SCHEDULE

Description of disease or injury	Nature of occupation
36. Poisoning by beryllium.	Any occupation involving the use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.

Reciprocal Agreement with Eire

ORDER IN COUNCIL, DATED 25TH APRIL, 1949, MADE UNDER SECTION 61 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SECTION 84 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1949. No. 82

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

I, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, Governor of Northern Ireland, in pursuance of section 61 of the National Insurance Act (Northern Ireland), 1946, and section 84 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.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with Eire) Order (Northern Ireland), 1949, and shall be deemed to have had effect from the 5th July, 1948.

(2) The Interpretation Act, 1889, 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 and 1948, 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.

Given at Government House, Hillsborough, this twenty-fifth day of April, 1949.

Edmond Warnock
W. V. McCleery
S. H. Hall-Thompson
Brian Maginess
William Grant

SCHEDULE

AGREEMENT RELATING TO INSURANCE AND WORKMEN'S COMPENSATION MADE THIS TWELFTH DAY OF APRIL, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY NINE 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—

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

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

1 & 2 Geo. 5. c. 55. "the Eire Act" means the National Insurance Act, 1911;

10 & 11 Geo. 5. c. 30. No. 9 of 1934. "the Eire Acts" means the National Insurance Act, 1911, the Unemployment Insurance Act, 1920, and the Workmen's Compensation Act, 1934;

"sickness benefit" means, as the case may require, sickness benefit under the Northern Ireland Act or sickness or disablement benefit under the Eire Act together with any cash supplement payable under the Social Welfare Schemes (Cash Supplements) Order, 1947;

S. R. & O. 1947, No. 76.

"maternity benefit" means, as the case may require, maternity benefit other than maternity allowance under the Northern Ireland Act, or maternity benefit under the Eire Act;

"contributions of the appropriate class" means contributions (whether under the Northern Ireland Act or the Eire 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 Eire 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 Eire Acts, a person so employed who neither is domiciled nor has a place of residence in Eire; and

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

(2) References in this Agreement to the Acts in force in Northern Ireland or Eire, respectively, shall be construed as references to the Northern Ireland Acts or the Eire 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 Irish National Health Insurance Fund and the Unemployment Fund of Eire on the other, as may be agreed from time to time in connection with 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 July, 1948, but shall not apply so as to affect the operation of the Workmen's Compensation Act, 1934, as respects any accident happening before the 1st June, 1949.

(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 12 and of the following paragraphs of this Article, where a person insured under the Northern Ireland Act is on the 5th July, 1948, in Eire or thereafter goes to Eire, that person shall, in respect of any period for which he is in Eire occurring after the said date and before the expiration of six months from the date on which he last arrived in Eire, 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 Eire Act is on the 5th July, 1948, 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 Eire 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 Eire, 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) This Article shall not apply in the case of any such person being a woman who marries during the said period as from the date of her marriage.

(3) 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 Eire Act when that person is in Eire.

(4) 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 or to remain insured under the Eire 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.

(5) Subject to the provisions of Article 10, 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 goes to Eire and returns to Northern Ireland before the provisions of Article 6 cease to apply to him, he shall receive credit in Northern Ireland for contributions of the appropriate class paid in Eire during the period in question, and where a person insured under the Eire Act goes to Northern Ireland and returns to Eire before the provisions of Article 6 cease to apply to him, he shall receive credit in Eire for contributions of the appropriate class paid in Northern Ireland during the period in question.

8. A member of the Defence Forces of Eire 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 Eire 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 Eire 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 Eire.

(2) Where a person insured under the Eire Act is in Northern Ireland at the expiration of the period during which the provisions of Article 6 applied to him, then—

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

(*b*) in the application to him, for the purposes of sickness benefit and maternity benefit, 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 Eire 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 :

Provided that, in the case of a person who has been insured under the Eire Act and is in Northern Ireland, unless and until not less than thirteen such contributions have been paid by or in respect of him under the Northern Ireland Act since the beginning of the said period, the rate at which any such benefit (including any increase) shall be payable, shall not exceed the rate at which it would have been payable to him at the end of that period under the provisions of the Eire Act.

10. Where the wife or husband of a person insured under the Northern Ireland Act is in Eire such wife or husband shall be treated for the purposes of the right of that person to receive an increase of any sickness benefit to which that person may be entitled in respect of a wife or husband as if she or he were in Northern Ireland and where the wife or husband of a person insured under the Eire Act is in Northern Ireland, such wife or husband shall be treated for the purposes of the right of that person to receive an increase of any sickness benefit to which that person may be entitled in respect of a wife or husband as if she or he were in Eire.

11. Where the wife of a person insured under the Northern Ireland Act is in Eire, she shall be treated for the purpose of her right to receive maternity benefit in respect of that person's insurance as if she were in Northern Ireland and where the wife of a person insured under the Eire Act is in Northern Ireland, she shall be treated for the purpose of her right to receive maternity benefit in respect of that person's insurance as if she were in Eire.

12. Where a person is incapable of work by reason of an accident or industrial disease, any payment made or title to payment under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in respect of that accident or disease shall be treated as if it were a payment or title to payment under the Workmen's Compensation Act, 1934, for the purposes of the Eire Act, and any weekly payment made or title to weekly payment under the Workmen's Compensation Act, 1934, in respect of that accident or disease shall be treated as if it were a payment

1946. Ch. 21.