1958 No. 772

The National Insurance and Industrial Injuries (Malta) Order, 1958

Made - - - - 7th May, 1958

At the Court at Buckingham Palace, the 7th day of May, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Valletta on the twenty-first day of March, nineteen hundred and fifty-eight, an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malta on National Insurance (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 8 of the said Agreement it was provided that the Agreement should enter into force on the twenty-first day of April, 1958:

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, 1958.

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

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 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, 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.

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

SCHEDULE

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

Article 1

For the purpose of this Agreement, the expression "the Principal Agreement" means the Agreement on National Insurance between the Government of the United Kingdom and the Maltese Government, which was signed at Valletta on behalf of those Governments on the 26th October, 1956, and is set out as a Schedule to the National Insurance and Industrial Injuries (Malta) Order, 1956(a) and as a Schedule to the National Insurance (Reciprocal Agreement with the United Kingdom) Order, 1956(b).

Article 2

Article 3 of the Principal Agreement shall be omitted, and in its place there shall be substituted the following Article :—

"*Article* 3

(1) If a person is temporarily employed in one territory in the service of an employer who—

(i) is ordinarily resident in the other territory ; or

(ii) has his principal place of business in that other territory ; or

(iii) has in that other territory a place of business in which the employed person is normally employed or to which the employed person is normally attached ;

and the employed 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) of this Article shall not apply to any person who is employed in the government service of either territory.

(3) 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 him wages in respect of the same employment.

(4) 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.

(5) Where the employment specified in paragraph (1) lasts longer than twelve months, the provisions of paragraphs (1), (3) and (4) 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)."

(a) S.I. 1956/1897 (1956 I, p. 1663).

(b) Government Notice No. 652, published in the Malta Government Gazette on the 27th October, 1956.

Article 3

Article 4 of the Principal Agreement shall be omitted, and in its place there shall be substituted the following Article :—

"*Article* 4

(1) If a person is employed in one territory—

(i) in the government service of the other territory, having been engaged for that employment outside the former territory, and is not ordinarily resident in the former territory ; or

(ii) in the government service of that territory, having been sent to that territory temporarily in the course of employment in the same government service in the other territory, and is insured in relation to that employment in the latter territory under the legislation of that territory ;

then, in relation to the employment in the former territory—

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

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

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

(3) The provisions of paragraph (1) shall not apply to any apprentice in the service of the Admiralty in Malta who is sent to the United Kingdom under the Equal Opportunities Scheme."

Article 4

Article 5 of the Principal Agreement shall be omitted, and in its place there shall be substituted the following Article :—

"*Article* 5

None of the provisions of Articles 3, 4 and 6 of this Agreement shall affect the insurance of any person in relation to his service or training in any of the naval, military or air forces or reserve forces of the Crown."

Article 5

Article 6 of the Principal Agreement shall be omitted, and in its place there shall be substituted the following Article :—

"*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 ; and a ship or vessel shall be deemed to be owned—

(*a*) in the United Kingdom if it belongs to Her Majesty ;

(*b*) in one (or the other) territory, if it does not belong to Her Majesty and 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 (5) 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—

(*a*) is registered in the former territory ;

(*b*) is based in the former territory ;

(*c*) is engaged in the home trade of the former territory ; or

(*d*) is manned wholly or mainly by persons who are ordinarily resident in 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) For the purpose of applying the provisions of paragraph (3) of this Article, a ship shall be treated as being engaged in the home trade of Malta if it is engaged in trading or going between Malta and any other Mediterranean port or ports or if it is a fishing vessel based in Malta.

(5) If a person is ordinarily employed in one territory in the service of an employer having a place of business in that territory, and is insured in relation to that employment under the legislation of that territory, then, in relation to any employment on board a ship of the other territory, being employment in the service of the same employer—

(*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 him."

Article 6

At the end of Article 9 of the Principal Agreement, there shall be added the following Article :—

"*Article 9A*

Where a person is temporarily in one territory and is not entitled to receive sickness benefit or injury benefit under the legislation of that territory but would be entitled to receive such benefit under the legislation of the other territory if he were in the latter territory, he shall, subject to the approval of the competent authority of the latter territory, be entitled to receive that benefit for such period as that authority may determine."

Article 7

Sub-paragraph (*c*) of paragraph (1) of Article 12 of the Principal Agreement and sub-paragraph (*c*) of paragraph (1) of Article 13 of that Agreement shall be omitted and there shall be added the following Article at the end of Article 13—

"*Benefit of one territory treated as benefit of the other*

Article 13*A*

Where a person claims sickness benefit under the legislation of one territory by virtue of the provisions of Article 12 of this Agreement or unemployment benefit under that legislation by virtue of the provisions of Article 13, he may, at the discretion of the competent authority of that territory, be treated as if 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 ; but, for this purpose, any day for which he has received such benefit shall be ignored if it falls before the beginning of the last two complete benefit years, as determined under the legislation of the latter territory, before the day for which he claims benefit."

Article 8

This Agreement shall enter into force on the 21st April, 1958, and shall be read and construed as one with the Principal Agreement.

Done in duplicate at Valletta, this 21st day of March, 1958.

In witness whereof the undersigned have signed this Agreement.

For the Government of the United Kingdom :

Victor Vella,
Acting Lieutenant-Governor

For the Maltese Government:

E. C. Tabone,
Minister of Emigration
Labour and Social Welfare

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 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, in their application to persons affected by that Agreement.

TRANSITIONAL PROVISIONS

1958 No. 1239

The National Insurance (New Entrants Transitional) Amendment Regulations, 1958

Made - - - -	28*th July*, 1958
Laid before Parliament	1*st August*, 1958
Coming into Operation	2*nd August*, 1958

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 71 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (New Entrants Transitional) Amendment Regulations, 1958, shall be read as one with the National Insurance (New Entrants Transitional) Regulations, 1949(b), as amended(c), (hereinafter referred to as "the principal regulations") and shall come into operation on the 2nd day of August, 1958.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1949/352 (1949 I, p. 2737).
(c) S.I. 1949/1204, 1952/2144, 1955/493, 1957/2077, 2147 (1949 I, p. 2708; 1952 II, p. 2154; 1955 I, p. 1586; 1957 I, pp. 1556, 1694); *and see* reg. 2 S.I. 1957/269 (1957 I, p. 1692).