1. This Order may be cited as the Public Health and Local Government (Interest on Recoverable Expenses) (No. 2) Order (Northern Ireland), 1962.

2. The Public Health and Local Government (Interest on Recoverable Expenses) Order (Northedn Ireland), 1962(**a**), shall, as from the date of the Order, be revoked.

3. The rate of interest on expenses recoverable by an urban authority under section two hundred and twenty-nine of the Public Health (Ireland) Act, 1878(**b**), or by a sanitary authority under section two hundred and fifty-five of that Act shall, as from the date of this Order, be six and three quarters per centum per annum.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of August, nineteen hundred and sixty-two.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order prescribes 6¾ per centum per annum as the rate of interest on certain expenses recoverable by urban or sanitary authorities under the Public Health (Ireland), Act, 1878.

1962. No. 150

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland), 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1962. No. 151 [NC]

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Jersey

ORDER IN COUNCIL, DATED 10TH AUGUST, 1962, 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.

(a) S.R. & O. (N.I.) 1962, No. 66. (b) 41 & 42 Vict. c. 52.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, in pursuance of section sixty-one of the National Insurance Act (Northern Ireland), 1946(**a**), and section eighty-four 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 Jersey) Order (Northern Ireland), 1962, and shall come into operation with effect from 6th August, 1962 (being the date referred to in Article 19 of the Agreement referred to in Article 2 of this Order).

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 sub-section (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946, or sub-section (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and accordingly the National Insurance Acts (Northern Ireland), 1946 to 1962, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1962, 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 tenth day of August, one thousand nine hundred and sixty-two.

Brian Faulkner
Herbert V. Kirk
Ivan Neill
Glentoran

SCHEDULE

Agreement on Social Security between the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance 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 Social Security Committee with the Consent of the States of Jersey, of the other part.

ARTICLE 1

Definitions and General Provisions

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

(*a*) "country" means the United Kingdom or Jersey, as the case may require, and "country of record" has the meaning assigned to it in Article 3;

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

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

(*c*) "Act" means, in relation to the United Kingdom, the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, or the National Insurance (Isle of Man) Act, 1948, as the case may require, and, in relation to Jersey, the Insular Insurance (Jersey) Law, 1950;

(*d*) "the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act, 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, or the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948, as the case may require;

(*e*) "system" means, in relation to the United Kingdom, the system of social insurance established by the United Kingdom Acts and the Industrial Injuries Acts, and, in relation to Jersey, the system of social insurance established by the Jersey Act;

(*f*) "the Workmen's Compensation Acts" means the Workmen's Compensation Acts, 1925 to 1945, the enactments repealed by the Workmen's Compensation Act, 1925, the enactments repealed by the Workmen's Compensation Act, 1906, the Workmen's Compensation Acts (Northern Ireland), 1927 to 1943, the enactments repealed by the Workmen's Compensation Act (Northern Ireland), 1927, and the Workmen's Compensation Acts, 1919 to 1946, of the Isle of Man;

(*g*) "the Family Allowances Act" means the Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, or the Family Allowances (Isle of Man) Act, 1946, as the case may require;

(*h*) "the Accident Insurance Laws" means the Laws repealed by Article 61 of the Jersey Act;

(*i*) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Jersey, the Social Security Committee;

(*j*) "determining authority" means the appropriate authority appointed to determine claims or questions under the United Kingdom system or the Jersey system, as the case may require;

(*k*) "statutory adoption" means, 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, and, in relation to Jersey, adoption within the meaning of the Adoption (Jersey) Law, 1961;

(*l*) "United Kingdom Fund" means 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;

(*m*) "Jersey Fund" means the Insular Insurance Fund;

(*n*) "week" (except in paragraph (5) of Article 3) means a contribution week;

(*o*) other expressions have the same meanings as in the United Kingdom system or the Jersey system, as the case may require.

(2) References in this Agreement to any enactment, order or regulation shall include a reference to such enactment, order or regulation as amended, modified, adapted, extended or supplemented by any subsequent enactment, order or regulation:

Provided that the said references shall include, only if the competent authorities so agree, references to enactments, orders or regulations which modify or adapt such enactment, order or regulation for the purpose of giving effect to the provisions of any agreement providing for reciprocity with a scheme of social security in force in a third country.

ARTICLE 2

Nothing in this Agreement shall confer a right to double benefit.

ARTICLE 3

Insurance and Country of Record

(1) A person who is insured under the Act of one country, but not under the Act of the other country, and is, on or after the date of coming into operation of this Agreement, in the latter country, shall be treated as if he fulfilled any prescribed conditions as to residence in the latter country which a person must fulfil in order to become insured under the Act of that country.

(2) Any election by a married woman who is a non-employed person to be liable to pay contributions or not to be excepted from insurance under the Act of one country shall have effect for the purposes of the Act of the other country.

(3) Where a person is insured under the Acts of both countries, the record of his insurance shall be kept in that one of the two countries which for the time being is the country (which shall be called "the country of record") ascertained in accordance with paragraphs (4) and (5) of this Article.

(4) In relation to a person who is insured under the Acts of both countries, the country under whose Act he was first insured shall be the country of record unless and until the other country shall become the country of record.

(5) If a person who is insured under the Acts of both countries either is, for an aggregate period of not less than 45 weeks in any contribution year, in the country which is not the country of record or has paid not less than 45 contributions as an insured person under the Act of that country in respect of contribution weeks in that year, that country shall, as from the beginning of the benefit year next following that contribution year, become the country of record for the time being, and that person's record shall be transferred to that country accordingly:

Provided that where, for any period, a person is in the country which is not the country of record and either—

(i) by virtue of the provisions of paragraph (2) of Article 4, contributions are payable for that period under the Act of the country of record; or

(ii) that person (being a married woman) is excepted from insurance or from liability to pay a contribution for that period under the Act of the country which is not the country of record by reason of her having made, failed to make or cancelled an election capable of being made or cancelled by her as a married woman; or

(iii) that person (being a widow) is excepted from liability to pay a contribution for that period under the Act of the country which is not the country of record by reason that she is, or would be but for the operation of any provision relating to earnings under the legislation of that country, in receipt of a pension or allowance as a widow;

that person shall, for the purposes of this paragraph, be regarded as having been in the country of record throughout that period.

ARTICLE 4

Payment of Contributions

(1) 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 Act of one country and a contribution as a self-employed or non-employed person under the Act of the other country; or

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

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

(2) Where a person—

(*a*) 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; or

(*b*) who is established in the Government service of one country, is employed in that service in the other country;

contributions shall be payable in either case in respect of his employment under the system of the former country and not under the system of the latter country:

Provided that a person shall cease, unless the competent authorities otherwise agree in any particular case, to be treated as being within the scope of sub-paragraph (*a*) of this paragraph if his employment in the latter country has lasted for as long as twelve months; and a person who, having been established in the Government service of the United Kingdom, has been paying contributions in respect of his employment under the system of Jersey immediately before this Agreement comes into operation shall be entitled to choose that contributions shall continue to be payable under the system of Jersey so long as he is employed in Jersey in the Government service of the United Kingdom.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, a person who has paid a contribution as an insured person for any week under the system 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 system of the other country.

(4) Where an employer has paid a contribution in respect of an employed person for any week under the system 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 system of the other country:

Provided that, where a person is employed in Jersey in any week for which he receives holiday pay from an employer in the United Kingdom, his employer in Jersey shall be liable to pay an employer's contribution under the system of Jersey.

ARTICLE 5

Matters taken into account for contributions, exceptions and credits

For the purpose of determining whether a person who is in one country is liable or entitled to pay a contribution for any week under the Act of that country or is excepted from liability so to pay a contribution or is entitled to have a contribution so credited to him, any act, omission or event, which would have effect for the purpose of determining whether he was liable or entitled to pay a contribution for that week under the Act of the other country or was excepted from liability so to pay a contribution or was entitled to have a contribution so credited to him, shall be treated as if it were respectively such an act, omission or event in relation to the Act of the former country, and, in particular, insurance, employment and contributions paid (including contributions credited or treated as paid) in the latter country shall be treated as if they had been, respectively, insurance, employment and contributions paid (including contributions credited or treated as paid) in the former country.

ARTICLE 6

Mariners and Airmen

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

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