PART II

MODIFICATIONS

In the provisions of the Act and the regulations specified or referred to in Part I of this Schedule—

(*a*) references to the Act shall be construed as including references to the Isle of Man Act;

(*b*) references to the Family Allowances Act, 1945, shall be construed as including references to the Family Allowances (Isle of Man) Act, 1946; 8 & 9 Geo. 6. c. 41. 9 & 10 Geo. VI.

(*c*) references to the Industrial Injuries Act shall be construed as including references to the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948; 11 & 12 Geo. VI.

(*d*) references to the Minister shall be construed as including references to the Isle of Man Board of Social Services constituted under the Isle of Man Board of Social Services Act, 1948; 11 & 12 Geo. VI.

(*e*) references to the National Insurance Fund shall be construed as including references to the Manx National Insurance Fund;

(*f*) references to contributions shall be construed as including references to contributions under the Isle of Man Act; and

(*g*) references to insured persons, employed persons, benefit, beneficiaries, insurance stamps, insurance cards and regulations shall be construed as including references to insured persons, employed persons, benefit, beneficiaries, insurance stamps, insurance cards and regulations respectively within the meaning of the Isle of Man Act.

EXPLANATORY NOTE

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

This Order gives effect in Great Britain to the reciprocal agreement (set out in the First Schedule to the Order) made between the Minister of National Insurance and the Lieutenant-Governor of the Isle of Man, and modifies the National Insurance Act, 1946, in its application to persons affected by that agreement and makes the provisions as to administration and enforcement contained in that Act or in regulations made thereunder which are referred to in the Second Schedule applicable also for the purposes of the National Insurance (Isle of Man) Act, 1948.

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(4) NORTHERN IRELAND

The National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948

1948 No. 211

Made - - - -	*6th February*, 1948
Laid before Parliament	*10th February*, 1948
Coming into Operation	*13th February*, 1948

116.

The Minister of National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred by section 63 of the

9 & 10 Geo. 6. c. 67.

National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948, and shall come into operation on the 13th February, 1948.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946;

10 Geo. 6. c. 23.

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

" the Minister " means the Minister of National Insurance;

and other expressions have the same meanings as in the Act.

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

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the First Schedule to these regulations shall have full force and effect so far as the same relate to Great Britain, and the Act 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 Memorandum.

3. In particular but without prejudice to the generality of the foregoing regulation, the provisions of the Act and regulations specified or referred to in Part I of the Second Schedule to these regulations shall apply for the purposes of the Northern Ireland Act as they apply for the purposes of the Act, subject to the modifications relating thereto specified in Part II of that schedule.

4. For the purposes of the provisions of the Act specified in the first column of the Third Schedule to these regulations, the Joint Authority shall be substituted for the Minister in relation to the making of the regulations specified in the third column of that schedule and set opposite to the provisions under which they are respectively authorised to be made.

Dated this 6th day of February, 1948.

James Griffiths,
Minister of National Insurance.

Wm. Hannan,
R. J. Taylor,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

Regulation 2.

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO NATIONAL INSURANCE BETWEEN THE MINISTER OF NATIONAL INSURANCE, WITH THE CONSENT OF THE TREASURY, OF THE ONE PART AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE FOR NORTHERN IRELAND, WITH THE CONSENT OF THE MINISTRY OF FINANCE FOR NORTHERN IRELAND, OF THE OTHER PART

1.—(1) In this Memorandum, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

" the Acts " means, in relation to Great Britain, the National Insurance Act, 1946, and, in relation to Northern Ireland, the National Insurance Act (Northern Ireland), 1946, in each case as amended by any subsequent enactment or by any order or regulations; 9 & 10 Geo. 6. c. 67. 10 Geo. 6. c. 23.

" country " means Great Britain or Northern Ireland, as the case may require.

(2) Unless the context otherwise requires, expressions in this Memorandum shall have the same meanings as in the Acts.

(3) The Interpretation Act, 1889, applies to the interpretation of this Memorandum as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. For the purposes of all or any of the provisions of the systems of insurance established by the Acts, acts, omissions and events having effect for all or any of those purposes in one country shall be treated as if they had been respectively such acts, omissions and events in the other country and in particular insurance, residence, employment, contributions paid (including contributions credited or treated as paid), exceptions from liability to pay contributions, and benefit paid or claimed, in one country shall be treated as if they had been respectively insurance, residence, employment, contributions paid (including contributions credited or treated as paid), exceptions from liability to pay contributions, and benefit paid or claimed, in the other country:

Provided that—

(*a*) any appeal from a decision of any question arising under or in connection with the Acts, including any claim for benefit, shall be made, and any question with a view to the review of any such decision shall be raised, in the country in which such decision was given; and

(*b*) this Article shall not confer a right to double benefit.

3. The National Insurance Joint Authority shall from time to time determine the procedure appropriate for the purposes of these arrangements, including all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

4. This Memorandum of arrangements shall come into operation on the 11th November, 1947, but the said Minister of National Insurance or the said Ministry of Labour and National Insurance for Northern Ireland may terminate the arrangements herein contained on giving not less than six months previous notice in writing.

Given under the official seal of the Minister of National Insurance this 11th day of November, nineteen hundred and forty-seven.

(L.S.)

JAMES GRIFFITHS,
Minister of National Insurance.

Given under the official seal of the Ministry of Labour and National Insurance for Northern Ireland this 11th day of November, nineteen hundred and forty-seven.

(L.S.)

BRIAN MAGINESS,

Minister of Labour and National Insurance for Northern Ireland.

We consent.

R. J. TAYLOR,
C. JAMES SIMMONS,

Two of the Lords Commissioners of His Majesty's Treasury.

The Ministry of Finance for Northern Ireland hereby consents.

Given under the official seal of the Ministry of Finance for Northern Ireland this 11th day of November, nineteen hundred and forty-seven.

(L.S.)

J. M. SINCLAIR,

Minister of Finance for Northern Ireland.

Regulation 3.

SECOND SCHEDULE

PART I

PROVISIONS OF THE ACT AND REGULATIONS APPLYING FOR THE PURPOSES OF THE NORTHERN IRELAND ACT

Provision	Subject matter
Subsection (6) of section 2	Penalty for not paying contributions.
Subsection (2) of section 6	Penalty for unlawful deduction of employer's contribution.
Regulations for the time being in force under paragraph (*e*) of subsection (1) of section 8.	Recovery of contributions on prosecutions.
Section 32	Benefit to be inalienable.
Section 33	Proceedings by employees for benefit lost by employer's default.
Regulations for the time being in force under subsection (6) of section 43.	Decisions to be conclusive for purpose of proceedings under the Act.
Subsections (2) to (6) of section 49 ...	Powers of inspectors.
Subsections (2) to (4) of section 50 ...	Proof of age, marriage and death.
Section 51	Exemption from stamp duty.
Section 52	General provisions as to offences and penalties.
Section 53	General provisions as to prosecutions.
Section 54	Civil proceedings to recover sums due to National Insurance Fund.
Section 55	Priority of contributions in winding up and bankruptcy.

PART II

MODIFICATIONS

In the provisions of the Act and the regulations specified or referred to in Part I of this schedule—

(*a*) references to the Act shall be construed as including references to the Northern Ireland Act;

(*b*) references to the Family Allowances Act, 1945, shall be construed as including references to the Family Allowances Act (Northern Ireland), 1945; 8 & 9 Geo. 6. c. 41. 9 & 10 Geo. 6. c. 19.

(*c*) references to the Industrial Injuries Act shall be construed as including references to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946; 10 Geo. 6. c. 21.

(*d*) references to the Minister shall be construed as including references to the Ministry of Labour and National Insurance for Northern Ireland;

(*e*) references to the National Insurance Fund shall be construed as including references to the Northern Ireland National Insurance Fund;

(*f*) references to contributions shall be construed as including references to contributions under the Northern Ireland Act;

(*g*) references to insured persons, employed persons, benefit, beneficiaries, insurance stamps, insurance cards and regulations shall be construed as including references to insured persons, employed persons, benefit, beneficiaries, insurance stamps, insurance cards and regulations respectively within the meaning of the Northern Ireland Act; and

(*h*) references to the Seventh Schedule to the Act shall be construed as including references to the Sixth Schedule to the Northern Ireland Act.

THIRD SCHEDULE

Regulation 4.

Section of the Act	Subject matter	Regulations in relation to the making of which the Joint Authority is substituted for the Minister
10 (3) ...	Contributions of the appropriate class.	Regulations as to the number of contributions not of the appropriate class which shall be treated as equivalent to a contribution of that class.
10 (4) ...	Yearly average ...	Regulations as to the manner in which the yearly average of the contributions paid by or credited to any person is to be calculated.
11 (2) (*a*) ...	Days of unemployment and incapacity for work.	Regulations as to deeming a person to be available for employment or incapable of work.
11 (2) (*d*) ...		Regulations as to the day other than Sunday which shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.
11 (3) ...		Regulations as to days which are or are not to be treated, for the purposes of unemployment benefit and sickness benefit, as days of unemployment or incapacity for work.

Section of the Act	Subject matter	Regulations in relation to the making of which the Joint Authority is substituted for the Minister
12 (1) proviso	Additional days of unemployment benefit.	Regulations as to qualifying for additional days of unemployment benefit.
12 (4) ...	Persons who delay or fail to make a claim, etc., to be treated as entitled to benefit.	Regulations as to treating a person as having been entitled to benefit for any day, if he would have been so entitled but for any delay or failure to make or prosecute a claim or to give a notice.
13 (3) ...	Disqualifications for sickness benefit.	(1) Regulations as to disqualification for sickness benefit on account of misconduct or failure to submit to medical examination or treatment, or to observe prescribed rules of behaviour. (2) Regulations as to the rules of behaviour.
14 (3) ...	Disqualifications for attendance allowance.	(1) Regulations as to disqualification for attendance allowance on account of working or failure to observe prescribed rules of behaviour. (2) Regulations as to the rules of behaviour.
14 (6) ...	Maternity grant before confinement.	Regulations as to the modifications of section 14 with a view to making a maternity grant payable by virtue of a certificate of expected confinement.
15 (1) (*a*) ...	Certificates by qualified practitioner for a maternity allowance.	Regulations as to the number of weeks before the expected week of confinement within which a certificate may be given.
15 (3) ...	Medical examination in connection with maternity allowance.	Regulations as to submission to medical examination in connection with maternity allowance.
15 (4) ...	Maternity allowance in special cases.	Regulations as to modifications of subsections (1) and (2) of section 15 where it is certified that the woman has been confined, without a certificate of expected confinement, or more than seven weeks before the expected week of confinement.
15 (5) ...	Disqualifications for maternity allowance.	(1) Regulations as to disqualification for maternity allowance on account of working or failure to observe prescribed rules of behaviour or to submit to medical examination. (2) Regulations as to the rules of behaviour.
16 (1) (*c*) ...	Qualified practitioners	(1) Regulations as to certification outside the United Kingdom. (2) Regulations as to the midwives other than certified midwives to be qualified practitioners.

Section of the Act	Subject matter	Regulations in relation to the making of which the Joint Authority is substituted for the Minister
18 (3) ...	Widows' pensions in the case of certain widows incapable of self-support.	Regulations as to widows' pensions for widows ceasing to be entitled to widows' benefit when incapable of self-support.
18 (5) ...	Widows' pensions in the case of widows who have been married more than once.	Regulations as to the duration of marriage condition in the case of a widow who has been married more than once.
19 (1) ...	Guardian's allowance in special cases.	Regulations as to the modified conditions for a guardian's allowance in the case of an adopted or illegitimate child, etc.
21 (1) (iii) ...	Special provisions as to women's retirement pensions.	Regulations as to the further conditions, in the case of women marrying over pensionable age, for retirement pensions by virtue of husbands' insurance.
21 (3) ...	Further modifications of retirement pensions by virtue of husbands' insurance.	Regulations as to further modifications of subsection (4) of section 20 in the case of retirement pensions by virtue of husbands' insurance for women marrying after pensionable age.
21 (4) ...	Choice of retirement pensions for women.	Regulations as to the occasions when and manner in which a woman may choose which of more than one retirement pension she shall be entitled to.
22 (3) ...	Death grant in respect of death occurring outside Great Britain.	Regulations as to the payment of death grant in respect of death occurring outside Great Britain.
23 (4) ...	Priority for an increase of retirement pension in respect of a child.	Regulations as to the priority of a man and his wife in relation to increase of retirement pension in respect of a child.
24 (2) (*b*) ...	Increase of unemployment benefit or sickness benefit for relatives.	Regulations as to the relatives in respect of whom unemployment benefit or sickness benefit may be increased, and the further conditions therefor.
24 (2) (*c*) ...	Increase of unemployment benefit or sickness benefit for female persons having the care of children.	Regulations as to the further conditions for an increase of unemployment benefit or sickness benefit in the case of a female person who has the care of a child or children.
25 (1) ...	Partial satisfaction of contribution conditions.	Regulations as to entitling persons to the benefits referred to in section 25 notwithstanding a deficiency of contributions.
25 (2) ...		Regulations as to reductions in the rate or amount of benefit for contribution deficiencies.

Section of the Act	Subject matter	Regulations in relation to the making of which the Joint Authority is substituted for the Minister
29 (1) ...	Disqualification or suspension for imprisonment.	Regulations as to exceptions from disqualification on the grounds of imprisonment.
29 (2) ...		Regulations as to the suspension of payment of benefit to persons excepted from disqualification on the grounds of imprisonment.
30 (1) (*a*) ...	Overlapping benefits, etc.	Regulations as to the adjustment of benefit, or the conditions for the receipt thereof, in the circumstances referred to in paragraph (*a*).
30 (1) (*b*) ...		Regulations as to the suspension of benefit during any period in hospital, etc.
30 (2) ...	Priority of two persons for an increase of benefit.	Regulations as to the priority of two persons in relation to an increase of benefit in respect of a third person.
30 (3) ...	Adjustment of sickness benefit in the case of persons entitled to workmen's compensation.	Regulations as to adjustment of sickness benefit, or the conditions for receipt thereof, on grounds of entitlement to compensation under the Workmen's Compensation Acts, etc.
31 (1) ...	Disregarding of disqualifications, etc., for certain purposes.	Regulations as to treatment of a disqualified person as if entitled to benefit for the purpose of any rights or obligations other than the right to payment of that benefit.
34	Maintenance ...	Regulations as to the circumstances in which a person is or is not to be deemed to be maintaining another person.
57 (1) ...	Members of forces	Regulations as to exception from insurance of certain members of the forces.
57 (2) and (3)		Regulations as to the modifications of the Act in relation to members of forces, including in particular the matters specified in subsection (3).
57 (4) ...		Regulations as to the organisations to be deemed to form part of forces.
65 (2) and (3)	Existing contributors and existing beneficiaries.	(1) Regulations as to the modifications, additions and exceptions to the provisions of the Act (preceding section 65) in relation to existing contributors and existing beneficiaries under the National Health Insurance Act, 1936(**a**), including in particular the matters referred to in subsection (3). (2) Regulations as to the time before the appointed day(**b**), within which a person must be insured or deemed to be or treated as insured under the National Health Insurance Act, 1936, for the purpose of being an existing contributor.

(**a**) 26 Geo. 5. & 1 Edw. 8. c. 32.
(**b**) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

Section of the Act	Subject matter	Regulations in relation to the making of which the Joint Authority is substituted for the Minister
66 (3) ...	Transfer of assets and liabilities.	(1) Regulations as to the transfer on the appointed day by virtue of the Act of the assets mentioned in subsection (1) of section 66.
		(2) Regulations as to the person (other than the Minister) or authority to whom the assets may be transferred.
66 (5) (*a*), (*b*), (*c*) and (*d*).		Regulations as to the supplementary matters specified in paragraphs (*a*) to (*d*).
68 (3) ...	Proceedings under the Unemployment Assistance Act, 1934(a).	Regulations as to proceedings under section 36 of the Unemployment Assistance Act, 1934.
69 (1) and (2)	Further consequential and transitional provisions.	Regulations as to facilitating the operation of sections 65 to 68 of the Act or the introduction of the system of insurance established by the Act, including in particular the matters set out in paragraphs (*a*) to (*g*) of subsection (1) and in subsection (2), in so far as such regulations relate to the system of insurance established by the National Health Insurance Acts, 1936 to 1941.
78 (1) ...	Meaning of " benefit year " and " contribution year ".	Regulations as to the meaning of " benefit year " and " contribution year ".
78 (5) ...	Earnings and rate of remuneration.	Regulations as to the calculation of earnings and rate of remuneration.

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 (contained in the Memorandum set out in the First Schedule to the Regulations) made between the Minister of National Insurance and the Ministry of Labour and National Insurance for Northern Ireland, and modify the National Insurance Act, 1946, in its application to persons affected by those arrangements (regulation 2); they make the provisions as to administration and enforcement contained in that Act or in regulations made thereunder which are referred to in the Second Schedule applicable also for the purposes of the National Insurance Act (Northern Ireland), 1946 (regulation 3); and substitute the Joint Authority for the Minister in relation to the making of the Regulations specified in the Third Schedule (regulation 4).

24. STAMPS

[*See* NATIONAL INSURANCE AND INDUSTRIAL INJURIES, p. 3051 below.]

(a) 24 & 25 Geo. 5. c. 29.