STATUTORY INSTRUMENTS

1962 No. 173

NATIONAL INSURANCE

The National Insurance (Canada) Order, 1962

Made - - - - 25th January, 1962

At the Court at Sandringham, the 25th day of January, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 64 of the National Insurance Act, 1946(a), and of 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 (Canada) Order, 1962.

(2) The Interpretation Act, 1889(b), 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 Letters 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 provide for reciprocity in any matters specified in subsection (1) of section 64 of the National Insurance Act, 1946, (which subsection relates to reciprocity with other countries); and the National Insurance Acts, 1946 to 1961, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

E. N. Landale.

SCHEDULE

LETTERS EXCHANGED ON THE 30TH NOVEMBER, 1961, BETWEEN THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA AND THE CANADIAN MINISTER OF NATIONAL HEALTH AND WELFARE

No. 1

THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA TO THE CANADIAN MINISTER FOR NATIONAL HEALTH AND WELFARE

7th November, 1961.

My dear Minister,

Officials of this High Commission have recently discussed with Canadian officials the question in what respect the arrangements agreed in the letters which passed between us(c) on the 8th and 10th December, 1959, require to be modified in view of the recent amendments made to the Canadian Old Age Security Act.

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

(c) *See* the Schedule to the Family Allowances and National Insurance (Canada) Order, 1959 (S.I. 1959/2216 (1959 II, p. 1898)).

I have now to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland propose that the provisions set out in paragraph 16 of Sir Saville Garner's letter of the 8th December, 1959 (which, in certain circumstances, enable a person to be treated as having paid contributions under British legislation for weeks of residence in Canada) should not apply where the person claiming a retirement pension under that legislation is entitled, notwithstanding his absence from Canada, to receive a pension under the Old Age Security Act, and that any retirement pension awarded before the date on which the proposed modification of those provisions enters into force should be payable for any period beginning on or after that date only if, and to the extent to which, it would have been payable if those provisions had always had effect as modified. This proposal would not affect payments for any earlier period.

The United Kingdom Government propose that this modification of the arrangements to which I have referred should enter into force on the first day of the third month following the month in which the letters are exchanged, and should be treated on and after that date as if it were part of those arrangements.

Yours sincerely,

Amory.

No. 2

THE CANADIAN MINISTER OF NATIONAL HEALTH AND WELFARE TO THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA

30th November, 1961.

Excellency:

I am replying to your letter of November 7th, 1961 concerning a modification of the original Exchange of Letters on social security benefits dated December 8th and 10th 1959.

Paragraph 2 of your above letter proposes to modify the provisions of paragraph 16 in the letter of December 8th, 1959, in the following way. Persons residing in Great Britain and Northern Ireland who are entitled to receive the Canadian old age security pension outside of Canada will no longer qualify for the British retirement pension, except in so far as they have gained entitlement to the British pension because of contributions actually paid to the British National Insurance Scheme. The date of operation of this modification will be as set out in paragraph 3 of your letter of November 7th, 1961. Persons who up to the time this modification takes effect have been paid both the British retirement pension and the Canadian old age security pension will not be asked to refund the British pension received.

The Government of Canada is pleased to accept this proposed modification and agrees that it be treated on and after the said effective date of operation as if it were part of the Exchange of Letters of December 8th and 10th, 1959.

Yours sincerely,

J. W. Monteith.

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 provisions which have been arranged between the United Kingdom and Canada in the Letters set out in the Schedule to the Order, modifying the existing provisions contained in the Family Allowances and National Insurance (Canada) Order, 1959, for the reciprocal treatment of migrants in relation to old age insurance, and modifies the National Insurance Acts, 1946 to 1961, in their application to persons affected by those provisions.