1968. No. 252 **[NC]**

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Republic of Ireland

ORDER IN COUNCIL, DATED 8TH NOVEMBER 1968, MADE UNDER SECTION 99 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966 AND SECTION 79 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

ERSKINE OF RERRICK

Whereas at Dublin on 3rd October 1968, 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 2 of the Agreement it is provided that the Agreement shall come into force on 4th November 1968:

And whereas by section 99 of the National Insurance Act (Northern Ireland) 1966(**a**) and section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**b**) it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting those Acts in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, I, John Maxwell, Baron Erskine of Rerrick, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor of Northern Ireland, in pursuance of the said section 99 of the National Insurance Act (Northern Ireland) 1966 and the said section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, 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 and Industrial Injuries (Republic of Ireland) Order (Northern Ireland) 1968, and shall come into operation with effect from 4th November 1968.

Modification of Acts

2. The provisions contained in the Agreement shall have full force and effect, so far as the same relate to Northern Ireland and provide for reciprocity with the Government of the Republic of Ireland in any matters specified in section 99(1) of the National Insurance Act (Northern Ireland) 1966 or

(**a**) 1966. c. 6 (N.I.). (**b**) 1966. c. 9 (N.I.).

section 79(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966; and accordingly the National Insurance Acts (Northern Ireland) 1966 to 1968 and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1968 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 8th day of November 1968.

H. V. Kirk

Wm. J. Morgan

W. K. Fitzsimmons

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 extending the scope of the Agreement on Social Security which was signed on their behalf at Dublin on 28 February 1966 and of earlier Agreements,

Have agreed as follows:

ARTICLE 1

For the purposes of the present Agreement "the Agreement of 1966" means the Agreement on Social Security which was signed on behalf of those Governments at Dublin on 28 February 1966.

ARTICLE 2

This Agreement shall come into force on 4 November 1968, and shall be read as one with the Agreement of 1966.

ARTICLE 3

(1) In Article 1(1) of the Agreement of 1966, for the definitions of "the legislation of the United Kingdom", "the legislation of the Republic of Ireland", "the United Kingdom Fund" and "the Fund of the Republic of Ireland", there shall be, respectively, substituted the following definitions—

"the legislation of the United Kingdom" means, according to the context, the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965, the National Insurance Act (Northern Ireland) 1966, the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, the National Insurance (Isle of Man) Acts 1948 to 1966 or the National Insurance (Industrial Injuries) (Isle of Man) Acts 1948 to 1966, and includes enactments repealed or consolidated by, or repealed by enactments consolidated by, those Acts;

"the legislation of the Republic of Ireland" means the Social Welfare Acts 1952 to 1968, and includes enactments repealed by those Acts;

"the United Kingdom Fund" means, according to the context, the National Insurance Fund, the Industrial Injuries Fund, the Northern Ireland National Insurance Fund, the Northern Ireland Industrial Injuries Fund, the Manx National Insurance Fund or the Manx Industrial Injuries Fund established under the legislation of the United Kingdom;

"the Fund of the Republic of Ireland" means, according to the context, the Social Insurance Fund or the Occupational Injuries Fund established under the legislation of the Republic of Ireland.

(2) At the end of the said Article 1(1) there shall be added the following words—

" "the earlier agreements" means all previous agreements between the Governments of the two countries or the competent authorities of the two countries providing for reciprocity in relation to the subject-matter of the legislation of the two countries;

"benefit" means any benefit, pension, allowance or grant under the legislation of the United Kingdom or under the legislation of the Republic of Ireland, as the case may require;

"occupational injuries benefit" means injury benefit, disablement benefit and death benefit under the legislation of the United Kingdom or under the legislation of the Republic of Ireland, as the case may require;

"industrial injury" or "industrial disease" means, respectively, an injury or disease in respect of which occupational injuries benefit is payable;

"non-domiciled airman" means, for the purposes of the legislation of the United Kingdom, an airman for those purposes who neither is domiciled nor has a place of residence in the United Kingdom and, for the purposes of the legislation of the Republic of Ireland, means an airman for those purposes who neither is domiciled, nor has a place of residence in the Republic of Ireland."

ARTICLE 4

Article 11 of the Agreement of 1966 shall be supplemented by the addition of the following paragraphs—

"(5) The relevant reciprocal provisions shall not apply, for the purposes of sickness or disability benefit under the legislation of one country, to a person claiming that benefit if, for the date for which benefit is claimed, widow's benefit, a widow's (contributory) pension or a pension by way of death benefit (other than an orphan's pension) is payable to that person under the legislation of the other country or an increase of benefit is payable in respect of that person under that legislation.

(6) Where a person receives a sum by way of sickness or disability benefit under the legislation of one country by virtue of paragraph (2) of this Article or the relevant reciprocal provisions for any period beginning on or after 4 November 1968 for which he is not entitled to that benefit, and is entitled to widow's benefit, a widow's (contributory) pension, a retirement pension or a pension by way of death benefit (other than an orphan's pension) for the same period under the legislation of the other country, the said sum so received shall be treated as having been paid by way of the benefit to which he is entitled under the legislation of the latter country."

ARTICLE 5

Part IV of the Agreement of 1966 shall be supplemented by the addition of the following Articles—

"ARTICLE 15

For the purposes of the legislation of the United Kingdom, a person shall not be treated as a non-domiciled airman if he is domiciled or has a place of residence in the Republic of Ireland and, for the purposes of the legislation of the Republic of Ireland, a person shall not be so treated if he is domiciled or has a place of residence in the United Kingdom.

"ARTICLE 16

In relation to any area outside the territorial waters of a country which has been designated, under the laws of that country concerning the Continental Shelf, as an area within which the rights of that country with respect to the sea bed and subsoil and their natural resources may be exercised, the provisions of this Agreement and the earlier agreements shall apply subject to such modifications as may be required.

"ARTICLE 17

(1) For the purpose of the right of any person to receive an increase of benefit under the legislation of one country in respect of a child or adult