For the purposes of any of the provisions of this Agreement in relation to widow's benefit, no account shall be taken of any contributions paid by or credited to the widow either before or after her late husband's death.

ARTICLE 2

The relevant reciprocal provisions on maternity grants shall no longer apply but in their place the following provisions shall apply:

(1) For the purpose of any claim to receive a maternity grant under the legislation of one country, a woman who is in, or is confined in, the other country shall be treated as if she were, respectively, in, or confined in, the former country.

(2) Where, but for the provisions of this paragraph, a woman would have been entitled to receive maternity grants for the same confinement under the legislation of both countries, she shall be entitled to receive a grant or grants only under that legislation under which the grant or the sum of the grants, as the case may be, is greater.

(3) If, but for the provisions of this Article, a woman would not be entitled to receive a maternity grant under the legislation of either country, then, for the purpose of her claim to receive a grant or grants under the legislation of the country in which she is confined or, if she is not confined in either country, under the legislation of that country in which she was last ordinarily resident before her confinement, any contribution of the appropriate class paid or credited under the legislation of the other country shall be treated as if it were, respectively, a contribution of the appropriate class paid or credited under the legislation of the former country.

ARTICLE 3

(1) Where an insured person claims unemployment benefit under the legislation of one country, having completed, since his last arrival in that country, spells of employment in that country which amount in the aggregate to at least six weeks, the relevant reciprocal provisions on unemployment benefit shall not apply to him but, for the purpose of his claim, he shall be treated as if any contribution of the appropriate class which he has paid or had credited to him under the legislation of the other country were, respectively, a contribution of the appropriate class which he had paid or had had credited to him under the legislation of the former country.

(2) For the purpose of applying the provisions of paragraph (1) of this Article, no account shall be taken of any spell of employment for which contributions of the appropriate class are not payable under the legislation under which the claim is made.

(3) The number of days for which an insured person would, but for the provisions of this paragraph, be entitled to receive unemployment benefit under the legislation of one country by virtue of paragraph (1) of this Article shall be reduced by the number of days for which he has received it under the legislation of the other country in the same period of interruption of employment, as defined in the legislation of the former country.