1959. No. 104 [NC]

GAME

Partridge and Hen Pheasants

ORDER, DATED 16TH JUNE, 1959, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTIONS SEVEN C AND SEVEN F OF THE GAME PRESERVATION ACT (NORTHERN IRELAND), 1928, AS INSERTED BY SECTION THREE OF THE GAME LAW AMENDMENT ACT (NORTHERN IRELAND), 1951.

This Order, prohibiting the sale or purchase of partridge and hen pheasants for consumption during the year 16th June, 1959 to 15th June, 1960, being of temporary effect, is not printed at length in this volume.

1959. No. 105 [NC]

NATIONAL INSURANCE

European Interim Agreement

ORDER IN COUNCIL, DATED 1ST JUNE, 1959, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE 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 schemes relating to 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, 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 Third 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), 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 the matters specified in that section:

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, 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 National Insurance (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 the Governments specified in the Third Schedule for reciprocity in any matters specified in sub-section (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946 (which sub-section relates to reciprocal agreements with other governments), and the National Insurance Acts (Northern Ireland), 1946 to 1957, 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 Schemes relating to 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 laws and regulations of any other Contracting Party relating to benefits payable in respect of old age, invalidity or survivors, equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation;

(a) 1946, c. 23.

Affirming also the principle that the nationals of any one of the Contracting Parties should receive the benefits of agreements relating to old age, invalidity and survivors 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:—

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*) benefits in respect of old age;

(*b*) benefits in respect of invalidity, other than those awarded under an employment injury scheme;

(*c*) benefits payable to survivors, other than death grants or benefits awarded under an employment injury scheme.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits. 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 purpose of this Agreement the word "benefit" shall include 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, provided that—

(*a*) in the case of invalidity benefit under either a contributory or non-contributory scheme, he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness responsible for such invalidity;

(*b*) in the case of benefit payable under a non-contributory scheme, he has been resident in that territory for a period in the aggregate of not less than fifteen years after the age of twenty, has been ordinarily resident without interruption in that territory for at least five years immediately preceding the claim for benefit and continues to be ordinarily resident in that territory;

(*c*) in the case of benefit payable under a contributory scheme, he is resident in the territory of any one of the Contracting Parties.

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.

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 been resident in the territory of the Contracting Party under whose laws and regulations he claims benefit for a period in the aggregate of not less than fifteen years after the age of twenty and has been ordinarily resident without interruption in that territory for a period of at least five years immediately preceding the claim for 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 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 of the date of coming into force of the agreement, or if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

ARTICLE 9

1. Annex III to this Agreement sets out the reservations hereto made at the date of signature.

2. Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of the present Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

3. Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received, and this Agreement shall apply accordingly.

ARTICLE 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

ARTICLE 11

1. Arrangements, where necessary, between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

2. The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any dispute relating to the interpretation or application of this Agreement.

3. If any such dispute has not been resolved by negotiation within a period of three months, the dispute shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.

4. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

ARTICLE 12

In the event of the denunciation of this Agreement by any of the Contracting Parties,

(*a*) any right acquired by a person in accordance with its provisions shall be maintained and, in particular, if he has, in accordance with its provisions, acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;