FAMILY ALLOWANCES

The Family Allowances (New Zealand Reciprocal Arrangements) Regulations, 1948

1948 No. 2600

Made - - - -	*30th November*, 1948
Laid before Parliament	*30th November*, 1948
Coming into Operation	*1st December*, 1948

M.N.I. 151.

The Minister of National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred on him by section 25 of the Family Allowances Act, 1945, and of all other powers enabling him in that behalf, hereby makes the following regulations:— 8 & 9 Geo. 6. c. 41.

1.—(1) These regulations may be cited as the Family Allowances (New Zealand Reciprocal Arrangements) Regulations, 1948, and shall come into operation on the 1st December, 1948.

(2) Words and expressions in these regulations shall have the same meanings as in the Memorandum of Reciprocal Arrangements set out in the Schedule hereto.

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

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule hereto shall have full force and effect so far as the same relate to Great Britain, and the Family Allowances Act, 1945, shall have effect subject to such modifications and adaptations of the provisions thereof as may be requisite for giving effect to the provisions contained in the said Memorandum or in consequence thereof.

3. The Minister of National Insurance shall, from time to time, make with the Minister of Social Security in New Zealand any financial adjustments required by the provisions of article 8 of the said Memorandum.

Dated this 30th day of November, 1948.

James Griffiths,
Minister of National Insurance.

R. J. Taylor,
C. James Simmons,
of His Majesty's Treasury.
Two of the Lords Commissioners

SCHEDULE

Memorandum of Reciprocal Arrangements relating to Family Allowances in Great Britain and Family Benefits in New Zealand made between the Minister of National Insurance in Great Britain with the consent of the Treasury of the one part and the Minister of Social Security in New Zealand of the other part.

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

" country " means Great Britain or New Zealand as the case may require;

"the appropriate authority " means, in the case of Great Britain the Minister of National Insurance, and in the case of New Zealand the Social Security Commission of New Zealand.

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

2. The Arrangements set out in this Memorandum shall apply for the purposes of all or any of the provisions of the scheme of Family Allowances in force in Great Britain and the scheme of Family Benefits in force in New Zealand.

3. The Arrangements shall apply in Great Britain to claimants for Family Allowances who are British subjects and in New Zealand to claims for Family Benefits in respect of children who are British subjects and the following provisions of this Memorandum shall have effect accordingly.

4.—(1) The following provisions of this article shall have effect in relation to Family Allowances in Great Britain for the purposes of the provisions of the Family Allowances Act, 1945, and the Regulations made thereunder, and the said Act and Regulations shall be construed accordingly.

(2) Residence or presence in New Zealand shall be treated as residence or presence in Great Britain.

(3) A person born in New Zealand shall be treated as a person whose place of birth is in the United Kingdom.

(4) Where a claimant's family includes children born in New Zealand, the claimant shall not be disqualified for entitlement to Family Allowances in respect of those children by reason only that the claimant (or his wife or her husband) is unable to satisfy the conditions as to presence in Great Britain contained in the said Act and Regulations as varied by the foregoing provisions of this article:

Provided that nothing in this paragraph shall prevent the disqualification of a claimant who ceases to satisfy such conditions by reason of any absence from Great Britain which occurs after he has become entitled to Family Allowances by virtue of this paragraph, so long as that absence continues.

5.—(1) The following provisions of this article shall have effect in relation to Family Benefits in New Zealand for the purposes of the provisions of the Social Security Act, 1938, and the said Act shall be construed accordingly.

(2) Residence in Great Britain shall be treated as residence in New Zealand.

(3) A child whose place of birth is in the United Kingdom shall be treated as a child born in New Zealand.

6. Subject to the provisions of the scheme of Family Allowances or Family Benefits in force in each country as modified by these Arrangements, a claim for an allowance or benefit shall be made to the appropriate authority for the country in which the person to whom the allowance or benefit belongs is present, or if that person is absent from Great Britain and New Zealand, to the appropriate authority for the country in which his agent appointed under the appropriate Act or Regulation is present.

7. Where, by reason of a child being included in a family, a Family Allowance or Family Benefit has been paid by one country for any period, Family Benefit or a Family Allowance shall not (whether such payment was made directly under

the Act in force in that country or under that Act by virtue of these Arrangements) be payable for that period by the other country by reason of the child being treated as included in that or any other family.

8.—(1) Where, by reason only of these Arrangements, sums on account of a Family Allowance have been paid in Great Britain by reason of the inclusion in a family of a child who leaves that country to return to New Zealand within six months of his arrival in Great Britain, there shall be paid out of the Social Security Fund in New Zealand to the Minister of National Insurance in Great Britain, an amount equal to the sums so paid on account of that Family Allowance.

(2) Where, by reason only of these Arrangements, Family Benefit has been paid in New Zealand in respect of a child who leaves that country to return to Great Britain within six months of his arrival in New Zealand, there shall be paid by the Minister of National Insurance in Great Britain to the Social Security Fund in New Zealand an amount equal to sums which would have been paid on account of a Family Allowance if the child had been present in Great Britain during the period of his presence in New Zealand and included in the family in which he has been included after his return to Great Britain.

(3) Save as expressly provided by this article, there shall be no financial adjustments between the Government of the United Kingdom and the Government of New Zealand in respect of these Arrangements.

9. Each party to this Memorandum shall, on request, afford to the other, any information in the possession of that party relating to any claimant or child.

10. For the purpose of avoiding doubts it is hereby declared that a Maori shall not be disqualified for any of the purposes of Family Allowances in Great Britain by reason only of the fact that he is a Maori.

11. These Arrangements shall come into force on the first date after the legislation giving effect to them has been approved by the Parliament of New Zealand and the Minister of National Insurance has made and laid before the Parliament of the United Kingdom regulations under Section 25 of the Family Allowances Act, 1945, in relation thereto.

12. Either party to this Memorandum may terminate the Arrangements herein contained on giving not less than twelve calendar months previous notice in writing to the other party.

Given under the official seal of the Minister of National Insurance this sixth day of August, nineteen hundred and forty-eight.

(L.S.)

James Griffiths,
Minister of National Insurance.

We consent.

C. James Simmons,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

Signed by the Minister of Social Security in New Zealand this twenty-third day of September, nineteen hundred and forty-eight.

W. E. Parry,
Minister of Social Security.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations give effect in Great Britain to the Reciprocal Arrangements (set out in the Schedule) made between the Minister of National Insurance and the Minister of Social Security in New Zealand. The Reciprocal Arrangements relate to Family Allowances in Great Britain and Family Benefits in New Zealand and modify the application of the Family Allowances Act, 1945, in its application to persons affected by the Arrangements.

FIRE SERVICES

[*See* also Class 5 of the Classified List of Local Instruments printed at the end of this volume.]

1. *Commencement of* 1947 *Act.*
2. *Authorisation (Scotland)*, p. 1033.
3. *Compensation*, p. 1035.
4. *Discipline*, p. 1059.
5. *Grant*, p. 1068.
6. *Pensionable Employment*, p. 1076.
7. *Pension Scheme*, p. 1091.
8. *Ranks and Conditions of Service*, p. 1127.
9. *Transfer of Persons*, p. 1185.
10. *Transfer of Property*, p. 1189.

1. COMMENCEMENT OF 1947 ACT

(1) *England.* | (2) *Scotland*, p. 1033.

(1) ENGLAND

The Fire Services (Appointed Day) Order, 1948

1948 No. 325

Made - - - - 23rd February, 1948

In pursuance of the power conferred on me by subsection (1) of section thirty-eight of the Fire Services Act, 1947(a), I hereby order as follows:—

1. The appointed day for the purposes of the Fire Services Act, 1947, shall be the first day of April, 1948.

2. This Order shall not extend to Scotland.

3. This Order may be cited as the Fire Services (Appointed Day) Order, 1948.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
23rd February, 1948.

(a) 10 & 11 Geo. 6. c. 41.