ENTRY INTO FORCE OF AGREEMENT

Article 35

(1) This Agreement shall enter into force on the 1st April, 1958, and shall remain in force for a period of one year from that date. Thereafter it shall continue in force from year to year unless—

(*a*) the Parties agree to terminate it; or

(*b*) either Party gives notice of termination in writing at least six months before the expiry of any such yearly period.

(2) Subject to the provisions of Article * * * * * 33, the former Agreement shall be terminated on the date of entry into force of this Agreement.

IN WITNESS whereof the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Canberra, this twenty-ninth day of January, Nineteen hundred and fifty-eight.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HAROLD MACMILLAN.

For the Government of the Commonwealth of Australia:

ROBERT MENZIES.

EXPLANATORY NOTE

(*This note is not part of the order, but is intended to indicate its general purport.*)

This order gives effect in Northern Ireland to the Agreement (set out in the Schedule) made between the Governments of the United Kingdom of Great Britain and of the Commonwealth of Australia and modifies the National Insurance Acts (Northern Ireland), 1946 to 1957, in their application to persons affected by the Agreement.

Residence and Persons Abroad Amendment Regulations (Northern Ireland), 1958

REGULATIONS, DATED 3RD JULY, 1958, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1958. No. 109 **[C]**

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by sections 28 and 57 of the National Insurance Act (Northern

Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Residence and Persons Abroad) Amendment Regulations (Northern Ireland), 1958, shall be read as one with the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the seventh day of July, 1958.

Amendment of the principal regulations

2. The principal regulations shall be amended in accordance with the following provisions, and shall accordingly have effect as set out in the Schedule.

Amendment of regulation 3 of the principal regulations

3. In sub-paragraph (*a*) of paragraph (2) of regulation 3 of the principal regulations, after the word "Subject" there shall be inserted the words "to the provisions of regulation 3A and".

4. Paragraphs (3) and (4) of regulation 3 of the principal regulations shall cease to have effect.

Regulations added to the principal regulations

5. Immediately after regulation 3 of the principal regulations there shall be inserted the following regulations:—

"**3A.**—(1) An insured person employed in an employed contributor's employment who ceases to be so employed in Northern Ireland but is in any week employed outside Northern Ireland in continuation of an employed contributor's employment by an employer having a place of business in Northern Ireland, being a week for which by virtue of paragraph (1) of regulation 3 he is not liable to pay a contribution as an insured person, shall, subject to the conditions specified in sub-paragraph (*b*) of paragraph (2) of the said regulation 3,—

(i) if in that week he is under the age of sixty-five (or, in the case of a woman, sixty) be entitled to pay a contribution for that week as a non-employed person; or

(ii) if in that week he is over the age of sixty-five (or, in the case of a woman, sixty) and has not retired from regular employment, be entitled to pay a contribution for that week as a non-employed person at the same rate as a non-employed person under that age.

(a) 1946. c.23.

(b) S.R. & O. (N.I.) 1948, No. 210 as amended by S.R. & O. (N.I.) 1949, No. 120; S.R. & O. (N.I.) 1950, No. 155; S.R. & O. (N.I.) 1951, No. 39; S.R. & O. (N.I.) 1952, No. 134; reg. 21 and Second Schedule, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1955, No. 117; S.R. & O. (N.I.) 1956, No. 211; and S.R. & O. (N.I.) 1957, No. 174; and S.R. & O. (N.I.) 1957, No. 266.

(2) An insured person who is over the age of sixty-five (or, in the case of a woman, sixty) shall be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age for any week in which he is in Northern Ireland, has not retired from regular employment and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland.

Treatment of contributions paid by persons who are or have been outside Northern Ireland

3B.—(1) Any contribution paid by an insured person as a self-employed person or as a non-employed person for any week in which he is in Northern Ireland and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland, shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment.

(2) Where a person to whom paragraph (1) of regulation 3A is applicable returns to Northern Ireland, retires from regular employment or dies, any contribution as a non-employed person paid (whether before or after any such event) in accordance with that paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment."

Renumbering of regulation 5A of the principal regulations

6. Regulation 5A of the principal regulations (which relates to the crediting of contributions in respect of periods outside Northern Ireland) shall be renumbered "4".

Amendment of regulation 5 of the principal regulations

7.—(1) Regulation 5 of the principal regulations (which regulation modifies the Act in relation to payment of benefit abroad) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (*b*) of paragraph (1) of the said regulation 5, all the words after the phrase "the particular circumstances of the case" shall be omitted.

(3) For paragraph (3) of the said regulation 5 there shall be substituted the following paragraph:—

"(3) A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Northern Ireland, provided the spouse is residing with the husband or wife, as the case may be.".

Regulation 7 of the principal regulations ceasing to have effect

8. Regulation 7 of the principal regulations (which contains provisions for the suspension of payment of benefit) shall cease to have effect.

Paragraph (2) of regulation 8 of the principal regulations to be omitted

9. Paragraph (2) of regulation 8 of the principal regulations shall be omitted.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 3rd day of July, 1958, in the presence of

(L.S.) *H. A. Lowry,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of July, 1958, in the presence of

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

PRINCIPAL REGULATIONS AS AMENDED*

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948 and shall come into operation on the 2nd July, 1948.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Insurance Act" means the National Health Insurance Act, 1936;

"the Contributory Pensions Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

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*The words substituted or added by these regulations are shown in italics.

Conditions as to residence in Northern Ireland

2. For the purposes of subsection (1) of section 1 of the Act (which subsection provides for persons who are in Northern Ireland becoming insured under the Act subject to such conditions as may be prescribed as to residence in Northern Ireland), the condition as to residence in Northern Ireland shall be that a person must have been resident in Northern Ireland for a continuous period of twenty-six weeks terminating on or after the appointed day and on or after attaining school leaving age:

Provided that—

(*a*) this condition shall not apply to the following persons as from the respective dates mentioned below:—

(i) (subject to the provisions of paragraphs (*b*) and (*c*) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person—as from the date on which he becomes such a person;

(ii) in the case of a person who came to Northern Ireland from a place outside the British Islands and but for the said foregoing provision would be a self-employed person or a non-employed person and who notifies the Ministry that this condition shall not apply to him—as from the date of such notification;

(iii) in the case of a person over school leaving age and under the age of eighteen who came to Northern Ireland for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied — as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still existing on, the appointed day, as from that day;

(*b*) where an employed person (not being an existing contributor within the meaning of any regulations made under section 62 of the Act) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in the United Kingdom and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in the United Kingdom, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Act;

(*c*) where a person (not being an existing contributor within the meaning of any regulations made under