EXPLANATORY NOTE

(This Note is not part of these Rules, but is intended to indicate their general purport.)

The purpose of these Rules is to provide a measure of integration of the different superannuation conditions applicable to persons who transfer between established service in the Civil Service of Northern Ireland and employment outside the Civil Service which is pensionable under the Federated Superannuation System for Universities (F.S.S.U.).

Under Part II, service in F.S.S.U. employment before transfer to the Civil Service will count towards any period of service necessary to qualify for benefits under the Superannuation Acts.

Under Part III, where an established Civil Servant transfers to F.S.S.U. employment outside the Civil Service, a transfer value may be paid by the Ministry of Finance to the F.S.S.U. Institution administering his superannuation scheme. The amount so paid must be invested for the officer's benefit in an insurance policy under that scheme and subject to prescribed conditions.

The Rules have retrospective effect provided that, in the case of Part II, the officer ceased to be employed in F.S.S.U. employment not earlier than the 1st day of April, 1950, and, in the case of Part III, the officer ceased to be a civil servant not earlier than the same date.

1959. No. 107 **[NC]**

FAMILY ALLOWANCES, NATIONAL INSURANCE AND INDUSTRIAL INJURIES

European Interim Agreement

ORDER IN COUNCIL, DATED 1ST JUNE, 1959, 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 Paris on the eleventh day of December, nineteen hundred and fifty-three, an Interim Agreement between Governments, being members of the Council of Europe, on social security other than schemes for old age, invalidity and survivors (which Agreement is set out in the First Schedule and is hereinafter referred to as "the Agreement") and a Protocol supplementing the Agreement (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 13 and Article 14 of the Agreement and by Article 3 of the Protocol it was provided that the Agreement and the Protocol, respectively, should come into force on the first day of the month following the date of deposit with the Secretary-General of the Council of Europe of the

second instrument of ratification, and that as regards any subsequent ratification or accession, the Agreement or Protocol should come into force on the first day of the month following the date of the deposit of the instrument of ratification or accession:

And whereas by paragraph 3 of Article 9 of the Agreement it was provided that any Contracting Party might withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the said Secretary-General, such notification taking effect on the first day of the month following the month in which it was received and that the Agreement should apply accordingly:

And whereas a notification by the Government of the United Kingdom of Great Britain and Northern Ireland withdrawing its reservation to the Agreement in so far as that reservation concerned the schemes of Family Allowances in Great Britain and the Isle of Man and modifying that reservation in so far as it concerns the scheme of Family Allowances in Northern Ireland, (which notification is set out in the Third Schedule), was received by the said Secretary-General on the ninth day of January, 1959:

And whereas, subject as hereinafter appears, the Agreement and the Protocol have been ratified or acceded to, as the case may be, by the Governments specified in the first column of the Fourth Schedule on the dates respectively specified opposite to those Governments in the second column of that Schedule, and the Agreement and Protocol have accordingly come into operation as regards those Governments on the dates respectively specified opposite to those Governments in the third column of that Schedule:

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 section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**c**), it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting those Acts 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 (European Interim Agreement) Order (Northern Ireland), 1959.

2. The provisions contained in the Agreement set out in the First Schedule and the provisions contained in the Protocol set out in the Second Schedule shall have full force and effect, so far as the same relate to Northern Ireland and provide by way of agreement with—

(**a**) 1946. c. 23. (**b**) 1956. c. 8. (**c**) 1946. c. 21.

(*a*) the Governments specified in the Fourth Schedule for reciprocity in any matters specified in either sub-section (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946 (other than the matters included in that sub-section by virtue of section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956), or sub-section (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (which sub-sections relate to reciprocal agreements with other countries);

(*b*) the Government of any foreign country specified in the Fourth Schedule for reciprocity in any matters specified in 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 (which section relates to reciprocal arrangements with the governments of foreign countries in connection with family allowances);

and the Family Allowances Acts (Northern Ireland), 1945 to 1956(**a**), the Natioanl Insurance Acts (Northern Ireland), 1946 to 1957(**b**), and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1957(**c**), 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 first day of June, one thousand nine hundred and fifty-nine.

W. W. B. Topping
Ivan Neill
Glentoran
Alex. R. G. Gordon

FIRST SCHEDULE

European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors

Paris, December 11, 1953

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members for the purpose, among others, of facilitating their social progress;

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive under the social security laws and regulations of any other Contracting Party equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation;

Affirming also the principle that the nationals of any one of the Contracting Parties should receive the benefits of agreements on social security concluded by any two or more of the other Contracting Parties;

Desirous of giving effect to these principles by means of an Interim Agreement pending the conclusion of a general convention based on a network of bilateral agreements,

Have agreed as follows:—

(**a**) 1945. c. 19; 1952. c. 14; 1956. c. 8.
(**b**) 1946. c. 23; 1949. c. 20; 1951. c. 18; 1952. c. 14; 1953. c. 27; 1955. c. 1; 1955. c. 10; 1956. c. 8; 1957. c. 7; 1957. c. 26.
(**c**) 1946. c. 21; 1948. c. 20; 1951. c. 18; 1952. c. 14; 1953. c. 30; 1955. c. 1; 1956. c. 8; 1957. c. 7; 1957. c. 26.

ARTICLE 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to:

(*a*) sickness, maternity and death (death grants), including medical benefits insofar as they are not subject to a needs test;

(*b*) employment injury;

(*c*) unemployment;

(*d*) family allowances.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits, including employers' obligations to compensate for employment injuries. It shall not apply to public assistance, special schemes for civil servants, or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purposes of this Agreement the word "benefit" includes any increase in or supplement to the benefit.

4. The terms "nationals" and "territory" of a Contracting Party shall have the meaning assigned to them by such a Party in a declaration addressed to the Secretary-General of the Council of Europe for communication to all other Contracting Parties.

ARTICLE 2

1. Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter:—

(*a*) in the case of benefit in respect of employment injury, provided that he resides in the territory of one of the Contracting Parties,

(*b*) in the case of any benefit other than benefit in respect of employment injury, provided that he is ordinarily resident in the territory of the latter Contracting Party,

(*c*) in the case of benefit claimed in respect of sickness, maternity or unemployment, provided that he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness, the presumed date of conception or the beginning of the unemployment, as the case may be,

(*d*) in the case of a benefit provided under a non-contributory scheme, other than a benefit in respect of employment injury, provided that he has been resident for six months in the territory of the latter Contracting Party.

2. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

3. In any case where in determining a right to benefit the laws and regulations of any one of the Contracting Parties make any distinction which depends on the nationality of a child, a child who is a national of any other of the Contracting Parties shall be treated as if he were a national of the former Contracting Party.

ARTICLE 3

1. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties in so far as it provides, in relation to those laws and regulations:—

(*a*) for determining under which laws and regulations a person should be insured;

(*b*) for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;

(*c*) for paying benefit to persons residing in the territory of any one of the Parties to such agreement;

(*d*) for supplementing and administering the provisions of such agreement referred to in this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to any provision of the said agreement which concerns benefits provided under a non-contributory scheme unless the national concerned has resided for six months in the territory of the Contracting Party under whose laws and regulations he claims benefit.

ARTICLE 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which in the absence of this Agreement have not been awarded or have been suspended shall be awarded or reinstated from the date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter Contracting Party.

ARTICLE 5

The provisions of this Agreement shall not limit the provisions of any national laws or regulations, international conventions, or bilateral or multilateral agreements which are more favourable for the beneficiary.

ARTICLE 6

This Agreement shall not affect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons, concerned in the management of social security.

ARTICLE 7

1. Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

ARTICLE 8

1. Annex II to this Agreement sets out in relation to each Contracting Party the agreements concluded by it to which Article 3 applies which are in force at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months