EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide that the salary grant will be two-thirds of the amount by which the salary payable to a teacher on the authorised staff of a voluntary grammar school exceeds the rate of £567 per annum as from 1st April, 1966.

1966. No. 50 [NC]

NATIONAL INSURANCE

Reciprocal Agreement with the Republic of Ireland

ORDER IN COUNCIL, DATED 21ST MARCH, 1966, MADE UNDER SECTION 61 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1946.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

ERSKINE OF RERRICK

Whereas at Dublin on 28th February, 1966, 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 5 of the Agreement it is provided that the Agreement shall come into force on 4th April, 1966:

And whereas by section 61 of the National Insurance Act (Northern Ireland) 1946(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, 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 61 of the National Insurance Act (Northern Ireland) 1946, 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

1. This Order may be cited as the National Insurance (Republic of Ireland) Order (Northern Ireland) 1966.

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 61(1) of the National Insurance Act (Northern Ireland) 1946; and

(a) 1946, c. 23.

accordingly the National Insurance 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.

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

H. V. Kirk
W. J. Morgan
Wm. Craig
John L. O. Andrews

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,

Being resolved to co-operate in the social field,

Desiring to make arrangements enabling persons, who go from one country to the other, to receive pensions and other social security benefits,

Have agreed as follows:—

PART I

Definitions and General Provisions

ARTICLE 1

(1) In this Agreement, unless the context otherwise requires—

"the legislation of the United Kingdom" means, according to the context, the National Insurance Act 1965, the National Insurance Act (Northern Ireland) 1946 or the National Insurance (Isle of Man) Act 1948 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 1965, and includes enactments repealed by those Acts;

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

"the United Kingdom" includes the Isle of Man;

"country" means the United Kingdom or the Republic of Ireland, as the case may require;

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

"the Fund of the Republic of Ireland" means the Social Insurance Fund established under the legislation of the Republic of Ireland;

"the first contribution condition", "the second contribution condition" and "the third contribution condition" mean, in relation to old age (contributory) pension under the legislation of the Republic of Ireland, the conditions contained respectively in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 6 of the Fourth Schedule to the Social Welfare Act, 1952 (which paragraph was added thereto by the Social Welfare (Amendment) Act, 1960);

"the first contribution condition" and "the second contribution condition" mean, in relation to widow's (contributory) pension under the legislation of the Republic of Ireland, the conditions contained respectively in sub-paragraphs (*a*) and (*b*) of paragraph 4 of the said Fourth Schedule;

"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 purpose of satisfying either, according to the context, the third contribution condition for old age (contributory) pension or, where such condition applies, the second contribution condition for widow's (contributory) pension;

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

"retirement pension" means retirement pension under the legislation of the United Kingdom but does not include contributory old age pension under that legislation;

"old age (contributory) pension" means old age (contributory) pension under the legislation of the Republic of Ireland;

"widow's benefit" and "widow's pension" do not include widow's basic pension under the legislation of the United Kingdom;

"pre-entry credits" means the contributions falling, under the legislation of the country concerned, to be credited in respect of the period before a person's entry into insurance under that legislation;

"entry into insurance" means, in a case where entry into insurance before 5th July, 1948, is taken into account under the legislation of the United Kingdom, last entry into insurance;

"the relevant time" has, in relation to contribution conditions under the legislation of either country, the meaning assigned to it under that legislation.

(2) (*a*) References in this Agreement to the legislation of a particular country shall be construed as references to the legislation of the United Kingdom or the legislation of the Republic of Ireland, as the case may require.

(*b*) References in this Agreement to the Fund of a particular country shall be construed as references to the United Kingdom Fund or the Fund of the Republic of Ireland, as the case may require.

(3) In this Agreement, in relation to retirement pension, references to a wife or husband shall be construed as including references to a widow or late husband, and references to a retirement pension by virtue of a husband's insurance shall be construed as including references to a retirement pension by virtue of a widow's own insurance in a case where account is taken of her late husband's contributions in calculating her yearly average.

(4) Subject to the provisions of paragraph (5) of this Article, references in this Agreement to any enactment, order or regulations shall include references to such enactment, order or regulations as amended, modified, adapted, extended, supplemented or consolidated by any subsequent enactment, order or regulations.

(5) The provisions of paragraph (4) of this Article shall apply only if and to the extent that the Contracting Parties so agree, to any enactment, order or regulation which amends, modifies, adapts, extends or supplements the legislation of either country for the purpose of giving effect to any reciprocal agreement or arrangements on social security which one (or the other) Party or the competent authority of either country has made with a third Party or a competent authority outside the two countries.

ARTICLE 2

(1) For the purposes of this Agreement, an insured person under the legislation of either country shall include a person who by virtue of any reciprocal agreements made between the Contracting Parties or the competent authorities of the two countries for the purposes of sickness or disability benefit, received sickness or disability benefit under the legislation of that country or in respect of whom insurance, contributions paid, credited, excused or deemed to be or treated as paid, under the legislation of the other country had been treated as insurance, contributions paid, credited, excused or deemed to be or treated as paid, under the legislation of the first-mentioned country for the purposes of sickness or disability benefit.

(2) Contributions credited to any person under the legislation of one country for the purpose of sickness or disability benefit, being contributions so credited for any period of incapacity (whether before or after the date of coming into force of this Agreement) for which he was or is entitled to such benefit under that legislation by virtue of the relevant reciprocal provisions, shall have effect as contributions credited for all purposes under that legislation; and the relevant reciprocal provisions shall apply for the purpose of exception from liability to pay contributions and of enabling contributions to be credited for periods of incapacity as they apply for the purpose of sickness or disability benefit.

(3) In the foregoing paragraph, "the relevant reciprocal provisions" means the provisions in any reciprocal agreement such as is referred to in paragraph (1) of this Article which provide for the taking into account, for the purpose of sickness or disability benefit under the legislation of one country, of insurance or contributions under the legislation of the other country.

ARTICLE 3

(1) Old age benefit under the legislation of one country shall be paid to a person who is in, or is resident in, the other country as if he were not, as the case may be, absent from or resident outside the first-mentioned country.

(2) The presence, residence or birth of a child or adult dependant in one country (whether before or after this Agreement has effect) shall, for the purpose of an increase of old age benefit in respect of that child or adult dependant under the legislation of the other country, be treated as if it were or had been presence, residence or birth in that other country.

(3) Where, in accordance with any reciprocal agreements made between the Contracting Parties or the competent authorities of the two countries for the purposes of widow's benefit (hereafter in this Article called "the existing reciprocal agreements"), widow's benefit (as therein defined) under the legislation of either country falls to be paid to a widow who is resident in the other country, the rate of such benefit shall, in respect of any period after the coming into force of this Agreement, be determined as if she were then resident in the former country, and any provision in the existing reciprocal agreements limiting the rate of benefit in such a case shall cease to have effect.

(4) For the purposes of this Article old age benefit includes, in relation to the legislation of the United Kingdom, graduated retirement benefit and contributory old age pension under that legislation.

ARTICLE 4

The competent authorities shall from time to time determine the procedure appropriate for the purposes of this Agreement and all matters of an incidental or supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

ARTICLE 5

This Agreement shall come into force on the 4th day of April, 1966, and shall remain in force for a period of one year from that date.

Thereafter it shall continue in force from year to year unless—

(*a*) the Contracting Parties agree to terminate it; or

(*b*) either Party gives notice of termination in writing at least six months before the expiry of any such yearly period.

PART II

Old Age Benefit

ARTICLE 6

(1) Subject to the provisions of this Part of this Agreement, a person who is or has been an insured person under the legislation of both countries may at any time after attaining the age of 70 elect to have his insurance under the legislation of the United Kingdom transferred to the Republic of Ireland for the purposes of old age (contributory) pension, if the following conditions are satisfied, namely:—

(*a*) that the person is not entitled to old age benefit under the legislation of both countries;

(*b*) that the person attained the age of 65, in the case of a man, or 60, in the case of a woman, and was insured under the legislation of the United Kingdom, on or after 5th July, 1948;

(*c*) in the case only of a person entitled so to elect under the provisions of the legislation of the United Kingdom relating to pre-1948 contributors and persons over the age of 55, in the case of a man, or 50, in the case of a woman, on 5th July, 1948, that the person has not made an election not to be qualified for a retirement pension; and

(*d*) in the case only of a person (not being a person referred to in the preceding sub-paragraph) who has received a refund of his contributions under the legislation of the United Kingdom, that the person has repaid that refund to the competent authority of the United Kingdom:

Provided that a person who has not attained the age of 70 may make an election under this Article not more than three months before the date on which he will attain that age.

(2) Every election by a person under this Article shall be made by his giving notice in writing to the competent authority of either country and each such election shall be treated under the legislation of the Republic of Ireland as a claim to old age (contributory) pension.

(3) Any such election by a person may be cancelled by him at any time by giving notice in writing to the competent authority of either country to that effect, and such cancellation shall take effect from a date agreed by the competent authorities.

(4) Where an election has been made by a person under this Article and remains in force, then, for the purposes of determining his title to old age (contributory) pension:—

(*a*) where this would be of advantage to him, he shall be treated for the purpose of the first and second contribution conditions as if his entry into insurance under the legislation of the United Kingdom had been entry into insurance under the legislation of the Republic of Ireland and as if any contributions as an insured person paid by him under the former legislation had been employment contributions paid in respect of him under the latter legislation;

(*b*) if his entry into insurance under the legislation of the United Kingdom was on or after 5th January, 1953, but before his entry into insurance under the legislation of the Republic of Ireland he shall be treated under the latter legislation for the purposes of pre-entry credits and the ascertainment of his yearly average as if he had entered insurance thereunder on the date of his entry into insurance under the legislation of the United Kingdom;

(*c*) if his entry into insurance under the legislation of the United Kingdom was before 5th January, 1953, he shall be treated under the legislation of the Republic of Ireland for the purposes of pre-entry credits and the ascertainment of his yearly average as if such entry had been an entry into insurance under the legislation of the Republic of Ireland;