1965. No. 173 [NC]

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Reciprocal Agreement with Guernsey

ORDER IN COUNCIL, DATED 23RD AUGUST, 1965, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1946, AND SECTION EIGHTY-FOUR 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 (Reciprocal Agreement with Guernsey) Order (Northern Ireland) 1965, and shall come into operation with effect from 24th May, 1965.

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.

Given at Government House, Hillsborough, this twenty-third day of August, one thousand, nine hundred and sixty-five.

R. W. B. McConnell

Wm. J. Morgan

John L. O. Andrews

(a) 1946. c. 23. (b) 1946. c. 21.

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 one part, and the States Insurance Authority, with the consent of the States of Guernsey, of the other part.

Definitions and Scope

ARTICLE 1

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

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

(*b*) "United Kingdom" means England, Scotland, Wales, Northern Ireland and the Isle of Man;

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

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

(*e*) "competent authority" means, 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, and, in relation to Guernsey, the States Insurance Authority;

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

(*g*) other expressions have the meanings respectively assigned to them in the legislation of the United Kingdom 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 1946, the National Insurance Act (Northern Ireland) 1946, the National Insurance (Isle of Man) Act 1948, and the legislation in force before the 5th July 1948, which was replaced by those Acts;

(ii) the National Insurance (Industrial Injuries) Act 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, and the National Insurance (Industrial Injuries) (Isle of Man) Act 1948;

(*b*) in relation to Guernsey to the Social Insurance (Guernsey) Law 1964.

(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 third country.

Payment of Contributions

ARTICLE 3

(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 the other country, contributions shall be payable in respect of his employment 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 this paragraph shall cease to apply to him, unless the competent authorities otherwise agree in any particular case, if his employment in the latter country has lasted for as long as twelve months.

(2) Where a person, who is established in the Government service of the United Kingdom, goes from the United Kingdom in the course of his employment to work in Guernsey 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 his employment in Guernsey or of the time when those provisions ceased 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 Guernsey, contributions shall be payable in respect of his employment under the legislation of the United Kingdom as if he were employed in that country, and contributions shall not be payable under the legislation of Guernsey.

(3) A person who, but for the provisions of this Article, 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 the other 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 the other country;

shall be liable in either case to pay only the former contribution.

(4) Subject to the provisions of paragraph (3) of this Article, a person who has paid a contribution as an insured person for any week under the legislation of one country, being a contribution which he is liable to pay, shall not be liable to pay a contribution as an insured person for that week under the legislation of the other country.

(5) Where an employer has paid a contribution in respect of an employed person for any week under the legislation of one country, neither that employer nor any other employer shall be liable to pay a contribution in respect of that employed person for that week under the legislation of the other country.

(6) A person who has paid a contribution voluntarily for any week under the legislation of one country, being a contribution which he is entitled to pay, shall not be liable to pay a contribution as a non-employed person for that week under the legislation of the other country.