12. RECIPROCAL AGREEMENT WITH EIRE

[*See* also NATIONAL INSURANCE AND INDUSTRIAL INJURIES, p. 2770 below.]

The National Insurance (Reciprocal Agreement with Eire for Unemployment Benefit) Order, 1949

1949 No. 601

Made - - - - 29*th March*, 1949
Coming into Operation 6*th April*, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946(**a**), 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 Eire for Unemployment Benefit) Order, 1949, and shall come into operation on the 6th April, 1949.

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

2. The provisions contained in the Agreement relating to Insurance for Unemployment 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 UNEMPLOYMENT BENEFIT MADE THIS THE TWENTY-FOURTH DAY OF MARCH IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY-NINE 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;
"the Eire Act" means the Unemployment Insurance Act, 1920(**c**);
"country" means Great Britain or Eire, as the case may require;
"the Great Britain Fund" means the National Insurance Fund established under the Great Britain Act; and
"the Eire Fund" means the Unemployment Fund established under the Eire Act.

(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.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 52 & 53 Vict. c. 63.
(**c**) 10 & 11 Geo. 5. c. 30.

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

2.—(1) Where a person, who satisfies the contribution conditions applicable in his case for unemployment benefit under the Great Britain Act and has not exhausted his right to that benefit under that Act, is in Eire and makes a claim for unemployment benefit under the Eire Act, then, provided that he satisfies the condition that he has been continuously unemployed for not less than twelve days in a continuous period of unemployment within the meaning of the Eire Act, he shall, for the purpose of his right to receive unemployment benefit under the Eire Act, be treated as if the last twenty-six relevant contributions paid on behalf or in respect of him were twenty-six contributions paid in respect of him under the Eire Act on the respective dates on which the said relevant contributions were in fact so paid.

(2) For the purpose of the preceding paragraph "relevant contributions" means contributions as an employed person paid on behalf of the person concerned under the Great Britain Act or contributions paid in respect of him as an insured contributor under the Unemployment Insurance Act, 1935(a).

3.—(1) Where a person who has in the Eire Fund not less than twenty-six contributions for which he has not received unemployment benefit under the Eire Act (and which have not already been taken into account under this article), is in Great Britain and makes a claim for unemployment benefit under the Great Britain Act at any time before he has satisfied the contribution conditions for that benefit under that Act or after he has exhausted his right to such benefit, then, provided that he satisfies the condition that he has had not less than twelve days of unemployment in a period of interruption of employment within the meaning of the Great Britain Act, he shall, for the purpose of his right to receive unemployment benefit under the Great Britain Act, be treated, subject to the provisions of paragraph (2) of this article, as if the said contribution conditions were satisfied or as if he had not exhausted his right to such benefit, as the case may be.

(2) Where a person has been entitled by virtue of the foregoing provisions of this article to unemployment benefit for twenty-six days in the period commencing with the date in respect of which a transfer was made in respect of him under article 4, he shall not thereafter be entitled to unemployment benefit by virtue of those provisions unless a further transfer is made in respect of him from the Eire Fund in accordance with the provisions of article 5.

(3) Nothing in this article shall be construed as authorising or requiring contributions paid in respect of any person under the Eire Act to be treated as contributions paid by that person under the Great Britain Act.

4.—(1) Subject to the provisions of paragraph (3) of this article and of article 5, there shall be transferred—

(*a*) in respect of any person in respect of each occasion on which he is treated under article 2 as if the last twenty-six relevant contributions paid on behalf or in respect of him were twenty-six contributions paid in respect of him under the Eire Act, from the Great Britain Fund to the Eire Fund; and

(*b*) in respect of any person in respect of each occasion on which he is treated under article 3 as having satisfied the contribution conditions under the Great Britain Act, or as not having exhausted his right, from the Eire Fund to the Great Britain Fund;

a sum equal to the amount obtained by multiplying by twenty-six the part attributable to unemployment benefit of the appropriate contributions under the Great Britain Act as defined in the next following paragraph.

(2) For the purpose of the preceding paragraph "the appropriate contributions" means—

(*a*) in relation to sub-paragraph (*a*) of that paragraph, the contributions paid under the Great Britain Act on behalf and in respect of the person concerned by his employer for the last week for which such contributions were paid

(a) 25 & 26 Geo. 5. c. 8.

before the date in respect of which the transfer is made, or, in a case where the last relevant contribution for the purpose of article 2 is a contribution under the Unemployment Insurance Act, 1935, the contributions which would have been payable under the Great Britain Act on behalf and in respect of the person concerned by his employer for the week for which the said last relevant contribution was paid if that person had then been employed by that employer in an employed contributor's employment within the meaning of the Great Britain Act and the appointed day under that Act had preceded that week; and

(*b*) in relation to sub-paragraph (*b*) of that paragraph, the contributions which would have been payable under the Great Britain Act on behalf and in respect of the person concerned by his employer for the week for which the last contribution which that person has in the Eire Fund was paid (being the last contribution before the date in respect of which the transfer is made), if that person had then been employed by that employer in an employed contributor's employment within the meaning of the Great Britain Act and (where that week preceded the appointed day under that Act) that appointed day had preceded that week, or, if he was in fact so employed, the contributions which were so payable.

(3) If at any time during the operation of this Agreement the rates of unemployment benefit or contributions under the Great Britain Act or the Eire Act are varied, such financial adjustments between the Great Britain Fund and the Eire Fund as may be agreed shall be made by the said Minister of National Insurance and the said Minister for Social Welfare.

5.—(1) Where a transfer has been made from the Eire Fund to the Great Britain Fund in respect of any person under article 4, no further transfer shall be made under that article from the Eire Fund in respect of that person unless since the date in respect of which the transfer was made—

(*a*) he has received unemployment benefit under the Great Britain Act by virtue of article 3 for an aggregate of twenty-six days; and

(*b*) he has been in Eire for a period of not less than twenty-eight days.

(2) Where a transfer has been made from the Great Britain Fund to the Eire Fund in respect of any person under article 4, no further transfer shall be made under that article from the Great Britain Fund in respect of that person unless since the date in respect of which the transfer was made twenty-six contributions as an employed person have been paid on behalf of him under the Great Britain Act.

6.—(1) Where any person in one country in respect of whom a transfer has been made from the other country under article 4 returns to the other country, twenty-six of the contributions paid on behalf or in respect of him under the Act in force in the other country before the date in respect of which such transfer was made shall be disregarded for the purposes of his right to receive unemployment benefit under that Act:

Provided that, where that other country is Great Britain, the contributions to be disregarded shall be the last twenty-six contributions so paid before the date in respect of which such transfer was made and, where that other country is Eire, the contributions to be disregarded may include contributions which have been treated under article 2 as contributions paid under the Eire Act.

(2) In this article, the expression "contributions" means, in relation to the Great Britain Act, only contributions as an employed person under that Act and contributions as an insured contributor under the Unemployment Insurance Act, 1935.

(3) Paragraph (1) of this article shall, as regards the Eire Act, operate and have effect only for the purpose of determining the number of days for which benefit is payable under that Act.

7.—(1) Where a person in respect of whom a transfer has been made from the Great Britain Fund to the Eire Fund under article 4, returns to Great Britain—

(*a*) that person shall not be entitled to unemployment benefit under the Great Britain Act (otherwise than in accordance with the provisions of article 3)

unless twenty-six contributions as an employed person have been paid on behalf of him under the Great Britain Act in respect of the period between the day on which he returned to Great Britain and the day for which benefit is claimed; and

(*b*) for the purpose of his right to receive unemployment benefit under the Great Britain Act contributions as an employed person shall be credited to him for the period between the beginning of the contribution year last preceding that in which he returned to Great Britain and the day on which he returned and, subject to the provisions of the next succeeding paragraph, any contributions paid or credited in his case, other than contributions credited by virtue of this paragraph, in respect of that period shall be disregarded; and

(*c*) for the purpose of any regulations for the time being in force under the Great Britain Act relating to qualification for additional days of unemployment benefit all the contributions paid on behalf of him as an employed person under that Act or paid in respect of him as an insured contributor under the Unemployment Insurance Act, 1935, shall be taken into account, except any contributions which are to be disregarded by reason of the provisions of article 6.

(2) The provisions of sub-paragraphs (*b*) and (*c*) of the preceding paragraph shall also apply in the case of a person insured under the Eire Act who returns to Great Britain after having been absent therefrom in Eire for a period of not less than twenty-eight days if twenty-six contributions as an employed person have been paid on behalf of him under the Great Britain Act in respect of the period between the day on which he returned to Great Britain and the day for which benefit is claimed.

8. Where the wife or husband of a person entitled to unemployment benefit under the Act in force in one country is in the other country, such wife or husband shall be treated for the purposes of the right of that person to receive an increase of that benefit in respect of a wife or husband as if she or he were in the first mentioned country.

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

10. 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.

11. This Agreement shall have effect from 6th April, 1949, 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 unemployment 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.

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

1. *Benefit.*
2. *Insurable and Excepted Employments*, p. 2763.
3. *Prescribed Diseases*, p. 2765.
4. *Reciprocal Agreements*, p. 2769.

1. BENEFIT

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1949

1949 No. 691

Made - - - -	*7th April*, 1949
Laid before Parliament	*7th April*, 1949
Coming into Operation	*13th April*, 1949

M.N.I./I.I.119.

The Industrial Injuries Joint Authority, in exercise of the powers conferred by section 14 (5) of the National Insurance (Industrial Injuries) Act, 1946(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1949, shall be read as one with the National Insurance (Industrial Injuries) Benefit Regulations, 1948(b) (hereinafter referred to as "the principal regulations") and shall come into operation on the 13th April, 1949.

2. The following paragraph shall be substituted for paragraph (1) of regulation 5 of the principal regulations (which regulation relates to payments in respect of special hardship where the beneficiary is entitled to a gratuity):—

"(1) Where in any case a beneficiary is entitled to or has received a disablement gratuity, such beneficiary shall as respects that gratuity have the like rights to payments in respect of special hardship as he would have had by way of increase of disablement pension under section 14 of the Act if the disablement gratuity had been a disablement pension payable during the period taken into account by the assessment."

Given under the official seal of the Industrial Injuries Joint Authority this 7th day of April, nineteen hundred and forty-nine.

(L.S.)

S. S. Menneer,
Secretary,
Industrial Injuries Joint Authority.

EXPLANATORY NOTE

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

These Regulations enable payments in respect of special hardship under section 14 of the National Insurance (Industrial Injuries) Act, 1946, to be made where the beneficiary is entitled to a disablement gratuity in any case and not only, as formerly, in cases where the period taken into account by the assessment exceeds two years.

(a) 9 & 10 Geo. 6. c. 62; and 11 & 12 Geo. 6. c. 42.
(b) S.I. 1948 (Nos. 1372 and 1532) I, pp. 2918 and 2940.