STATUTORY INSTRUMENTS

1975 No. 813

SOCIAL SECURITY

The Social Security (Reciprocal Agreements) Order 1975

Made - - - - 14*th May* 1975

At the Court at Buckingham Palace, the 14th day of May 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Orders in Council specified in Schedule 1 to this Order modified certain enactments so as to give effect to the agreements set out in the Schedules to those Orders:

And Whereas it is proposed that the agreements to which the Orders in Council in the said Schedule 1 relate shall be replaced by agreements which take account of changes in the legislation of the United Kingdom but which are otherwise of similar effect to those agreements:

And Whereas by virtue of section 2 of, and paragraph 10 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975**(a)** it is provided that Her Majesty may by Order in Council provide that an Order in Council made under section 105 of the National Insurance Act 1965**(b)** and section 84 of the National Insurance (Industrial Injuries) Act 1965**(c)** shall have effect for the purposes of section 143 of the Social Security Act 1975**(d)** and shall have effect as if any reference in the said section 105 and the said section 143 to an agreement included a reference to a proposed agreement:

Now, therefore, Her Majesty, in pursuance of the said section 2 and the said paragraph 10 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 Social Security (Reciprocal Agreements) Order 1975.

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

"the Act" means the Social Security Act 1975;

"the other country" means the party with whom the United Kingdom has made the relevant agreement set out in a Schedule to the Orders in Council mentioned in Schedule 1 to this Order;

"year" means the period of 12 months beginning with 6th April in any year; and other expressions have the same meanings as in the Act.

(a) 1975 c. 18.
(b) 1965 c. 51.
(c) 1965 c. 52.
(d) 1975 c. 14.

(3) Any reference in this Order to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument, and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(a)** shall apply for the purposes of this Order as they apply for the interpretation of an Act of Parliament.

Modification of Orders

2.—(1) Any Order in Council specified in Schedule 1 to this Order shall for the purposes of section 143 of the Act have effect subject to the modifications contained in the following provisions of this Order as if a proposed agreement, which takes account of changes in the legislation of the United Kingdom but which is otherwise of similar effect to the agreement set out in the Schedule to any such Order, had been entered into.

(2) Any reference in any such Order in Council to any matter dealt with by, or provision contained in, the National Insurance Acts 1965 to 1974 or the National Insurance (Industrial Injuries) Acts 1965 to 1974 shall have effect as if it were a reference to the corresponding or most nearly corresponding matter dealt with by, or provision contained in, the Social Security Act 1975.

(3) Where in any agreement set out in the Schedule to any such Order in Council there is any reference or provision to the effect set out in column 1 of Schedule 2 to this Order, the modifications of any such Order made by the preceding provisions of this Order shall have effect as if the reference or provision set out in the corresponding paragraph of column 2 of the said Schedule 2 were substituted for the former reference or provision so however that this paragraph shall not apply to any act, omission or event occurring before 6th April 1975 or to the National Insurance (Isle of Man Reciprocal Agreement) Order 1948**(b)**.

N. E. Leigh,

(a) 1889 c. 63.
(b) S.I. 1948/1844 (Rev. XVI, p. 363: 1948 I, p. 2902).

Article 2(1) SCHEDULE 1

ORDERS IN COUNCIL HAVING EFFECT FOR THE PURPOSES OF SECTION 143 OF THE SOCIAL SECURITY ACT 1975

Title of Order in Council	Reference
The National Insurance (Isle of Man Reciprocal Agreement) Order 1948	S.I. 1948/1844 (Rev. XVI, p. 363: 1948 I, p. 2902)
The National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order 1948	S.I. 1948/2350 (Rev. XVI, p. 538: 1948 I, p. 3027)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	S.I. 1953/884 (1953 I, p. 1395)
The National Insurance and Industrial Injuries (Luxembourg) Order 1955	S.I. 1955/420 (1955 I, p. 1636)
The National Insurance and Industrial Injuries (Netherlands) Order 1955	S.I. 1955/874 (1955 I, p. 1653)
The National Insurance and Industrial Injuries (Malta) Order 1956	S.I. 1956/1897 (1956 I, p. 1663)
The National Insurance and Industrial Injuries (Sweden) Order 1957	S.I. 1957/856 (1957 I, p. 1667)
The National Insurance and Industrial Injuries (Israel) Order 1957	S.I. 1957/1879 (1957 I, p. 1658)
The Family Allowances, National Insurance and Industrial Injuries (Norway) Order 1958	S.I. 1958/423 (1958 II, p. 1614)
The National Insurance and Industrial Injuries (France) Order 1958	S.I. 1958/597 (1958 II, p. 1641)
The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	S.I. 1958/771 (1958 II, p. 1599)
The National Insurance and Industrial Injuries (Malta) Order 1958	S.I. 1958/772 (1958 II, p. 1657)
The Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958	S.I. 1958/1263 (1958 II, p. 1628)
The Family Allowances and National Insurance (Canada) Order 1959	S.I. 1959/2216 (1959 II, p. 1898)
The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960	S.I. 1960/211 (1960 II, p. 2301)
The Family Allowances, National Insurance and Industrial Injuries (Finland) Order 1960	S.I. 1960/212 (1960 II, p. 2316)
The National Insurance and Industrial Injuries (Republic of Ireland) Order 1960	S.I. 1960/707 (1960 II, p. 2328)
The National Insurance and Industrial Injuries (Turkey) Order 1961	S.I. 1961/584 (1961 I, p. 1290)
The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	S.I. 1961/1202 (1961 II, p. 2371)
The National Insurance (Germany) Order 1961	S.I. 1961/1513 (1961 II, p. 3090)
The National Insurance (Canada) Order 1962	S.I. 1962/173 (1962 I, p. 181)
The National Insurance (Republic of Ireland) Order 1966	S.I. 1966/270 (1966 I, p. 722)

Title of Order in Council	Reference
The National Insurance and Industrial Injuries (Republic of Ireland) Order 1968	S.I. 1968/1655 (1968 III, p. 4478)
The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969	S.I. 1969/384 (1969 I, p. 1050)
The National Insurance (United States of America) Order 1969	S.I. 1969/1493 (1969 III, p. 4775)
The National Insurance and Industrial Injuries (Cyprus) Order 1969	S.I. 1969/1494 (1969 III, p. 4779)
The National Insurance and Industrial Injuries (Bermuda) Order 1969	S.I. 1969/1686 (1969 III, p. 5309)
The Family Allowances and National Insurance (New Zealand) Order 1970	S.I. 1970/150 (1970 I, p. 650)
The National Insurance (Republic of Ireland) Order 1971	S.I. 1971/1742 (1971 III, p. 4745)
The Family Allowances, National Insurance and Industrial Injuries (Austria) Order 1972	S.I. 1972/1586 (1972 III, p. 4592)
The National Insurance and Industrial Injuries (Jamaica) Order 1972	S.I. 1972/1587 (1972 III, p. 4616)
The National Insurance and Industrial Injuries (Jersey and Guernsey) Order 1972	S.I. 1972/1588 (1972 III, p. 4627)
The National Insurance (Canada) Order 1973	S.I. 1973/763 (1973 I, p. 2425)
The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974	S.I. 1974/555 (1974 I, p. 2279)
The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	S.I. 1975/415 (1975 I, p. 1293)

Article 2(3)

SCHEDULE 2

SPECIFIC MODIFICATIONS OF CERTAIN ORDERS IN COUNCIL

Reference or Provision in Agreement 1	Modification of Order in Council 2
1. insurance periods, contribution periods or periods of employment completed in the other country by a person to whom the agreement applies to be treated as if those periods were periods for which contributions had been paid under the legislation of the United Kingdom.	1. each complete week in any such period during which the person was an employed person in the other country to be treated as a week in which he had paid a contribution on earnings equal to two-thirds of the upper earnings limit within the meaning of section 4(1) of the Act for the year which includes that week.
2. a period of residence in the other country by a person to whom the agreement applies to be treated as a period for which contributions have been paid under the legislation of the United Kingdom.	2. that person to be treated as having paid as many Class 3 contributions under section 8 of the Act as there are complete weeks in any such period.
3. that, for the purposes of any claim by a married woman to receive a retirement pension under the legislation of the United Kingdom by virtue of her own insurance and her residence in the other country, she shall have paid 156 contributions under the legislation of the United Kingdom for any period after the date of her marriage and before the date on which she reaches pension age.	3. the number of contributions paid to be ascertained by dividing that person's earnings factor derived from contributions paid in any relevant year under the legislation of the United Kingdom by the lower earnings limit for that year within the meaning of section 4(1) of the Act; provided that the number of contributions so ascertained shall not exceed the number of weeks the person was subject to the legislation of the United Kingdom.
4. that, for the purposes of entitlement to receive in the other country any benefit under the legislation of the United Kingdom, a specified period of insurance shall have been completed by the relevant person. 5. where the amount of any benefit is to be determined by reference to the relationship which the insurance periods completed under the legislation of the United Kingdom bear to the total of the insurance periods completed under the legislation of both countries.	4. & 5. the period of insurance to be ascertained as complete weeks equal in number to the number resulting from dividing the person's earnings factor derived from contributions paid or credited for any year under the legislation of the United Kingdom by the lower earnings limit for that year within the meaning of section 4(1) of the Act; provided that the number shall not exceed the number of weeks the person was subject to the legislation of the United Kingdom.

Reference or Provision in Agreement 1	Modification of Order in Council 2
6. for the purposes of a claim for guardian's allowance under the legislation of the United Kingdom the parent of the child in question who had been insured or resident in the other country to be treated as having been insured under the legislation of the United Kingdom.	6. that parent to be deemed to satisfy the conditions set out in regulation 6 of the Social Security (Guardian's Allowances) Regulations 1975(a).
7. the exclusion of contributions related to wages or earnings.	7. only such contributions paid in respect of periods before 6th April 1975 to be excluded.
8. persons to be treated as having paid contributions as non-employed persons.	8. those persons to be treated as having paid Class 3 contributions.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies the Orders in Council listed in Schedule 1 (which give effect to the agreements made between the governments of the United Kingdom and all other countries providing for reciprocity in certain social security matters) to the Social Security Act 1975 and modifies those Orders to take account of that Act as if those agreements were replaced by agreements which take account of that Act but which are otherwise of similar effect.

(a) S.I. 1975/515 (1975 I, p. 1693).

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