NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Reciprocal Agreement with the Republic of Ireland

ORDER IN COUNCIL, DATED 23RD FEBRUARY, 1953, 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.

1953. No. 38

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, JOHN DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, in pursuance of 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**), 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.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland), 1953.

(2) The Interpretation Act, 1889 (**c**), applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Agreement relating to insurance and workmen's compensation 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 1952 (**d**), and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1952 (**e**), shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the provisions contained in the said Agreement.

3. The National Insurance and Industrial Injuries (Reciprocal Agreement with Eire) Order (Northern Ireland), 1949 (**f**), is hereby

(a) 1946. c. 23. (b) 1946. c. 21. (c) 52 & 53 Vict. c. 63. (d) 1946. c. 23; 1949. c. 20; 1951. c. 18; 1952. c. 14. (e) 1946. c. 21; 1948. c. 20; 1951. c. 18; 1952. c. 14. (f) S. R. & O. (N.I.) 1949. No. 82.

revoked but without prejudice to anything duly done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Given at Government House, Hillsborough, this twenty-third day of February, 1953.

Brookeborough
Brian Maginess
Ivan Neill
Harry Midgley
Robert Moore
W. V. McCleery
Dehra Parker
Alex. R. G. Gordon

SCHEDULE

AGREEMENT RELATING TO INSURANCE AND WORKMEN'S COMPENSATION MADE THIS 27TH DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FIFTY THREE BETWEEN THE MINISTRY OF LABOUR AND NATIONAL INSURANCE OF THE ONE PART AND THE MINISTER FOR SOCIAL WELFARE OF THE OTHER PART.

1.—(1) In this Agreement, unless the context otherwise requires,

" the Northern Ireland Act " means the National Insurance Act (Northern Ireland), 1946 ; 1946. Ch. 23.

" the Northern Ireland Acts " means the National Insurance Acts (Northern Ireland), 1946 ; 1946. Ch. 21. and 1946. Ch. 23.

" the Republic of Ireland Act " means the Social Welfare Act, 1952 ; No. 11 of 1952.

" the Republic of Ireland Acts " means the Social Welfare Act, 1952, and the Workmen's Compensation Act, 1934 ; No. 9 of 1934.

" sickness benefit " means, as the case may require, sickness benefit under the Northern Ireland Act or disability benefit under the Republic of Ireland Act ;

" maternity benefit " means maternity benefit other than maternity allowance (whether under the Northern Ireland Act or the Republic of Ireland Act) ;

" contributions of the appropriate class " means contributions (whether under the Northern Ireland Act or the Republic of Ireland Act or under any enactment repealed by either of those Acts) having effect for the purposes, as the case may be, of sickness benefit or of maternity benefit or, under the Republic of Ireland Act, of marriage benefit ;

" non-domiciled mariner " means, for the purposes of the Northern Ireland Acts, a person employed on board any ship or vessel who

neither is domiciled nor has a place of residence in the United Kingdom, and, for the purposes of the Republic of Ireland Acts, a person so employed who neither is domiciled nor has a place of residence in the Republic of Ireland ; and

" radio officer " means a person to whom this Agreement applies who is employed on board any ship or vessel in connexion with the radio apparatus thereof.

(2) References in this Agreement to the Acts in force in Northern Ireland or the Republic of Ireland, respectively, shall be construed as references to the Northern Ireland Acts or the Republic of Ireland Acts as the case may require.

(3) References in this Agreement to any enactment or order shall include a reference to such enactment or order as amended by any subsequent enactment, regulations or order.

2. Nothing in this Agreement shall confer a right to double benefit.

3. The said Ministry of Labour and National Insurance and the said Minister for Social Welfare shall from time to time determine the procedure appropriate for the purposes of this Agreement, and all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

4. Such financial adjustments between the Northern Ireland National Insurance Fund on the one hand and the Social Insurance Fund of the Republic of Ireland on the other, as may be agreed from time to time in connexion with Parts I and II of this Agreement, shall be made by the said Ministry of Labour and National Insurance and the said Minister for Social Welfare.

5.—(1) This Agreement shall have effect as from the 5th January, 1953.

(2) The said Ministry of Labour and National Insurance or the said Minister for Social Welfare may terminate this Agreement or any Part thereof on giving not less than six months previous notice in writing.

PART I

Insurance for sickness benefit and maternity benefit

6.—(1) Subject to the provisions of Articles 8 and 14 and of the following paragraphs of this Article, where a person insured under the Northern Ireland Act is on the 5th January, 1953, in the Republic of Ireland or thereafter goes to the Republic of Ireland, that person shall, in respect of any period for which he is in the Republic of Ireland occurring after the said date and before the expiration of six months from the date on which he last arrived in the Republic of Ireland, be

treated for the purposes of his right to receive sickness or maternity benefit as if he were in Northern Ireland during that period and where a person insured under the Republic of Ireland Act is on the 5th January, 1953, in Northern Ireland, or thereafter goes to Northern Ireland, that person shall, in respect of any period for which he is in Northern Ireland occurring after the said date and before the expiration of six months from the date on which he last arrived in Northern Ireland, be treated for the purposes of his right to receive sickness benefit or maternity benefit as if he were in the Republic of Ireland during that period :

Provided that —

(*a*) for the purpose of calculating the said period of six months the temporary absence of a person from Northern Ireland or the Republic of Ireland, as the case may be, shall be disregarded and the question whether the absence of a person is or is not to be treated as temporary for the said purpose shall be determined under Article 3 ; and

(*b*) the said Ministry of Labour and National Insurance or the said Minister for Social Welfare, as the case may be, may extend the said period of six months by not more than seven days in the circumstances of any particular case or class of cases.

(2) The rate at which any sickness benefit (apart from any increase) shall be payable to any person by virtue of this Article shall not exceed the maximum rate of that benefit (apart from any increase) appropriate to that person under the provisions of the Northern Ireland Act when that person is in Northern Ireland or of the Republic of Ireland Act when that person is in the Republic of Ireland.

(3) In determining, in relation to any person to whom this Article applies, the question whether any such person is entitled to benefit under the Northern Ireland Act, or whether any such person is entitled to benefit under the Republic of Ireland Act, and, for the purpose of any of these questions, the number of contributions paid by or in respect of him, any contributions of the appropriate class paid by or in respect of that person for any weeks in a period to which this Article applies and which is current at the date when that question arises shall be taken into account.

(4) Subject to the provisions of Article 11, this Article shall not confer any right to receive any increase of benefit under the Northern Ireland Act for a child or an adult dependant who is absent from Northern Ireland.

7. Where a person insured under the Northern Ireland Act who has gone to the Republic of Ireland returns to Northern Ireland, then, unless the period applicable to him under the provisions of Article 6

had terminated before his departure from the Republic of Ireland, any contributions of the appropriate class paid by or in respect of him in the Republic of Ireland during that period shall, for the purpose of sickness benefit and maternity benefit in Northern Ireland, be treated as such contributions so paid in Northern Ireland, and where a person insured under the Republic of Ireland Act who has gone to Northern Ireland returns to the Republic of Ireland, then, unless the period applicable to him under the provisions of Article 6 had terminated before his departure from Northern Ireland, any contributions of the appropriate class paid by or in respect of him in Northern Ireland during that period shall, for the purpose of sickness benefit and maternity benefit in the Republic of Ireland, be treated as such contributions so paid in the Republic of Ireland.

8. A member of the Defence Forces of the Republic of Ireland who is insured under the Northern Ireland Act shall not be entitled to sickness benefit under that Act in respect of any period during which he is a member of such Forces.

9.—(1) Where a person insured under the Northern Ireland Act is in the Republic of Ireland at the expiration of the period during which the provisions of Article 6 applied to him, then for the purposes of sickness benefit and maternity benefit —

(*a*) the provisions of the Northern Ireland Act shall cease to apply in his case ; and

(*b*) in the application to him of the provisions of the Republic of Ireland Act,

insurance, employment, contributions of the appropriate class paid (including such contributions credited or treated as paid) and benefits paid or claimed in Northern Ireland shall be treated as if they had been respectively insurance, employment, contributions of the appropriate class paid (including contributions credited or treated as paid) and benefits paid or claimed in the Republic of Ireland.

(2) Where a person insured under the Republic of Ireland Act is in Northern Ireland at the expiration of the period during which the provisions of Article 6 applied to him, then for the purposes of sickness benefit and maternity benefit —

(*a*) the provisions of the Republic of Ireland Act shall cease to apply in his case ; and

(*b*) in the application to him of the provisions of the Northern Ireland Act,

insurance, employment, contributions of the appropriate class paid (including such contributions credited or treated as paid) and benefits paid or claimed in the Republic of Ireland shall be treated as if they had been respectively insurance, employment, contributions of the appropriate class paid (including contributions credited or treated as paid) and benefits paid or claimed in Northern Ireland :