23. RECIPROCAL AGREEMENTS

(1) *Eire.*
(2) *France*, p. 2900.
(3) *Isle of Man*, p. 2902.
(4) *Northern Ireland*, p. 2905.

(1) EIRE

The National Insurance (Reciprocal Agreement with Eire for Sickness and Maternity Benefit) Order, 1948

1948 No. 2059

Made - - - - 13th September, 1948

At the Court at Buckingham Palace, the 13th day of September, 1948

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:— 9 & 10 Geo. 6. c. 67.

1.—(1) This Order may be cited as the National Insurance (Reciprocal Agreement with Eire for Sickness and Maternity Benefit) Order, 1948, and shall come into operation on the 16th September, 1948. Citation, commencement and interpretation.

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

2. The provisions contained in the Agreement relating to Insurance for Sickness Benefit and Maternity Benefit set out in the Schedule to this Order shall have full force and effect so far as the same relate to Great Britain, and the National Insurance Act, 1946, 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 Agreement.

E. C. E. Leadbitter.

SCHEDULE

Article 2.

AGREEMENT RELATING TO INSURANCE FOR SICKNESS BENEFIT AND MATERNITY BENEFIT MADE THIS THE THIRTEENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY EIGHT BETWEEN THE MINISTER OF NATIONAL INSURANCE OF THE ONE PART AND THE MINISTER FOR SOCIAL WELFARE OF THE OTHER PART

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

" the Great Britain Act " means the National Insurance Act, 1946; 9 & 10 Geo. 6. c. 67.

" the Eire Act " means the National Insurance Act, 1911; 1 & 2 Geo. 5. c. 55.

" country " means Great Britain or Eire, as the case may require;

" sickness benefit " means, as the case may require, sickness benefit under the Great Britain Act or sickness benefit or disablement benefit under the Eire Act together with any cash supplement payable under the Social Welfare Schemes (Cash Supplements) Order, 1947;

Eire S.R. & O. 1947 No. 76.

" maternity benefit " means, as the case may require, maternity benefit under the Eire Act or maternity benefit other than maternity allowance under the Great Britain Act; and

" contributions of the appropriate class " means contributions (whether under the Great Britain Act or the Eire Act or under any enactment repealed by either of those Acts) having effect for the purposes of sickness benefit or, as the case may be, of maternity benefit.

(2) References in this Agreement to the Act in force in a particular country shall be construed as references to the Great Britain Act or the Eire Act, as the case may require.

(3) References in this Agreement to any enactment or order shall include a reference to such enactment or order as amended by any subsequent enactment, order or regulations.

2.—(1) Subject to the provisions of article 3 and of the following paragraphs of this article, where a person insured under the Act in force in one country is on the 5th July, 1948, in the other country or thereafter goes to the other country, that person shall, in respect of any period for which he is in that other country occurring after the said date and before the expiration of six months from the date on which he last arrived in that other country be treated for the purposes of his right to receive sickness benefit or maternity benefit as if he were in the first mentioned country during that period:

Provided that—

(*a*) for the purpose of calculating the said period of six months the temporary absence of a person from Great Britain or Eire, as the case may be, shall be disregarded and the question whether the absence of a person is or is not to be treated as temporary for the said purpose shall be determined under article 7; and

(*b*) the said Minister of National Insurance or the said Minister for Social Welfare, as the case may be, may extend the said period of six months by not more than seven days in the circumstances of any particular case or class of cases.

(2) This article shall not apply in the case of any such person, being a woman who marries during the said period, as from the date of her marriage.

(3) The rate at which any sickness benefit (apart from any increase) shall be payable to any person by virtue of this article shall not exceed the maximum rate of that benefit (apart from any increase) appropriate to that person under the provisions of the Act in force in the country in which that person is.

(4) In determining, in relation to any person to whom this article applies, the question whether any such person has exhausted his right to sickness benefit under the Great Britain Act, or whether any such person is entitled to disablement benefit under the Eire Act, and, for the purpose of either such question, the number of contributions paid by or in respect of him, any contributions of the appropriate class paid by or in respect of that person for any weeks in a period to which this article applies and which is current at the date when that question arises shall be taken into account.

(5) Subject to the provisions of article 5, this article shall not confer any right to receive an increase of benefit under the Great Britain Act for a child or an adult dependant who is absent from Great Britain.

3. A member of the Defence Forces of Eire who is insured under the Great Britain Act shall not be entitled to sickness benefit under that Act, and a member of the United Kingdom forces who is insured under the Eire Act shall not be entitled to sickness benefit under that Act, in respect of any period during which he is a member of such forces.

4. Where a person insured under the Act in force in one country is in the other country at the expiration of the period during which the provisions of article 2 applied to him, then for the purposes of sickness benefit and maternity benefit—

(*a*) the provisions of the Act in force in the first mentioned country shall cease to apply in his case; and

(*b*) in the application to him of the provisions of the Act in force in the other country, insurance, employment, contributions of the appropriate class paid (including such contributions credited or treated as paid) and benefits paid or claimed in the said first mentioned country shall be treated as if they had been respectively insurance, employment, contributions of the appropriate class paid (including contributions credited or treated as paid) and benefits paid or claimed in that other country:

Provided that, in the case of a person who has been insured under the Eire Act and is in Great Britain, unless and until not less than thirteen such contributions have been paid by or in respect of him under the Great Britain Act since the beginning of the said period, the rate at which any such benefit (including any increase) shall be payable, shall not exceed the rate at which it would have been payable to him at the end of that period under the provisions of the Eire Act.

5. Where the wife or husband of a person insured under the Act in force in one country is in the other country, such wife or husband shall be treated for the purpose of the right of that person to receive an increase of any sickness benefit to which that person may be entitled in respect of a wife or husband as if she or he were in the first mentioned country.

6. Nothing in this Agreement shall confer a right to double benefit.

7. The said Minister of National Insurance and the said Minister for Social Welfare shall from time to time determine the procedure appropriate for the purposes of this Agreement, and all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

8. Such financial adjustments between the National Insurance Fund and the Irish National Health Insurance Fund as may be agreed from time to time in connection with this Agreement shall be made by the said Minister of National Insurance and the said Minister for Social Welfare.

9. This Agreement shall have effect from 5th July, 1948, but the said Minister of National Insurance or the said Minister for Social Welfare may terminate it on giving not less than six months previous notice in writing.

Given under the official seal of the Minister of National Insurance on the day and year first herein appearing.

(L.S.) *James Griffiths,*
Minister of National Insurance.

Given under the official seal of the Minister for Social Welfare on the day and year first herein appearing.

(L.S.) *William Norton,*
Minister for 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 Great Britain to the agreement relating to sickness and maternity benefit (set out in the Schedule to the Order) made between the Minister of National Insurance and the Minister for Social Welfare of Eire and modifies the National Insurance Act, 1946, in its application to persons affected by that agreement.

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(2) FRANCE

The National Insurance (Reciprocal Agreement with France as to Retirement Pensions) Order, 1948

1948 No. 1341

Made - - - -	*22nd June*, 1948
Coming into Operation	*5th July*, 1948

At the Court at Buckingham Palace, the 22nd day of June, 1948

Present,

The King's Most Excellent Majesty in Council

9 & 10 Geo. 6. c. 67.

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946 and of all other powers enabling Him in that behalf is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation.

1.—(1) This Order may be cited as the National Insurance (Reciprocal Agreement with France as to Retirement Pensions) Order, 1948, and shall come into operation on the 5th July, 1948.

(2) In this Order, unless the context otherwise requires:—

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

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

" the Minister " means the Minister of National Insurance;

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

52 & 53 Vict. c. 63.

The Interpretation Act, 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of the Act.

2. For the purpose of giving effect to paragraph 4 of Article 30 of the General Agreement on Social Security, between the government of the French Republic and the government of the United Kingdom dated the 11th June, 1948 (which paragraph relates to the payment of pensions in France) the Act, and the orders and regulations made thereunder shall have effect subject to the modifications contained in this Order.