1967. No. 239 **[NC]**

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Jersey and Guernsey

ORDER IN COUNCIL, DATED 4TH SEPTEMBER 1967, 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

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 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**), 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 (Jersey and Guernsey) Order (Northern Ireland) 1967, and shall come into operation with effect from 1st June 1967.

Modification of Acts

2. The provisions contained in the Supplementary Agreement on Social Security set out in the Schedule 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, or section 79(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (which subsections relate to reciprocity with other countries); and accordingly the National Insurance Acts (Northern Ireland) 1966, and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966, 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 4th day of September 1967.

H. V. Kirk
Wm. J. Morgan
W. K. Fitzsimmons

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

SCHEDULE

Supplementary Agreement on Social Security between the Minister of Social Security, the Ministry of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the Advice and Consent of the Isle of Man Board of Social Services constituted under the Isle of Man Board of Social Services Act 1948, of the first part, the Social Security Committee, with the consent of the States of Jersey, of the second part, and the States Insurance Authority, with the consent of the States of Guernsey, of the third part.

ARTICLE 1

For the purpose of this Agreement, the expression "the Principal Agreement" means the Agreement on Social Security which was signed on behalf of the Contracting Parties in March 1966.

ARTICLE 2

Article 1 of the Principal Agreement shall be amended by omitting paragraph (*m*) and substituting the following paragraphs:—

"(*m*) "standard rate of benefit" means, in relation to any country, the rate of retirement pension or widow's benefit, as the case may be, which would be payable under the legislation of that country, if all the conditions for that benefit were fully satisfied;

(*mm*) "retirement pension" means, in relation to Jersey, an old age pension payable under the legislation of Jersey;".

ARTICLE 3

Article 3 of the Principal Agreement shall be amended by omitting paragraph (3) and substituting the following paragraph:—

"(3) The competent authorities of any two countries or of all three countries may provide by agreement—

(*a*) that paragraph (1) of this Article shall not apply in particular cases;

(*b*) that paragraph (2) of this Article shall apply to persons in the service of any public corporation of one country, being a public corporation designated by them, in the same way as it applies to persons in the Government service of that country."

ARTICLE 4

Paragraph (9) of Article 3 of the Principal Agreement shall be amended by omitting the word "Article" where that word first occurs and substituting the word "Agreement".

ARTICLE 5

Paragraph (2) of Article 5 of the Principal Agreement shall be amended by inserting the words "other than widow's basic pension" after the words "any widow's benefit".

ARTICLE 6

Paragraph (1) of Article 6 of the Principal Agreement shall be amended by inserting the words "or would, but for his incapacity for work, so pay contributions," after the words "the legislation of that country".

ARTICLE 7

Article 11 of the Principal Agreement shall be amended by substituting a colon for the full stop at the end of the Article and adding the following proviso:—

"Provided that, if the effect of this Article would be to reduce the total amount of benefit, payable to a woman under the legislation of the countries concerned, to less than it was before the widow's benefit payable to her under the legislation of one or more of those countries was replaced by a retirement pension or retirement pensions, then the Article shall not apply in her case, but the retirement pension or retirement pensions

payable to her shall be paid at the rate or rates at which widow's benefit would have been payable if her widow's benefit had not been replaced by a retirement pension or retirement pensions."

ARTICLE 8

Article 12 of the Principal Agreement shall be amended by omitting the proviso at the end of paragraph (1) and substituting the following:—

"Provided that—

(*a*) this paragraph shall not apply to any contributions which an insured person has paid under the legislation of any country for any period after he reaches pensionable age as defined in that legislation; and

(*b*) if the insured person is a woman to whom Article 11 of this Agreement is applicable, that Article shall be applied before this paragraph is applied."

ARTICLE 9

Article 13 of the Principal Agreement shall be omitted and in its place the following two Articles shall be substituted:—

"ARTICLE 13

(1) Subject to the provisions of paragraph (2) of this Article, a woman shall not be entitled to receive for the same period both—

(*a*) a retirement pension payable by virtue of her own insurance under the legislation of one country; and

(*b*) under the legislation of another country, widow's benefit or a retirement pension payable by virtue of her husband's insurance, or a retirement pension payable by virtue of her own insurance but based wholly or partly on her husband's record of contributions.

(2) If a woman was married before 1st June 1967—

(*a*) paragraph (1) of this Article shall not apply to her; but

(*b*) subject to the provisions of paragraphs (3) and (4) of this Article, for the purpose of calculating the yearly average of the contributions which she has paid or had credited to her under the legislation of one country, any contributions which she has paid or had credited to her for any period under that legislation shall be disregarded if, for the same period, under the legislation of another country, the husband has paid contributions or had contributions credited to him, and she is receiving, under the legislation of the latter country, widow's benefit or a retirement pension payable by virtue of the husband's insurance or a retirement pension payable by virtue of her own insurance but based wholly or partly on the husband's record of contributions.

(3) Where a man and a woman were married before 4th April 1966 and, immediately before 4th January 1965, one of them was insured under the legislation of Guernsey and had paid 156 contributions under that legislation, and the other had paid 156 contributions under the legislation of another country, the provisions of sub-paragraph (*b*) of paragraph (2) of this Article shall not apply to the woman.

(4) If a woman was married before 4th April 1966 and paragraph (3) of this Article does not apply to her, sub-paragraph (*b*) of paragraph (2) of this Article shall apply to her only in relation to any period after 4th April 1966."

"ARTICLE 13A

Where a person was insured under the legislation of Guernsey at any time before 4th January 1965 and the number of contributions which he has paid or had credited to him under the legislation of any country, or under the legislation of any two countries combined, or under the legislation of all three countries