

(c) Add to Plumbridge Petty Sessions District

Ballynatubbrit	Cullion	Lislap East
Castleroddy Glebe	Eskeradooey	Lisnahrney

EIGHTH SCHEDULE

Townlands at present forming part of the Petty Sessions District of Sixmilecross to be added to and form part of the Petty Sessions Districts of Omagh and Pomeroy, as follows:—

(a) Add to Omagh Petty Sessions District

Aghnagar	Cloghfin Lower	Kilcam
Altamooskan	Cloghfin Upper	Killadroy
Aghnaglea	Coolesker	Laragh
Annagh	Cooley	Legacurry
Ballintrain	Curr	Liskincon
Ballyhallaghan	Derroran	Lurganboy
Ballykeel	Derroar	Raw
Bancran	Dervaghroy	Radergan
Beagh	Donaghanie	Ramackan
Beragh	Drumduff	Roscavey
Cavanreagh	Dunmoyle	Sixmilecross
Clogherny Glebe	Eskeermore	Tattykeeran
Lower	Foremass Lower	Tullyheeran
Clogherny Glebe	Foremass Upper	Usnagh
Upper	Gortaclare	

(b) Add to Pomeroy Petty Sessions District

Athenree	Dunmisk	Mullan More
Aghnagreggan	Eskeerboy	Skeboy
Bracky	Gleneeny	Tanderagee
Carrickmore	Gortfin	Tiroony
Clare	Gortfinbar	Tonegan
Copney	Mullaghshin	Tursallagh
Drumlester	Mullan Beg	

1964. No. 142

[NC]

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Reciprocal Agreement with the Republic of Ireland

ORDER IN COUNCIL, DATED 16TH SEPTEMBER, 1964, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1946, AND SECTION EIGHTY-FOUR OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1946.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint

Michael and Saint George, Governor of Northern Ireland, in pursuance of section 61 of the National Insurance Act (Northern Ireland) 1946(a), and section 84 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(b), and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:

Citation

1. This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland) 1964.

Modification of Acts

2. The provisions contained in the Agreement relating to Insurance and Workmen's Compensation set out in the Schedule shall have full force and effect, so far as the same relate to Northern Ireland and provide for reciprocity in any matters specified in either section 61(1) of the National Insurance Act (Northern Ireland) 1946 or section 84(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, and accordingly the National Insurance Acts (Northern Ireland) 1946 to 1964 and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1946 to 1964 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

Revocation

3. The National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland) 1953(c) is hereby revoked as from the 5th October, 1964.

Given at Government House, Hillsborough, this sixteenth day of September, one thousand nine hundred and sixty-four.

R. W. B. McConnell
Wm. J. Morgan
H. V. Kirk
H. W. West

SCHEDULE

Agreement relating to Insurance and Workmen's Compensation between the Minister for Social Welfare and the Ministry of Labour and National Insurance

PART I

Definitions and General Provisions

ARTICLE 1

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

“the Northern Ireland Act” means the National Insurance Act (Northern Ireland) 1946;

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946;

(a) 1946. c. 23.
 (b) 1946. c. 21.

(c) S.R. & O. (N.I.) 1953, No. 38.

"the Northern Ireland Acts" means the National Insurance Act (Northern Ireland) 1946, and the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946;

"the Act of the Republic of Ireland" means the Social Welfare Act, 1952;

"the Acts of the Republic of Ireland" means the Social Welfare Act, 1952, and the Workmen's Compensation Act, 1934;

"competent authority" means, in relation to Northern Ireland, the Ministry of Labour and National Insurance and, in relation to the Republic of Ireland, the Minister for Social Welfare;

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

"contribution week" has the meaning assigned to the expression in the Northern Ireland Act and in the Act of the Republic of Ireland;

"guardian's allowance" means guardian's allowance under the Northern Ireland Act or orphan's (contributory) allowance under the Act of the Republic of Ireland;

"non-domiciled mariner" means for the purposes of the Northern Ireland Acts, a person employed on board any ship or vessel who neither is domiciled nor has a place of residence in the United Kingdom, and, for the purposes of the Acts of the Republic of Ireland, a person so employed who neither is domiciled nor has a place of residence in the Republic of Ireland;

"radio officer" means a person to whom Part V of the Agreement applies who is employed on board any ship or vessel in connection with the radio apparatus thereof;

"relevant contribution year" means the contribution year or other period of fifty-two or fifty-three weeks in which the contribution conditions for sickness benefit, maternity grant or maternity allowance, as the case may be, require a number of contributions to have been paid or credited;

"sickness benefit" means, as the case may require, sickness benefit under the Northern Ireland Act or disability benefit under the Act of the Republic of Ireland;

"the Northern Ireland Fund" means the National Insurance Fund established under the Northern Ireland Act;

"the Fund of the Republic of Ireland" means the Social Insurance Fund established under the Act of the Republic of Ireland;

"United Kingdom" includes the Isle of Man;

"widow's benefit" means widow's benefit under the Northern Ireland Act or widow's pension under any enactment repealed by that Act, or widow's (contributory) pension under the Act of the Republic of Ireland or any enactment repealed by that Act, and includes any allowance payable therewith in respect of a child.

(2) References in this Agreement to contributions paid by a person shall be construed as including references to contributions paid by an employer in respect of or on behalf of that person, not being employers' contributions under the Northern Ireland Act.

(3) Subject to the provisions of paragraph (4) of this Article, references in this Agreement to any enactment, order or regulation shall include references to such enactment, order or regulation as amended, modified, adapted, extended or supplemented by any subsequent enactment, order or regulation.

(4) The provisions of paragraph (3) of this Article shall apply, only if and to the extent that the competent authorities so agree, to any enactment, order or regulation which amends, modifies, adapts, extends or supplements the Northern Ireland Acts or the Acts of the Republic of Ireland for the purpose of giving effect to any reciprocal agreement or arrangements on social security made with a third party.

ARTICLE 2

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

ARTICLE 3

The competent authorities shall from time to time determine the procedure appropriate for the purposes of this Agreement, and all matters of an incidental or supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

ARTICLE 4

This Agreement shall come into force on the 5th October, 1964 but either competent authority may terminate it on giving not less than six months previous notice in writing.

PART II

Residents of Northern Ireland or the Republic of Ireland employed in the Republic of Ireland or Northern Ireland respectively

ARTICLE 5

(1) If a person who is ordinarily resident in Northern Ireland—

(a) is temporarily employed in the Republic of Ireland in the course of his service for an employer who is resident or has a place of business in Northern Ireland, or

(b) is temporarily employed in the Republic of Ireland by an employer who is resident or has a place of business in Northern Ireland and has been engaged for that employment outside the Republic of Ireland,

then, in relation to that employment—

(i) the provisions of the Northern Ireland Acts which concern the payment of contributions shall apply to him as if it were in Northern Ireland; and

(ii) the provisions of the Acts of the Republic of Ireland shall not apply.

(2) If a person who is ordinarily resident in the Republic of Ireland—

(a) is temporarily employed in Northern Ireland in the course of his service for an employer who is resident or has a place of business in the Republic of Ireland, or

(b) is temporarily employed in Northern Ireland by an employer who is resident or has a place of business in the Republic of Ireland and has been engaged for that employment outside Northern Ireland,

then, in relation to that employment—

(i) the provisions of the Act of the Republic of Ireland which concern the payment of contributions shall apply to him as if it were in the Republic of Ireland; and

(ii) the provisions of the Northern Ireland Acts shall not apply.

(3) For the purpose of applying the provisions of paragraphs (1) and (2) of this Article, a person shall cease, unless the competent authorities otherwise agree in any particular case, to be treated as temporarily employed in Northern Ireland or the Republic of Ireland if his employment in Northern Ireland or the Republic of Ireland, as the case may be, has lasted for as long as twelve months.

(4) If a person who is resident in Northern Ireland is employed in any contribution week in both Northern Ireland and the Republic of Ireland by one employer, then, in relation to that employment in that week—

(i) the provisions of the Northern Ireland Acts which concern the payment of contributions shall apply to him as if it were in Northern Ireland only; and

(ii) the provisions of the Acts of the Republic of Ireland shall not apply.

(5) If a person who is resident in the Republic of Ireland is employed in any contribution week in both the Republic of Ireland and Northern Ireland by one employer, then, in relation to that employment in that week—

- (i) the provisions of the Act of the Republic of Ireland which concern the payment of contributions shall apply to him as if it were in the Republic of Ireland only; and
- (ii) the provisions of the Northern Ireland Acts shall not apply.

(6) No person shall be liable to pay contributions under the Act of the Republic of Ireland in respect of employment in Northern Ireland or under the Northern Ireland Acts in respect of employment in the Republic of Ireland otherwise than in accordance with the provisions of paragraphs (1), (2), (3), (4) and (5) of this Article.

(7) For the purpose of the provisions of the Northern Ireland Act which concern residence and persons abroad, a person shall be treated as if he had been liable to pay contributions in respect of an employed contributor's employment outside Northern Ireland in accordance with those provisions for any period for which he was liable to pay contributions in accordance with the provisions of paragraphs (1) and (3) of this Article.

ARTICLE 6

(1) Where a person is employed in the Republic of Ireland and in relation to that employment those provisions of the Northern Ireland Acts which concern the payment of contributions apply to that person in accordance with the provisions of Article 5—

- (a) for the purpose of any claim to receive sickness benefit under the Northern Ireland Act, that person shall be treated as if he were in Northern Ireland;
- (b) for the purpose of any claim by that person to receive a maternity grant or maternity allowance under the Northern Ireland Act, she shall be treated as if she were in Northern Ireland and, if she is confined in the Republic of Ireland, as if she had been confined in Northern Ireland;
- (c) for the purpose of any claim by that person's wife to receive a maternity grant under the Northern Ireland Act, she shall be treated, if she is in, or confined in, the Republic of Ireland, as if she were, respectively, in, or confined in, Northern Ireland;
- (d) for the purpose of any claim, in respect of an industrial accident occurring or an industrial disease contracted in the course of such employment, to receive benefit under the Industrial Injuries Act, that person shall be treated as if the accident had occurred or the disease had been contracted in Northern Ireland, and, as if that employment were insurable and as if the claimant were in Northern Ireland.

(2) Where a person is employed in Northern Ireland and in relation to that employment those provisions of the Act of the Republic of Ireland which concern the payment of contributions apply to that person in accordance with the provisions of Article 5—

- (a) for the purpose of any claim to receive sickness benefit under the Act of the Republic of Ireland, that person shall be treated as if he were in the Republic of Ireland;
- (b) for the purpose of any claim by that person to receive a maternity grant or maternity allowance under the Act of the Republic of Ireland, she shall be treated as if she were in the Republic of Ireland and, if she is confined in Northern Ireland, as if she had been confined in the Republic of Ireland;
- (c) for the purpose of any claim by that person's wife to receive a maternity grant under the Act of the Republic of Ireland, she shall be treated, if she is in, or confined in, Northern Ireland, as if she were, respectively, in, or confined in, the Republic of Ireland;

- (d) for the purpose of any claim, in respect of an industrial accident occurring or an industrial disease contracted in the course of such employment, to receive weekly payments by way of compensation under the Workmen's Compensation Act, 1934, that person shall be treated as if the accident had occurred or the disease had been contracted in the Republic of Ireland.

PART III

Marriage Benefit, Sickness Benefit and Maternity Benefit

ARTICLE 7

(1) Subject to the provisions of Article 21 where a person insured under the Northern Ireland Act is in the Republic of Ireland, then for the purpose of sickness benefit and maternity allowance—

- (a) the provisions of the Northern Ireland Act shall not apply in his case; and
- (b) in the application to him of the provisions of the Act of the Republic of Ireland, as may yield the higher rate of benefit, either
- (i) no account shall be taken of insurance, contributions or benefit under the Northern Ireland Act; or
- (ii) insurance, contributions of the appropriate class paid or credited and sickness benefit or maternity allowance paid or claimed under the Northern Ireland Act shall be treated as if they had been respectively insurance, contributions of the appropriate class paid or credited and sickness benefit or maternity allowance paid or claimed under the Act of the Republic of Ireland:

Provided that—

- (aa) no sickness benefit shall be paid to any person under the Act of the Republic of Ireland by virtue of sub-paragraph (b)(ii) of this paragraph for any period before the expiry of twenty-six weeks after he attains the age of sixteen;
- (bb) where a person who is receiving sickness benefit in Northern Ireland goes to the Republic of Ireland and continues without a break of more than six days to claim that benefit in the Republic of Ireland by virtue of the said sub-paragraph (b)(ii), then, until the beginning of the benefit year next following the benefit year applying to him under the Act of the Republic of Ireland on his arrival the contributions of the appropriate class paid by or credited to him under the Northern Ireland Act (including any treated as so paid or credited by virtue of sub-paragraph (b)(ii) of paragraph (2) of this Article) in respect of the relevant contribution year applying to him under that Act on his departure shall be treated (to the exclusion of any other contributions) as if they had been contributions of the appropriate class paid by or credited to him in respect of the relevant contribution year applying under the Act of the Republic of Ireland;
- (cc) where a woman goes from Northern Ireland to the Republic of Ireland during the period for which she is entitled to receive a maternity allowance under the Northern Ireland Act, or would be so entitled if she had claimed that allowance, she shall be treated as if she had satisfied the contribution conditions for receiving a maternity allowance under the Act of the Republic of Ireland, and for any period before an allowance becomes payable under the Act of the Republic of Ireland, she shall be treated for the purpose of her right to an allowance under the Northern Ireland Act as if she had remained in Northern Ireland.

(2) Subject to the provisions of Article 21 where a person insured under the Act of the Republic of Ireland is in Northern Ireland, then for the purpose of sickness benefit and maternity allowance—

- (a) the provisions of the Act of the Republic of Ireland shall not apply in his case; and
- (b) in the application to him of the provisions of the Northern Ireland Act, as may yield the higher rate of benefit, either
 - (i) no account shall be taken of insurance, contributions or benefit under the Act of the Republic of Ireland; or
 - (ii) insurance, contributions of the appropriate class paid or credited and sickness benefit or maternity allowance paid or claimed under the Act of the Republic of Ireland shall be treated as if they had been respectively insurance, contributions of the appropriate class paid or credited and sickness benefit or maternity allowance paid or claimed under the Northern Ireland Act:

Provided that—

- (aa) the rate at which sickness benefit or maternity allowance (including any increase) shall be payable by virtue of sub-paragraph (b)(ii) of this paragraph shall not exceed the rate at which it would (apart from any provision as to overlapping benefits) have been payable to him under the provisions of the Act of the Republic of Ireland if he had remained in the Republic of Ireland and had fully satisfied the contribution conditions of that Act—
 - (i) unless and until not less than thirteen contributions of the appropriate class have been paid by him under the Northern Ireland Act in respect of contribution weeks since he last arrived in Northern Ireland; or
 - (ii) unless and until one hundred and fifty-six contributions of the appropriate class have been paid by him under the Northern Ireland Act and not less than twenty-six such contributions have been paid by or credited to him in respect of the relevant contribution year under that Act; or
 - (iii) unless and until twenty-six contributions of the appropriate class have been paid by or credited to him under the Northern Ireland Act in respect of the last contribution year under that Act before he last arrived in Northern Ireland other than contributions credited to him in respect of weeks before he became insured under that Act; or
 - (iv) unless the day in respect of which the benefit or allowance is claimed is separated by not more than thirteen weeks from the last day for which he previously received sickness benefit or maternity allowance under the Northern Ireland Act at a rate higher than the rate at which it would have been so payable;
- (bb) where a person who is receiving sickness benefit in the Republic of Ireland goes to Northern Ireland and continues without a break of more than six days to claim that benefit in Northern Ireland by virtue of the said sub-paragraph (b)(ii), then, until the beginning of the benefit year next following the benefit year applying to him under the Northern Ireland Act on his arrival the contributions of the appropriate class paid by or credited to him under the Act of the Republic of Ireland (including any treated as so paid or credited by virtue of sub-paragraph (b)(ii) of paragraph (1) of this Article) in respect of the relevant contribution year applying to him under that Act on his departure shall be treated (to the exclusion of any other contributions) as if they had been contributions of the appropriate class paid by or credited to him in respect of the relevant contribution year applying to him under the Northern Ireland Act;
- (cc) where a woman goes from the Republic of Ireland to Northern Ireland during the period for which she is entitled to receive a maternity allowance under the Act of the Republic of Ireland, or would be so entitled if she had claimed that allowance, she shall be treated as if she had satisfied the contribution conditions for receiving a maternity allowance under the Northern Ireland Act;

(dd) a person shall not be entitled to sickness benefit under the Northern Ireland Act in respect of any period during which he is a member of the Defence Forces of the Republic of Ireland.

(3) In any case to which Article 6 applies, the provisions of the foregoing paragraphs of this Article shall apply to a person as if he were in Northern Ireland while treated under that Article as being there, or in the Republic of Ireland while treated under that Article as being there.

ARTICLE 8

Where a woman insured under the Act of the Republic of Ireland marries in the Republic of Ireland after being in Northern Ireland and she has paid not less than one hundred and fifty-six contributions under that Act since her entry into insurance, including not less than twenty-six such contributions paid in respect of weeks since she was last employed in Northern Ireland, then, for the purposes of marriage benefit under that Act, all contributions paid or credited under the Act of the Republic of Ireland or under the Northern Ireland Act (other than contributions paid by her as a non-employed person under the Northern Ireland Act) shall be taken into account.

ARTICLE 9

For the purpose of any claim to receive a maternity grant under the Northern Ireland Act, a woman who is in, or is confined in, the Republic of Ireland shall be treated as if she were, respectively, in, or confined in, Northern Ireland and for the purpose of any claim to receive a maternity grant under the Act of the Republic of Ireland, a woman who is in, or is confined in, Northern Ireland shall be treated as if she were, respectively, in, or confined in, the Republic of Ireland.

ARTICLE 10

(1) Where a woman is confined in the Republic of Ireland and (apart from the provisions of this paragraph) no maternity grant is payable under the Act of the Republic of Ireland or the Northern Ireland Act, then, in determining whether she or her husband satisfies the relevant contribution conditions for a maternity grant under the Act of the Republic of Ireland, insurance and contributions of the appropriate class paid or credited under the Northern Ireland Act shall be treated as if they had been respectively insurance and contributions of the appropriate class paid or credited under the Act of the Republic of Ireland.

(2) Where a woman is confined in Northern Ireland and (apart from the provisions of this paragraph) no maternity grant is payable under the Northern Ireland Act or the Act of the Republic of Ireland, then, in determining whether she or her husband satisfies the relevant contribution conditions for a maternity grant under the Northern Ireland Act, insurance and contributions of the appropriate class paid or credited under the Act of the Republic of Ireland shall be treated as if they had been respectively insurance and contributions of the appropriate class paid or credited under the Northern Ireland Act:

Provided that—

- (i) the amount of any maternity grant which is payable under the Northern Ireland Act by virtue of this paragraph shall not exceed the amount of a maternity grant under the Act of the Republic of Ireland;
- (ii) the allowance of a claim for a maternity grant under the Northern Ireland Act by virtue of this paragraph shall not confer any right to a home confinement grant under that Act.

(3) In any case to which Article 6 applies, the provisions of the foregoing paragraphs shall apply to a woman as if she were confined in Northern Ireland if she is treated under that Article as being there at the time of her confinement, or in the Republic of Ireland if she is treated under that Article as being there at the time of her confinement.

ARTICLE 11

(1) For the purpose of any claim to receive sickness benefit under the Northern Ireland Act a person in Northern Ireland who is incapable of work by reason of an injury or disease in respect of which he is entitled to a payment of workmen's compensation under the Workmen's Compensation Act, 1934 shall be treated as if that payment were a payment of equal amount under the Industrial Injuries Act and for the purpose of any claim to receive sickness benefit under the Act of the Republic of Ireland a person in the Republic of Ireland who is incapable of work by reason of an injury or disease in respect of which he is entitled to a payment of benefit under the Industrial Injuries Act shall be treated as if that payment were a payment of equal amount under the Workmen's Compensation Act, 1934.

(2) Where for the purpose of paragraph (1) of this Article a payment of workmen's compensation under the Workmen's Compensation Act, 1934 is treated as if it were a payment of benefit under the Industrial Injuries Act it shall be treated also as if it were a payment of injury benefit under that Act.

(3) The amount of any workmen's compensation for any day shall be one sixth of the amount of the compensation for the week in which that day occurs; and where the amount of the compensation for that week is not a multiple of sixpence it shall be treated as the next lower amount which is a multiple of sixpence.

PART IV

Unemployment Benefit

ARTICLE 12

In this Part of this Agreement "employment" means in relation to any person any employment by virtue of which contributions as an employed person are payable under the Northern Ireland Act or employment contributions are payable under the Act of the Republic of Ireland not being employment contributions which, as respects unemployment benefit, are disregarded in accordance with the provisions of paragraph 1 of the Fourth Schedule to that Act; and the expressions "employer" and "employed" refer to such employment.

ARTICLE 13

Subject to the provisions of Article 14—

- (a) where a person ordinarily resident in Northern Ireland has been employed in the Republic of Ireland and makes a claim for unemployment benefit under the Northern Ireland Act for any day in respect of which he does not satisfy the contribution conditions applicable in his case under that Act, or after he has exhausted his right to unemployment benefit under that Act, he shall be treated as if in relation to that day he satisfied those conditions or as if he had not exhausted his right to that benefit as the case may be;
- (b) where a person ordinarily resident in the Republic of Ireland has been employed in Northern Ireland and makes a claim for unemployment benefit under the Act of the Republic of Ireland for any day in respect of which he does not satisfy the contribution conditions applicable in his case under that Act, or after he has exhausted his right to unemployment benefit under that Act, he shall be treated as if in relation to that day he satisfied those conditions or as if he had not exhausted his right to that benefit as the case may be.

ARTICLE 14

For the purposes of Article 13 the following provisions shall apply—

- (1) No payment of unemployment benefit shall be made to any person by virtue of that Article unless that person has given notice in writing,
- (i) if his case is one coming within paragraph (a), to the competent authority of the Republic of Ireland, or
 - (ii) if his case is one coming within paragraph (b), to the competent authority of Northern Ireland,

that he elects to have his claim for unemployment benefit treated in accordance with the provisions of the said paragraph (a) or the said paragraph (b) as the case may be.

- (2) A person who has elected that paragraph (a) of Article 13 shall apply shall be entitled to receive unemployment benefit for not more than one day for every two contributions paid by him under the Act of the Republic of Ireland in respect of the employment mentioned in the said paragraph (a):

Provided that in calculating the total number of days for which unemployment benefit is payable in accordance with this paragraph there shall be disregarded—

- (a) any contribution which it has been necessary to take into account for the purpose of making a payment to that person of unemployment benefit under that Act or under the scheme of national insurance in force in Great Britain; and
 - (b) any contribution paid in respect of the employment so mentioned in any week earlier than the date on which he last so elected; and
 - (c) any contribution paid in respect of such employment in any week earlier than the 312 weeks next before the date of the election being weeks in respect of which such contributions (excluding any contribution to be disregarded under this proviso) were paid.
- (3) A person who has elected that paragraph (b) of Article 13 shall apply shall be entitled to receive unemployment benefit for not more than one day for every two contributions paid by him as an employed person under the Northern Ireland Act in respect of the employment mentioned in the said paragraph (b):

Provided that in calculating the total number of days for which unemployment benefit is payable in accordance with this paragraph there shall be disregarded—

- (a) any contribution which it has been necessary to take into account for the purpose of making a payment to that person of unemployment benefit under that Act or under the scheme of national insurance in force in Great Britain or in the Isle of Man; and
- (b) any contribution paid in respect of the employment so mentioned in any week earlier than the date on which he last so elected; and
- (c) any contribution paid in respect of such employment in any week earlier than the 312 weeks next before the date of the election being weeks in respect of which such contributions (excluding any contribution to be disregarded under this proviso) were paid.

ARTICLE 15

- (1) Where a payment of unemployment benefit has been made to any person under the Northern Ireland Act by virtue of Article 13, the contributions paid by him in respect of employment in the Republic of Ireland which were taken into account for the purposes of calculating the total number of days for which unemployment benefit is payable under that Act by virtue of paragraph (2) of Article 14 shall be disregarded in determining the right of that person to receive unemployment benefit under the Act of the Republic of Ireland.

(2) Where a payment of unemployment benefit has been made to any person under the Act of the Republic of Ireland by virtue of Article 13, the contributions paid by him in respect of employment in Northern Ireland which were taken into account for the purposes of calculating the total number of days for which unemployment benefit is payable under that Act by virtue of paragraph (3) of Article 14 shall be disregarded in determining the right of that person to receive unemployment benefit under the Northern Ireland Act.

PART V

Insurance and Workmen's Compensation for Masters and Members of the Crews of Ships and Vessels

ARTICLE 16

The provisions of this Part of this Agreement shall apply as respects any person who is employed under a contract of service as master or a member of the crew of any ship or vessel.

ARTICLE 17

For the purposes of the Northern Ireland Acts, a person shall not be treated as a non-domiciled mariner if he is domiciled or has a place of residence in the Republic of Ireland and, for the purposes of the Acts of the Republic of Ireland, a person shall, notwithstanding the Social Welfare (Modifications of Insurance) Regulations, 1956, not be so treated if he is domiciled or has a place of residence in the United Kingdom.

ARTICLE 18

(1) Where any person, to whom this Part of this Agreement applies, is employed on board a ship or vessel whose port of registry is a port in Northern Ireland and of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in the Republic of Ireland, then, subject to the provisions of Article 19 in respect of that employment—

- (a) if that person is ordinarily resident in the United Kingdom, the provisions of the Northern Ireland Acts shall, and those of the Acts of the Republic of Ireland shall not, apply to him;
- (b) if that person is ordinarily resident in the Republic of Ireland, the provisions of the Acts of the Republic of Ireland shall, and those of the Northern Ireland Acts shall not, apply to him; and
- (c) if that person is not ordinarily resident in the United Kingdom or the Republic of Ireland, the provisions of the Northern Ireland Acts shall (in so far as they are applicable), and those of the Acts of the Republic of Ireland shall not, apply to him.

(2) Where any person, to whom this Part of this Agreement applies, is employed on board a ship or vessel whose port of registry is a port in the Republic of Ireland and of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Northern Ireland, then, subject to the provisions of Article 19 in respect of that employment—

- (a) if that person is ordinarily resident in the United Kingdom, the provisions of the Northern Ireland Acts shall, and those of the Acts of the Republic of Ireland shall not, apply to him;
- (b) if that person is ordinarily resident in the Republic of Ireland, the provisions of the Acts of the Republic of Ireland shall, and those of the Northern Ireland Acts shall not, apply to him; and
- (c) if that person is not ordinarily resident in the United Kingdom or the Republic of Ireland, the provisions of the Acts of the Republic of Ireland shall (in so far as they are applicable), and those of the Northern Ireland Acts shall not, apply to him.

ARTICLE 19

If the National Insurance Acts in force in Great Britain apply to a radio officer by virtue of the fact that he is paid remuneration in respect of his employment as a radio officer by some person (other than the owner of the ship or vessel) having his principal place of business in Great Britain, then, in relation to that employment, the provisions of the Northern Ireland Acts or the Acts of the Republic of Ireland, as the case may be, shall not apply to that radio officer.

ARTICLE 20

Where a person to whom this Part of this Agreement applies (other than a radio officer to whom the immediately preceding Article applies or a non-domiciled mariner) is employed on board a ship or vessel engaged in regular trade between the Republic of Ireland and the United Kingdom, being a ship or vessel—

- (a) whose port of registry is in Northern Ireland not being a ship owned in the Republic of Ireland; or
- (b) of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Northern Ireland, not being a ship whose port of registry is in Great Britain or the Isle of Man or in the Republic of Ireland,

then, in respect of that employment—

- (i) if that person is ordinarily resident in the United Kingdom, the provisions of the Northern Ireland Acts shall, and those of the Acts of the Republic of Ireland shall not, apply; and
- (ii) if that person is ordinarily resident in the Republic of Ireland, the provisions of the Acts of the Republic of Ireland shall, and those of the Northern Ireland Acts shall not, apply.

ARTICLE 21

Where immediately before he becomes incapable of work a person is in employment on board a ship or vessel which is employment to which the provisions of the Northern Ireland Acts apply by virtue of this Part of this Agreement, he shall, for the purpose of any right to sickness benefit, be treated, while he remains so incapable, as if he were in Northern Ireland, notwithstanding that he may be in or go to the Republic of Ireland and where immediately before he becomes incapable of work a person is in employment on board a ship or vessel which is employment to which the provisions of the Acts of the Republic of Ireland apply by virtue of this Part of this Agreement, he shall, for the purpose of any right to sickness benefit, be treated, while he remains so incapable, as if he were in the Republic of Ireland, notwithstanding that he may be in or go to Northern Ireland.

ARTICLE 22

If the provisions of the Northern Ireland Acts apply by virtue of Article 18 or 20 to a person employed on board a ship or vessel whose port of registry is not in Northern Ireland, then, for the purpose of any claim to receive benefit, those provisions shall apply as if that ship or vessel were a ship or vessel whose port of registry was in Northern Ireland, and if the provisions of the Acts of the Republic of Ireland apply by virtue of Article 18 or 20 to a person employed on board a ship or vessel whose port of registry is not in the Republic of Ireland, then, for the purpose of any claim to receive benefit, those provisions shall apply as if that ship or vessel were a ship or vessel whose port of registry was in the Republic of Ireland.

ARTICLE 23

For the purposes of Article 13 any period of employment on board a ship or vessel which is employment to which the provisions of the Northern Ireland Act apply shall be treated as if it were a period of employment under a contract of

service in Northern Ireland, and any period of employment on board a ship or vessel which is employment to which the provisions of the Act of the Republic of Ireland apply shall be treated as if it were a period of employment in the Republic of Ireland.

PART VI

Widow's Benefit

ARTICLE 24

(1) While a widow is in, or is resident in, Northern Ireland, widow's benefit under the Act of the Republic of Ireland may be paid to her as if she were not, as the case may be, absent from, or resident outside, the Republic of Ireland and while a widow is in, or is resident in, the Republic of Ireland, widow's benefit under the Northern Ireland Act may be paid to her as if she were not, as the case may be, absent from, or resident outside, Northern Ireland:

Provided that, in the case of widow's benefit under the Northern Ireland Act, the rate of benefit payable shall be determined in accordance with those provisions of that Act which concern the payment of that benefit to persons who are not resident in Northern Ireland.

(2) The presence, residence or birth of a child in Northern Ireland (whether before or after this Agreement has effect) shall, for the purpose of determining the right of any person to receive widow's benefit under the Act of the Republic of Ireland, be treated as if it were or had been presence, residence or birth, as the case may require, in the Republic of Ireland and the presence, residence or birth of a child in the Republic of Ireland (whether before or after this Agreement has effect) shall, for the purpose of determining the right of any person to receive widow's benefit under the Northern Ireland Act, be treated as if it were or had been presence, residence or birth, as the case may require, in Northern Ireland:

Provided that, in the case of widow's benefit under the Northern Ireland Act, this paragraph shall apply only if the widow is by reason thereof entitled, in respect of a period after this Agreement has effect, to an increase of a widow's allowance or of a widowed mother's allowance in respect of a child.

PART VII

Guardians' Allowances

ARTICLE 25

(1) Subject to the following provisions of this Article, for the purpose of the right of a person to receive a guardian's allowance in respect of a child under the Northern Ireland Act, the presence or residence of that person or of that child or of that person and that child in the Republic of Ireland shall be treated as if it were presence or residence, as the case may be, in Northern Ireland and, for the purpose of the right of a person to receive a guardian's allowance in respect of a child under the Act of the Republic of Ireland, the presence or residence of that person or of that child or of that person and that child in Northern Ireland shall be treated as if it were presence or residence, as the case may be, in the Republic of Ireland.

(2) Where, but for this paragraph, guardians' allowances under the Northern Ireland Act and the Act of the Republic of Ireland would be payable in respect of the same child only an allowance under the Northern Ireland Act shall be payable if that child is ordinarily resident in Northern Ireland, and only an allowance under the Act of the Republic of Ireland shall be payable if that child is ordinarily resident in the Republic of Ireland.

(3) Except in a case to which the last preceding paragraph applies or in the case of an orphan's pension or child's allowance under the Northern Ireland Act, a person shall be disqualified for receiving a guardian's allowance under the

Northern Ireland Act in respect of a child who is ordinarily resident in the Republic of Ireland, unless the parent or other person by virtue of whose insurance the allowance is payable had paid at least one hundred and fifty-six contributions as an insured person under the Northern Ireland Act, and a person shall be disqualified for receiving a guardian's allowance under the Act of the Republic of Ireland in respect of a child who is ordinarily resident in Northern Ireland, unless the parent or other person by virtue of whose insurance the allowance is payable had paid at least twenty-six contributions as an insured person under the Act of the Republic of Ireland.

(4) A guardian's allowance payable under the Northern Ireland Act in respect of a child in the Republic of Ireland shall not be paid at a rate exceeding the rate of a guardian's allowance payable under the Act of the Republic of Ireland unless the child is only temporarily absent from Northern Ireland.

PART VIII

Miscellaneous Provisions

ARTICLE 26

(1) For the purpose of the right of any person to receive in respect of a child or an adult dependant, an increase of sickness benefit, maternity allowance or unemployment benefit under the Northern Ireland Act, or an increase of industrial injury benefit under the Industrial Injuries Act, such child or adult dependant shall, if in the Republic of Ireland, be treated as if he were in Northern Ireland and for the purpose of the right of any person to receive in respect of a child or an adult dependant, an increase of sickness benefit or unemployment benefit under the Act of the Republic of Ireland, or any allowance additional to weekly payment by way of compensation under the Workmen's Compensation Act, 1934, such child or adult dependant shall, if in Northern Ireland, be treated as if he were in the Republic of Ireland.

(2) For the purpose of the right of any person to receive an increase of benefit in respect of a child, widow's benefit or guardian's allowance—

(a) a child in the Republic of Ireland shall not be treated under the Northern Ireland Act as included in any family as respects any period during which he is detained in a reformatory or an industrial school; and

(b) a child in Northern Ireland shall not be treated under the Act of the Republic of Ireland as a qualified child as respects any period during which he is detained in a remand home or a training school.

ARTICLE 27

Such financial adjustments between the Northern Ireland Fund and the Fund of the Republic of Ireland as may be agreed from time to time in connection with this Agreement shall be made by the competent authorities.

ARTICLE 28

The Agreement relating to Insurance and Workmen's Compensation made on the 27th January, 1953, between the Minister for Social Welfare and the Ministry of Labour and National Insurance (in this Article referred to as "the existing Agreement") shall be terminated on the coming into force of this Agreement:

Provided that—

(a) where, immediately before the date on which this Agreement comes into force, a person in Northern Ireland is entitled to sickness benefit or maternity allowance under the Act of the Republic of Ireland, that person shall during any period during which he is in Northern Ireland and would, but for this Agreement, have continued without a break to be entitled to that benefit or allowance under the Act of the Republic of Ireland, be treated as if this Agreement had not been made;

- (b) where, immediately before the date on which this Agreement comes into force, a person in the Republic of Ireland is entitled to sickness benefit or maternity allowance under the Northern Ireland Act, that person shall, during any period during which he is in the Republic of Ireland and would, but for this Agreement, have continued without a break to be entitled to that benefit or allowance under the Northern Ireland Act, be treated as if this Agreement had not been made;
- (c) where, immediately before the date on which this Agreement comes into force, a person other than one to whom proviso (a) or proviso (b) of this Article applies is entitled to sickness benefit by virtue of the existing Agreement the contribution year then applying to him in pursuance of the provisions of the existing Agreement shall, if to his advantage, continue to apply to him for such period as it would have applied if this Agreement had not been made;
- (d) where a person would but for this Article be entitled to receive unemployment benefit for any day on or after the date on which this Agreement comes into force by virtue of contributions credited to him under paragraph (2) of Article 16 or under paragraph (1) of Article 17 of the existing Agreement his claim for unemployment benefit in respect of that day shall be determined by reference to those contributions and the provisions of Part IV of this Agreement shall not apply;
- (e) subject to proviso (d) of this Article the contributions mentioned in Article 18 of the existing Agreement shall be disregarded for the purpose of the right of any person to receive unemployment benefit for any day on or after the date on which this Agreement comes into force.

Given under the Official Seal of the Minister for Social Welfare on the 22nd day of July, nineteen hundred and sixty-four.

(L.S.)

Caoimhghín Ó Beoláin,
Minister for Social Welfare.

Given under the Official Seal of the Ministry of Labour and National Insurance on the 22nd day of July, nineteen hundred and sixty-four.

(L.S.)

Herbert V. Kirk,
Minister of Labour and National
Insurance.

EXPLANATORY NOTE

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

This Order gives effect in Northern Ireland to the Agreement (set out in the Schedule) made between the Minister for Social Welfare of the Republic of Ireland and the Ministry of Labour and National Insurance for Northern Ireland, and modifies the National Insurance Acts (Northern Ireland) 1946 to 1964, and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1946 to 1964, in their application to persons affected by that Agreement.