Commencement (No. 2) Order (Northern Ireland), 1957

ORDER, DATED 13TH DECEMBER, 1957, MADE BY THE MINISTER OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (No. 2) ACT (NORTHERN IRELAND), 1957.

1957. No. 259 [NC]

Whereas it is provided by section 5 of the National Insurance (No. 2) Act (Northern Ireland), 1957(a) (hereinafter referred to as " the Act ") that the Act shall come into operation on such day as the Minister of Labour and National Insurance may by order appoint:

Now, therefore, I, the Right Honourable Ivan Neill, Minister of Labour and National Insurance for Northern Ireland, in pursuance of the said section 5 of the Act, and of all other powers enabling me in that behalf, hereby make the following Order:—

1. Subject to the provisions of Article 2 of this Order, the appointed day for the purposes of any subject matter specified in the second column of the Schedule and contained in any provision of the Act mentioned in the first column thereof shall be the appropriate date specified in the third column of that Schedule and set opposite to that subject matter.

2. As respects the period beginning with the 27th January, 1958, and ending with the 5th February, 1958 (hereafter in this Article referred to as " the said period "), the rate of a person's unemployment or sickness benefit for any day in the said period by virtue of section 25 of the National Insurance Act (Northern Ireland), 1946(b) (which relates to unemployment and sickness benefit for persons over pensionable age and regulates the rate of benefit in such cases by reference to the rate of retirement pension) shall be determined as if the day appointed for the purpose of the Act for the coming into operation of the higher rates of retirement pension under the National Insurance Act (Northern Ireland), 1946, were the 6th February, 1958.

3. This Order may be cited as the National Insurance and Industrial Injuries (Commencement) (No. 2) Order (Northern Ireland), 1957.

Given under my hand at Stormont this 13th day of December, 1957.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

(a) 1957. c. 26.
(b) 1946. c. 23.

SCHEDULE

Article 1

Section of the National Insurance (No. 2) Act (Northern Ireland), 1957	Subject Matter	Appointed Day
Section 1(1) and First Schedule	Higher rates of contributions under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(a) ...	3rd February, 1958.
Section 1(2) and Second Schedule	Higher rates and amounts of benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in the case of—	
	(a) death benefit	27th January, 1958.
	(b) any other benefit ...	6th February, 1958.
Section 2(1) and Third Schedule	Higher rates of contributions under the National Insurance Act (Northern Ireland), 1946	3rd February, 1958.
Section 2(2) and (3) and Fourth Schedule	Higher rates and amounts of benefit under the National Insurance Act (Northern Ireland), 1946, in the case of—	
	(a) widow's benefit ...	27th January, 1958.
	(b) guardian's allowance ...	27th January, 1958.
	(c) retirement pension ...	27th January, 1958.
	(d) child's special allowance	27th January, 1958.
	(e) maternity benefit ...	3rd February, 1958.
	(f) death grant	3rd February, 1958.
	(g) unemployment and sickness benefit	6th February, 1958.
Section 3.	Increase in pensions under Old Age Pensions Act (Northern Ireland), 1936(b)	27th January, 1958.
Section 4(1) and Fifth Schedule	Consequential amendment of—	
	(a) the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946—	
	(i) sections 21 and 30 and Fourth Schedule ...	27th January, 1958.
	(ii) sections 14 and 29 ...	6th February, 1958
	(b) the National Insurance Act (Northern Ireland), 1946—	
	(i) sections 16 and 22 ...	27th January, 1958.
	(ii) section 69	3rd February, 1958.
	(c) the National Insurance Act (Northern Ireland), 1953(c)	3rd February, 1958.

(a) 1946, c. 21.
(b) 26 Geo. 5 & 1 Edw. 8 Ch. 31.
(c) 1953, c. 27.

Reciprocal Agreement with Malta

ORDER IN COUNCIL, DATED 9TH JANUARY, 1957, 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.

1957. No. 11 [NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas at Valetta on the twenty-sixth day of October, nineteen hundred and fifty-six, an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malta on social security (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And whereas by Article 31 of the said Agreement it was provided that the Agreement should enter into force on the twenty-ninth day of October, 1956:

And whereas by 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), 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, 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 National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland), 1957, and shall come into operation with effect from the 29th day of October, 1956.

2. The provisions contained in the Agreement set out in the Schedule to this Order shall have full force and effect, so far as the same relate to Northern Ireland, and the National Insurance Acts (Northern Ireland), 1946 to 1956, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1956, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

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

Given at Stormont Castle, Belfast, this ninth day of January, one thousand nine hundred and fifty-seven.

Terence O'Neill
W. B. Topping
Ivan Neill
Dehra Parker

SCHEDULE

AGREEMENT ON NATIONAL INSURANCE BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE MALTESE GOVERNMENT

PART I

DEFINITIONS AND SCOPE

Article 1

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

(*a*) "benefit" means any pension, allowance, or other benefit payable under the legislation of one (or the other) territory, and includes any additional allowance payable therewith and any increase payable for a dependant;

(*b*) "benefit for widowhood" means, in relation to the United Kingdom, widow's benefit payable under the legislation of the United Kingdom, and, in relation to Malta, a widow's pension payable under the legislation of Malta;

(*c*) "child" means, in relation to any person, a child as defined by the legislation which is being applied who is treated under that legislation as being a child of that person or included in his family;

(*d*) "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 Malta, the Minister in charge of the Department of Emigration, Labour and Social Welfare;

(*e*) "dependant" means a person for whom an increase of benefit is payable under the legislation which is being applied;

(*f*) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of one (or the other) territory;

(*g*) "old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension payable under the legislation of the United Kingdom, and, in relation to Malta, an old age pension payable under the legislation of Malta;

(*h*) "parent" includes a person who is treated as a parent under the legislation which is being applied;

(*i*) "territory" means, according to the context, the United Kingdom or Malta;

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

Article 2

(1) The provisions of the present Agreement 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;

(*b*) in relation to Malta to the National Insurance Act, 1956.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall apply also to any law or regulation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Agreement shall apply, only if the Governments of both territories agree, to laws, orders or regulations, which amend or supplement the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Government has made with the Government of a third territory.

PART II

CONTRIBUTIONS

Article 3

(1) If a person is temporarily employed in one territory in the service of an employer who is resident in the other territory or has his principal place of business there, and the person is not ordinarily resident in the former territory, then, in relation to that employment—

(*a*) those provisions of the legislation of the latter territory which concern the payment of contributions shall apply to him during the first twelve months of that employment as if he were employed in the latter territory;

(*b*) the legislation of the former territory shall not apply to him during that period.

(2) The provisions of paragraph (1) shall apply to an employed person in relation to the employment specified in that paragraph even if an employer in the territory where he is temporarily employed is paying his wages in respect of the same employment.

(3) The provisions of sub-paragraphs (*a*) and (*b*) of paragraph (1) shall apply to an employed person in relation also to any other employment which he may undertake in the territory where he is temporarily employed during the period of twelve months specified in that paragraph.

(4) Where the employment specified in paragraph (1) of this Article lasts longer than twelve months, the provisions of paragraphs (1), (2) and (3) shall continue to apply to the employed person if the competent authority of the territory where he is employed agrees thereto before the end of the period of twelve months specified in paragraph (1).

Article 4

(1) If a person is employed in one territory in the government service of the other territory and is not ordinarily resident in the former territory—

(*a*) those provisions of the legislation of the latter territory which concern the payment of contributions shall apply to his employment as if he were employed in that territory;

(*b*) the legislation of the former territory shall not apply to his employment.

(2) The provisions of sub-paragraphs (*a*) and (*b*) of paragraph (1) shall apply to an employed person in relation also to any other employment which he may undertake in the former territory.

Article 5

If a person is employed on board any ship or vessel belonging to Her Majesty which is stationed in Malta, and his employment is insurable under the legislation of Malta, the legislation of the United Kingdom shall not apply to his employment.