EXPLANATORY NOTE

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

This Order gives effect in England, Wales and Scotland to certain provisions of the Convention relating to the Status of Refugees made between Governments at Geneva on the 28th July, 1951, in so far as these provisions provide for reciprocity with the governments of other countries which have ratified or acceded to the Convention in relation to the Family Allowances Acts, 1945 to 1956, the National Insurance Acts, 1946 to 1956, and the National Insurance (Industrial Injuries) Acts, 1946 to 1956, and modifies those Acts in their application to cases affected by any such provisions of the Convention.

1956 No. 1897

The National Insurance and Industrial Injuries (Malta) Order, 1956

Made - - - - 29th November, 1956

At the Court at Buckingham Palace, the 29th day of November, 1956

Present,

The Queen's Most Excellent Majesty in Council

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 is was provided that the Agreement should enter into force on the twenty-ninth day of October, 1956:

And Whereas by section 64 of the National Insurance Act, 1946(a), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(b), it is provided that Her Majesty 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, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, and the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and interpretation

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Malta) Order, 1956.

(2) The Interpretation Act, 1889(c), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62. (c) 52 & 53 Vict. c. 63.

Modification of Acts

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 England, Wales and Scotland, and the National Insurance Acts, 1946 to 1956, and the National Insurance (Industrial Injuries) Acts, 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.

W. G. Agnew.

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.

Article 6

(1) For the purpose of this Article, "ship" means, in relation to one territory, a ship or vessel which is registered in that territory and is not owned in the other

territory, or any other British ship or vessel which is owned in the former territory other than a ship or vessel belonging to Her Majesty; and a ship or vessel shall be deemed to be owned in one (or the other) territory if the owner or, where there is more than one owner, the managing owner or the manager resides or has his principal place of business in that territory.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, if a person, ordinarily resident in one territory is employed on board a ship of the other territory, the legislation of the latter territory shall apply to him as if he were ordinarily resident in the latter territory, and the legislation of the former territory shall not apply to his employment.

(3) If a person, ordinarily resident in one territory, is employed as master or a member of the crew of a ship of the other territory which is registered in the former territory or calls regularly at ports of the former territory, then the legislation of the former territory shall apply to him as if he were employed as master or a member of the crew of a ship of the former territory, and the legislation of the latter territory shall not apply to his employment.

(4) If a person, ordinarily resident in one territory, is employed on board a ship of the other territory, and is in the service of an employer having a place of business in the former territory and not being the owner of the ship, then—

(*a*) the legislation of the former territory shall apply to him as if he were employed on board a ship of that territory;

(*b*) contributions under that legislation shall be paid by that employer; and

(*c*) the legislation of the latter territory shall not apply to his employment.

Article 7

If a person who was formerly a member of any of the regular naval, military or air forces of the Crown is serving as a member of any of the naval, military or air forces raised in Malta, and his service is insurable under the legislation of Malta, then the legislation of the United Kingdom shall not apply to his service

PART III

BENEFIT

Benefit of one territory payable in the other

Article 8

Where, under the legislation of one territory, a person would be entitled to receive an old age pension, benefit for widowhood, injury benefit, disablement benefit or death benefit if he were in that territory, he shall be entitled to receive that benefit while he is in the other territory.

Article 9

Where a person is employed in one territory and those provisions of the legislation of the other territory which concern the payment of contributions apply to him in accordance with the provisions of Article 3 or Article 4, he shall be treated under that legislation—

(*a*) for the purpose of any claim to receive sickness benefit as if he were in the latter territory;

(*b*) for the purpose of any claim to receive benefit for an industrial accident occurring, or an industrial disease contracted, in the course of his employment in the former territory, as if that employment were insurable and as if the accident had occurred or the disease had been contracted in the latter territory.

Beneficiary of one territory with dependant in the other

Article 10

Where a person, who is entitled to receive any benefit under the legislation of one territory, would be entitled to receive an increase of that benefit if a dependant of his were in that territory, he shall be entitled to receive that increase while the dependant is in the other territory.

Benefit of one territory in respect of a child in the other

Article 11

(1) Where, under the legislation of one territory, a person would be entitled to receive benefit for widowhood or death benefit if a child had been in that territory at the time when one of his parents died, the person shall be entitled to receive that benefit if the child was in the other territory at that time.

(2) Where, under the legislation of one territory, a person would be entitled to receive benefit for widowhood or death benefit if a child were in that territory, the person shall be entitled to receive that benefit while the child is in the other territory.

Sickness benefit

Article 12

(1) Where a person is in one territory and has, since his last arrival in that territory, become liable to pay contributions under the legislation of that territory, he shall be treated, for the purpose of any claim to receive sickness benefit under that legislation, as if—

(*a*) he had paid a contribution under that legislation for every week for which he has paid a contribution under the legislation of the other territory;

(*b*) he had had a contribution credited to him under that legislation for every week for which he has had a contribution credited to him under the legislation of the other territory;

(*c*) he had received sickness benefit or unemployment benefit under that legislation for every day for which he has respectively received sickness benefit or unemployment benefit under the legislation of the other territory.

(2) For the purpose of this Article, the word "contribution" shall not include a contribution which a person has paid or had credited to him as a non-employed person under the legislation of the United Kingdom or a contribution which he has paid voluntarily under the legislation of Malta.

Unemployment benefit

Article 13

(1) Where a person is in one territory and has, since his last arrival in that territory, become liable to pay contributions under the legislation of that territory, he shall be treated, for the purpose of any claim to receive unemployment benefit under that legislation, as if—

(*a*) he had paid a contribution under that legislation for every week for which he has paid a contribution under the legislation of the other territory;

(*b*) he had had a contribution credited to him under that legislation for every week for which he has had a contribution credited to him under the legislation of the other territory;

(*c*) he had received unemployment benefit or sickness benefit under that legislation for every day for which he has respectively received unemployment benefit or sickness benefit under the legislation of the other territory;

(*d*) he had been resident in the former territory during any period during which he was resident in the latter territory.

(2) For the purpose of this Article, the word "contribution" shall not include a contribution which a person has paid or had credited to him as a self-employed or non-employed person under the legislation of the United Kingdom or a contribution which he has paid voluntarily under the legislation of Malta.

Benefit for widowhood

Article 14

If a man has been insured under the legislation of both territories, then—

(*a*) for the purpose of determining whether his widow is entitled to receive benefit for widowhood under the legislation of one of the territories, any contribution, paid by him or credited to him under the legislation of the other territory, shall be treated as if it were a contribution respectively paid by him or credited to him under the legislation of the former territory; and

(*b*) if the widow is entitled to receive benefit for widowhood under the legislation of the former territory, the rate of that benefit shall be a part of the rate of the benefit which would have been payable to her under that legislation if every contribution paid by her husband or credited to him under the legislation of the latter territory had been a contribution respectively paid by him or credited to him under the legislation of the former territory, namely, that part which bears the same relation to the whole as the number of contributions paid by him or credited to him under the legislation of the former territory bears to the total number of contributions paid by him or credited to him under the legislation of both territories.

Guardian's allowance

Article 15

For the purpose of any claim to receive guardian's allowance under the legislation of one territory for a child who is resident in that territory, any contribution paid by a parent of the child under the legislation of the other territory shall be treated, unless guardian's allowance is payable for the child under that legislation, as if it had been paid by that parent under the legislation of the former territory.

Old age pensions

Article 16

(1) If a person has been insured under the legislation of both territories, then—

(*a*) for the purpose of determining whether he is entitled to receive an old age pension under the legislation of one of the territories, any contribution, paid by him or credited to him under the legislation of the other territory, shall be treated as if it were a contribution respectively paid by him or credited to him under the legislation of the former territory; and

(*b*) if he is entitled to receive an old age pension under the legislation of the former territory, the rate of that pension shall be a part of the rate of the pension which would have been payable to him under that legislation if every contribution paid by him or credited to him under the legislation of the latter territory had been a contribution respectively paid by him or credited to him under the legislation of the former territory, namely, that part which bears the same relation to the whole as the number of contributions paid by him or credited to him under the legislation of the former territory bears to the total number of contributions paid by him or credited to him under the legislation of both territories.

(2) If a woman claims an old age pension under the legislation of one (or the other) territory wholly or partly by virtue of her husband's contributions, the provisions of paragraph (1) of this Article shall apply to her, subject to the modification that any reference in that paragraph to a contribution paid by her or credited to her shall be construed as including a reference to a contribution respectively paid by her husband or credited to him.

Insurance periods to be ignored

Article 17

(1) For the purpose of determining, in accordance with the provisions of Articles 12, 13, 14, 15 and 16, whether a person is entitled to receive benefit under the legislation of Malta and for the purpose of determining, in accordance

with the provisions of Articles 14 and 16 what benefit would have been payable under that legislation if every contribution paid by a person or credited to him under the legislation of the United Kingdom had been a contribution respectively paid by him or credited to him under the legislation of Malta, no account shall be taken of any contribution paid or credited under the legislation of the United Kingdom for any week before the week beginning on the 7th May, 1956.

(2) For the purpose of applying the provisions of sub-paragraph (*b*) of Article 14 and sub-paragraph (*b*) of paragraph (1) of Article 16, no account shall be taken of any contribution which a person has paid or had credited to him under the legislation of the United Kingdom if, in the calculation of the yearly average of contributions paid by him or credited to him under that legislation, no account is taken of that contribution.

Industrial injuries and diseases

Article 18

Where a person has contracted an industrial disease and has been employed in both territories in occupations involving the risk of that disease, he shall, subject to the provisions of Articles 9 and 19, be treated, for the purpose of any claim to receive benefit for that disease under the legislation of the territory in which he was last so employed, as if he had been so employed only in that territory.

Article 19

Where a person who is receiving or has received disablement benefit under the legislation of one territory claims disablement benefit under the legislation of the other territory, account shall be taken of the former benefit as if it were the benefit which would be paid or would have been paid under the legislation of the latter territory for disablement assessed for the same period at the same percentage.

Article 20

A person, who is in Malta and is entitled to receive injury benefit or disablement benefit under the legislation of the United Kingdom, shall also be entitled to receive under the legislation of Malta such medical treatment as he would have been entitled to receive if his benefit had been payable under the legislation of Malta.

Duplicate rights.

Article 21

If a person who is receiving benefit for widowhood, old age pension, injury benefit, disablement pension or death benefit under the legislation of one territory—

(*a*) claims any benefit under the legislation of the other territory;

(*b*) would be entitled but for this Article to receive the latter benefit;

(*c*) would not be entitled under the legislation of the latter territory to receive in full at the same time both the latter benefit and the benefit which would have been awarded under that legislation in the circumstances in which the former benefit was awarded;

then he shall be entitled to receive under the legislation of the latter territory only any amount by which the former benefit is less than the latter:

Provided that the provisions of this Article shall not apply—

(i) to a claim for benefit for widowhood or an old age pension under the legislation of the latter territory where the claimant is receiving benefit for widowhood or an old age pension under the legislation of the former territory;

(ii) to a claim for disablement benefit under the legislation of the latter territory where the claimant is receiving disablement pension under the legislation of the former territory.

Claims made independently of the Agreement

Article 22

Subject to the provisions of Articles 19 and 21, any person claiming benefit under the legislation of either territory may choose to have his claim determined without regard to the provisions of this Part of the Agreement.

PART IV

MISCELLANEOUS PROVISIONS

Article 23

The competent authorities—

(i) shall make such administrative arrangements as may be required for the application of this Agreement;

(ii) shall communicate to each other information regarding any measure taken by them for the application of the Agreement;

(iii) shall furnish assistance to one another with regard to any matter relating to the application of the Agreement.

Article 24

Where, under the provisions of this Agreement, any benefit is payable by the competent authority of one territory to a person who is in the other territory, the payment may, at the request of that authority, be made by the competent authority of the latter territory as agent for the competent authority of the former territory.

Article 25

No benefit paid under the legislation of one territory by virtue of this Agreement shall be reimbursed out of the National Insurance Funds of the other territory.

Article 26

Where a person who is in one territory has claimed benefit under the legislation of the other territory, the competent authority of the former territory, at the request of the competent authority of the latter territory, shall arrange, at its own expense, for him to be medically examined.

Article 27

Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one territory in connexion with the issue of any certificate or document required to be produced for the purpose of that legislation, shall be extended to certificates and documents required to be produced for the purpose of the legislation of the other territory.

Article 28

Any claim, notice or appeal which should, for the purposes of the legislation of one territory, have been presented within a prescribed period to an authority of that territory, but which is in fact presented within the same period to the corresponding authority of the other territory, shall be treated as if it had been presented to the authority of the former territory. In such cases, the authority of the latter territory shall, as soon as possible, arrange for the claim, notice or appeal to be sent to the competent authority of the former territory.

Article 29

In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained, and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

Article 30

The provisions of Articles 5 and 7 shall have effect from the 7th May, 1956. The other provisions of this Agreement shall have effect from the date of its entry into force.

Article 31

This Agreement shall enter into force on the 29th October, 1956, 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 notice of termination is given in writing by the Government of either territory at least three months before the expiry of any such yearly period.

EXPLANATORY NOTE

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

This Order gives effect in England, Wales and Scotland to the Agreement (set out in the Schedule) made between the Governments of the United Kingdom and of Malta, and modifies the National Insurance Acts, 1946 to 1956, and the National Insurance (Industrial Injuries) Acts, 1946 to 1956, in their application to persons affected by that Agreement.

1956 No. 88

The National Insurance (New Zealand) Order, 1956

Made - - - - 25*th January,* 1956
Coming into Operation 1*st April,* 1956

At the Court at Buckingham Palace, the 25th day of January, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Wellington on the twentieth day of December, nineteen hundred and fifty-five, an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand on social security (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 27 of the said Agreement it was provided that the Agreement should enter into force on the first day of April, 1956:

And Whereas by section 64 of the National Insurance Act, 1946(a), it is provided that Her Majesty may by Order in Council make provision for modifying or adapting that Act in its application to cases affected by agreements with other governments providing for reciprocity in the matters specified in that section:

(a) 9 & 10 Geo. 6. c. 67.