1966. No. 92 [NC]

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Jersey and Guernsey

ORDER IN COUNCIL, DATED 25TH APRIL, 1966, MADE UNDER SECTION 61 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1946, AND SECTION 84 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1946.

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 61 of the National Insurance Act (Northern Ireland) 1946(**a**), and section 84 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(**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) 1966, and shall come into operation with effect from 4th April, 1966.

Modification of Acts

2. The provisions contained in the 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 61(1) of the National Insurance Act (Northern Ireland) 1946 or section 84(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 (which subsections relate to reciprocity with other countries); and accordingly the National Insurance Acts (Northern Ireland) 1946 to 1964 and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1946 to 1964 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Revocations

3. The National Insurance and Industrial Injuries (Reciprocal Agreement with Jersey) Order (Northern Ireland) 1962(**c**) and the National Insurance and Industrial Injuries (Reciprocal Agreement with Guernsey) Order (Northern Ireland) 1965(**d**) are hereby revoked.

Given at Government House, Hillsborough, this twenty-fifth day of April, one thousand, nine hundred and sixty-six.

H. V. Kirk
R. W. B. McConnell
Wm. J. Morgan
Wm. Craig

(**a**) 1946. c. 23.
(**b**) 1946. c. 21.
(**c**) S.R. & O. (N.I.) 1962, No. 151.
(**d**) S.R. & O. (N.I.) 1965, No. 173.

SCHEDULE

Agreement on Social Security between the Minister of Pensions and National Insurance, 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.

Definitions

ARTICLE 1

For the purpose of this Agreement, unless the context otherwise requires—

(*a*) "country" means the United Kingdom, Jersey or Guernsey, as the case may require;

(*b*) "United Kingdom" includes the Isle of Man;

(*c*) "Guernsey" includes the Islands of Alderney, Herm and Jethou;

(*d*) "legislation" means, in relation to any country, the legislation of that country specified in Article 2 of this Agreement;

(*e*) "competent authority" means—

(i) in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Health and Social Services for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require;

(ii) in relation to Jersey, the Social Security Committee;

(iii) in relation to Guernsey, the States Insurance Authority;

(*f*) "statutory adoption" means—

(i) in relation to the United Kingdom, adoption within the meaning of the Adoption Act 1958, the Adoption of Children Act (Northern Ireland) 1950 or the Adoption of Children Act 1928 of the Isle of Man, as the case may require;

(ii) in relation to Jersey, adoption within the meaning of the Adoption (Jersey) Law 1961;

(iii) in relation to Guernsey, adoption within the meaning of the Adoption (Guernsey) Law 1960;

(*g*) "week" means a period of seven days beginning at midnight between Sunday and Monday;

(*h*) "contribution" means a flat-rate contribution;

(*i*) "graduated contribution" means a contribution related to earnings;

(*j*) "voluntary contribution", in relation to any country, means a contribution which an insured person has paid under the legislation of that country for any week of absence from that country, being a week for which he was not liable to pay a contribution under that legislation;

(*k*) "fund" means—

(i) in relation to the United Kingdom, 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 Isle of Man Industrial Injuries Fund, as the case may require;

(ii) in relation to Jersey, the Jersey Insular Insurance Fund; and

(iii) in relation to Guernsey, the Guernsey Insurance Fund;

(*l*) any reference to a contribution paid under the legislation of one country includes a reference to a contribution treated as paid under that legislation;

(*m*) "standard rate of benefit" means, in relation to any country, the rate of retirement pension which would be payable under the legislation of that country to a person who fully satisfied all the conditions for that pension;

(*n*) other expressions have the meanings respectively assigned to them in the legislation of the United Kingdom, Jersey or Guernsey, as the case may require.

ARTICLE 2

(1) The provisions of this Agreement shall apply—

(*a*) in relation to the United Kingdom, to—

(i) the National Insurance Act 1965, the National Insurance Act (Northern Ireland) 1946, the National Insurance (Isle of Man) Act 1948 and the legislation repealed or consolidated by, or repealed by enactments consolidated by, those Acts;

(ii) the National Insurance (Industrial Injuries) Act 1965, the legislation consolidated by that Act, the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 and the National Insurance (Industrial Injuries) (Isle of Man) Act 1948;

(*b*) in relation to Jersey, to the Insular Insurance (Jersey) Law 1950;

(*c*) in relation to Guernsey, to the Social Insurance (Guernsey) Law 1964 and the legislation repealed by that Law.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall apply to any Act, Law, Ordinance, order or regulation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Agreement shall apply, only if the Contracting Parties so agree, to any Act, Law, Ordinance, order or regulation which amends or supplements the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any agreement providing for reciprocity with a scheme of social security in a fourth country.

ARTICLE 3

Payment of Contributions

(1) Where a person, who is ordinarily resident in one country and is employed in that country in the service of an employer who is ordinarily resident there or has a place of business there, goes in the course of that employment to work temporarily in another country, contributions in respect of that employment shall be payable under the legislation of the former country as if he were employed in that country and shall not be payable under the legislation of the latter country:

Provided that, if his employment in the latter country has lasted for as long as twelve months, this paragraph shall cease to apply to him unless the competent authorities of the two countries otherwise agree in any particular case.

(2) Where a person in the Government service of one country goes in the course of that employment to work in another country and the provisions of paragraph (1) of this Article do not apply to him or have ceased to apply to him, he shall be entitled to choose within six months of the beginning of that employment in the latter country or of the time when those provisions cease to apply to him or of the entry into force of this Agreement, whichever is the latest, that, as from the date on which he gives notice to the competent authority of the latter country, contributions in respect of that employment shall be payable under the legislation of the former country as if he were employed in that country and shall not be payable under the legislation of the latter country.

(3) The competent authorities of any two countries or all three countries may provide by agreement that paragraph (1) of this Article shall not apply in particular cases.

(4) Where in any week an insured person is employed in any two countries by the same employer, neither he nor his employer shall be liable, under the legislation

of one of these countries, to pay a contribution for that week in respect of that employment if they have so paid contributions under the legislation of the other country.

(5) Where, by virtue of the provisions of paragraph (1), (2) or (4) of this Article, an insured person is relieved of the liability to pay a contribution for any week as an employed person under the legislation of any country, he shall not be liable to pay a contribution for that week as a self-employed or non-employed person under that legislation.

(6) Where an insured person in the service of an employer is entitled to receive holiday pay from that employer for the whole or part of any week and has paid a contribution as an employed person under the legislation of one country for that week in respect of that employment, he shall not be liable, under the legislation of another country—

(*a*) to pay a contribution as an employed person for that week unless the latter country is the United Kingdom and he is employed there by another employer;

(*b*) to pay a contribution as a self-employed person for that week unless the latter country is Jersey;

(*c*) to pay a contribution as a non-employed person for that week.

(7) A person who, but for the provisions of this paragraph, would have been liable to pay either—

(*a*) a contribution as an employed person under the legislation of one country and a contribution as a self-employed or non-employed person under the legislation of another country; or

(*b*) a contribution as a self-employed person under the legislation of one country and a contribution as a non-employed person under the legislation of another country;

shall be liable, subject to the provisions of paragraph (6) of this Article, in either case to pay only the former contribution unless the latter country is Jersey and he is ordinarily resident there.

(8) An insured person who, under the legislation of one country, has paid a contribution for any week as a self-employed person or as a non-employed person shall not be liable, under the legislation of another country, to pay a contribution for that week, respectively, as a self-employed person or as a non-employed person unless the latter country is Jersey and he is ordinarily resident there.

(9) Nothing in this Article shall prevent an insured person from paying a contribution for any week as a non-employed person under the legislation of Guernsey if, by virtue of paragraph (2) of Article 12 of this Agreement, the provisions of paragraph (1) of that Article do not apply to him in relation to that week.

ARTICLE 4

(1) For the purpose of those provisions of the legislation of one country which relate to mariners and airmen, a person who is domiciled or has a place of residence in another country shall be treated as if he were domiciled or had a place of residence in the former country.

(2) Where a person is ordinarily resident in one country and is employed either—

(*a*) as master or a member of the crew of a ship or vessel which is registered or owned in another country and engaged in regular trade between any two countries or all three countries; or

(*b*) as pilot, commander, navigator or a member of the crew of an aircraft which is registered in another country and engaged in regular trade between any two countries or all three countries;

the legislation of the country in which he is ordinarily resident shall apply to him as if, as the case may be, the ship or vessel were registered or owned in that country or the aircraft were registered in that country, and contributions shall not be payable in respect of that employment under the legislation of any other country.

(3) The competent authorities of any two countries or all three countries may provide by agreement that paragraph (2) of this Article shall not apply in particular cases.

Credited Contributions, Exception from Liability and Refund of Contributions

ARTICLE 5

(1) For the purpose of determining whether an insured person is excepted from liability to pay a contribution for any week under the legislation of one country or entitled to have a contribution credited to him for that week under that legislation, any contribution which he has paid or had credited to him under the legislation of another country shall be treated as if it were, respectively, a contribution which he had paid or had had credited to him under the legislation of the former country, and any employment he has had in the latter country shall be treated as if it were employment he had had in the former country.

(2) For the purpose of determining whether a woman who is in one country is liable to pay a contribution for any week under the legislation of that country or entitled so to pay a contribution, any widow's benefit which she is entitled to receive for that week under the legislation of another country shall be treated as if it were widow's benefit which she was entitled to receive under the legislation of the former country.

(3) Where a person is entitled to receive sickness benefit, injury benefit or retirement pension for any week under the legislation of one country, he shall be excepted from liability to pay a contribution as a non-employed person for that week under the legislation of another country.

(4) Where an insured person has paid contributions for the same week under the legislation of Guernsey and under the legislation of another country, the competent authority of Guernsey, at the request of the insured person, may refund a part of the contribution paid under the legislation of Guernsey, namely, that part, as determined by that authority, which is related to retirement pension and widow's benefit, provided that—

(*a*) the provisions of sub-paragraph (*b*) of paragraph (2) of Article 12 of this Agreement do not apply to the insured person; and

(*b*) either—

(i) the insured person has paid 156 voluntary contributions under the legislation of the other country concerned before 4th January 1965 and is a man who has reached the age of 60 on 4th April 1966 or a woman who has reached the age of 55 on that date; or

(ii) the week in question is part of a contribution year which begins before 4th April 1966.

Sickness Benefit

ARTICLE 6

(1) Where an insured person who is ordinarily resident in one country and ordinarily pays contributions as an employed or self-employed person under the legislation of that country claims sickness benefit under that legislation, any contribution which he has paid or had credited to him under the legislation of another country shall be treated for the purpose of his claim as if it were, respectively, a contribution which he had paid or had had credited to him under the legislation of the former country.

(2) Where an insured person, having become liable to pay contributions as an employed or self-employed person under the legislation of one country since his last arrival in that country, claims sickness benefit under that legislation, any