BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Ordered,—That the said Bye-law be, and the same is hereby, approved.

Given at Government House, Hillsborough, this twenty-seventh day of June, One thousand nine hundred and sixty-one.

*Terence O'Neill*

*Brian Faulkner*

*Ivan Neill*

*J. L. O. Andrews*

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## EXPLANATORY NOTE

*( This Note is not part of the Bye-law, but is intended to indicate its general purport.)*

This Bye-law extends to all fishing boats over 70 ft. in registered length, the prohibition of the use of any trawl net in the waters within or to the southward of a straight line drawn from Bull Point, Rathlin Island to the Whistling Buoy off Inishowen Head, which was previously confined to steam-trawling. The Bye-law also repeats the prohibition of seine netting in Magilligan Bay in S.R. & O. (N.I.) 1949, No. 152 and lays down a penalty for this offence.

**1961. No. 148** **[NC]**

## FAMILY ALLOWANCES, NATIONAL INSURANCE AND INDUSTRIAL INJURIES

### Reciprocal Agreement with the Federal Republic of Germany

ORDER IN COUNCIL, DATED 27TH JUNE, 1961, 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

WAKEHURST

Whereas at Bonn on the twentieth day of April, nineteen hundred and sixty, a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany (which Convention is set out in the First Schedule and is hereinafter referred to as "the Convention") and a Protocol supplementing the Convention (which Protocol is set out in the Second Schedule and is hereinafter referred to as "the Protocol") were signed on behalf of those Governments:

And whereas by Article 50 of the Convention it is provided that the Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged:

And whereas by Article 9 of the Protocol it is provided that the Protocol shall enter into force on the day when the Convention enters into force:

And whereas the Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Federal Republic of Germany and the instruments of ratification were exchanged on the fifth day of June, 1961, and accordingly the Convention and the Protocol enter into force on the first day of August, 1961:

And whereas by section sixty-one of the National Insurance Act (Northern Ireland), 1946(**a**) (as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956(**b**), and by section three of the Family Allowances and National Insurance Act (Northern Ireland), 1959(**c**)), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**d**), it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting the Family Allowances Act (Northern Ireland), 1945(**e**), and the said Acts of 1946 in their application to cases affected by agreements with other governments providing for reciprocity in the matters specified in those sections:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of the said section sixty-one of the National Insurance Act (Northern Ireland), 1946 (as so extended), and the said section eighty-four of the National Insurance (Industrial Injuries) 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:

**1.** This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland), 1961.

**2.** The provisions contained in the Convention and in the Protocol shall have full force and effect, so far as the same relate to Northern Ireland and provide by way of agreement with the Government of the Federal Republic of Germany for reciprocity in any matters specified in either sub-section (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946 (as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, and by section three of the Family Allowances and National Insurance Act (Northern Ireland), 1959), or sub-section (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and accordingly the Family Allowances Acts (Northern Ireland), 1945 to 1959, the National Insurance Acts (Northern Ireland), 1946 to 1960 and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1960 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

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(**a**) 1946, c. 23. (**b**) 1956, c. 8. (**c**) 1959, c. 7. (**d**) 1946, c. 21.
(**e**) 1945, c. 19.

Given at Government House, Hillsborough, this twenty-seventh day of June, one thousand nine hundred and sixty-one.

*Terence O'Neill*

*Brian Faulkner*

*Ivan Neill*

*J. L. O. Andrews*

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FIRST SCHEDULE

## CONVENTION ON SOCIAL SECURITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY

The United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one Contracting Party should receive under the social security legislation of the other equal treatment with the nationals of the latter,

Desirous of giving effect to this principle and of making arrangements enabling persons who go from the territory of one Party to the territory of the other to keep the rights which they have acquired under the legislation of the former Party or to acquire corresponding rights under the legislation of the latter,

Desirous further of making arrangements for insurance periods completed under the legislation of the two Parties to be added together for the purpose of determining the right to receive benefit,

Have agreed as follows:—

### PART I

### Definitions and Scope

ARTICLE 1

For the purpose of the present Convention—

(1) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and "the Federal Republic" means the Federal Republic of Germany;

(2) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to the Federal Republic, the area in which the Basic Law for the Federal Republic of Germany is in force;

(3) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to the Federal Republic, a German within the meaning of the Basic Law for the Federal Republic;

(4) "legislation" means the legislation specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;

(5) "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 the Federal Republic, the Federal Minister of Labour and Social Affairs;

(6) "social security authority" means the institute or authority appropriate for the application of the legislation, or any part thereof, specified in Article 2;

(7) "competent social security 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, the Isle of Man Board of Social Services or the statutory authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to the Federal Republic, the social security authority specified by the competent authority, or the social security authority with which the person concerned is insured at the time of the claim to benefit, or with which he has title to benefit, or would have title if he were in the territory of the Federal Republic;

(8) "German social security authority" means a social security authority located in the territory of the Federal Republic of Germany;

(9) "employed person" means a person who comes within the definition of an employed person or a person who is treated as such in the legislation of one (or the other) Contracting Party; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment;

(10) "dependant" means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim to receive benefit for a dependant under the legislation of the United Kingdom, and, in relation to the Federal Republic, a person who, for the purpose of the benefit in question, comes within the definition of a dependant in German legislation;

(11) "contribution period" means a period in respect of which contributions, appropriate to the benefit in question, have been paid or treated as paid under the legislation of one (or the other) Party;

(12) "equivalent period" means, in relation to the United Kingdom, a period in respect of which contributions, appropriate to the benefit in question, have been credited under the legislation of the United Kingdom, and, in relation to the Federal Republic, a substitute period, an excluded period, a reckonable period, or a period of uninsurable employment (Beschäftigungszeit) as defined in German legislation, to the extent that it is treated as equivalent to a contribution period in accordance with that legislation;

(13) "benefit" means any pension, allowance, grant or other cash benefit, provided under the legislation of one (or the other) Party, and includes any increase in the benefit and any additional allowance payable therewith;

(14) "sickness benefit" means, in relation to the United Kingdom, sickness benefit, as defined in the legislation of the United Kingdom, other than invalidity pension, and, in relation to the Federal Republic, cash sickness benefit payable under German legislation;

(15) "invalidity pension" means, in relation to the United Kingdom, sickness benefit, as defined in the legislation of the United Kingdom, which is payable to a person in respect of any period during which he is an invalid, as defined in German legislation, and for which he is entitled to receive an invalidity pension under that legislation or would be so entitled if he satisfied the other conditions laid down by that legislation, and, in relation to the Federal Republic, a pension (including a miner's pension) payable under German legislation concerning pensions insurance in the case of inability to follow a former occupation or incapacity for employment;

(16) "old age pension" means, in relation to the United Kingdom, a contributory old age pension or retirement pension, as defined in the legislation of the

United Kingdom, and, in relation to the Federal Republic, a retirement benefit payable under German legislation concerning pensions insurance;

(17) "survivor's benefit" means, in relation to the United Kingdom, a widow's pension, widow's basic pension, widow's allowance or widowed mother's allowance, excluding any part of that allowance payable for her first child and any increase payable for any other child, and, in relation to the Federal Republic, a widow's pension, widower's pension or former spouse's pension, payable under German legislation concerning pensions insurance;

(18) "orphan's benefit" means, in relation to the United Kingdom, a guardian's allowance, that part of a widowed mother's allowance payable for her first child or any increase of a widowed mother's allowance payable for any other child, or a child's special allowance, and, in relation to the Federal Republic, an orphan's pension payable under German legislation concerning pensions insurance;

(19) "family allowance" means, in relation to the United Kingdom, a family allowance as defined in the legislation of the United Kingdom and, in relation to the Federal Republic, a children's allowance as defined in German legislation, or a wife's allowance or maintenance allowance payable in the Saar;

(20) "vessel or aircraft" means, in relation to the United Kingdom, a sea-going ship or vessel, registered in the territory of the United Kingdom, or any other British sea-going ship or vessel of which the owner (or managing owner, if there is more than one owner) or manager resides or has his principal place of business in the territory of the United Kingdom, or an aircraft, registered in that territory, of which the owner (or managing owner, if there is more than one owner) resides or has his principal place of business in that territory; and, in relation to the Federal Republic, a sea-going ship which flies the Federal flag in accordance with German legislation or an aircraft which is included in the register of German aircraft.

ARTICLE 2

(1) The provisions of the present Convention 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;

(iii) the Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946;

(*b*) in relation to the Federal Republic, to the legislation concerning—

(i) sickness insurance;

(ii) pensions insurance for manual workers, for salaried workers and for miners, and the special Saar Scheme for iron and steel workers;

(iii) accident insurance;

(iv) children's allowances, and, in the Saar, wives' allowances and maintenance allowances;

(v) old age assistance for farmers.

(2) Subject to the provisions of paragraphs (3), (4) and (5) of this Article, the Convention shall apply also to any legislation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.