

1976 No. 225

SOCIAL SECURITY

The Social Security (Reciprocal Agreements) Order 1976

Made - - - - 18th February 1976
Coming into Operation 18th February 1976

At the Court at Buckingham Palace, the 18th day of February 1976

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 Her Majesty’s Government have proposed to each of the parties with whom the United Kingdom has made a relevant agreement set out in a Schedule to the Orders in Council mentioned in Schedule 1 to this Order to enter into agreements with them for modifying the existing agreements so as to take account of changes in the legislation of the United Kingdom but without otherwise altering the effect of the existing 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) or section 84 of the National Insurance (Industrial Injuries) Act 1965(c) shall have effect with such modifications as may be specified in the Order and, in the case of an Order under the said section 105, shall have effect for the purposes of section 143 of the Social Security Act 1975(d) and as if the reference in the said sections 105 and 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, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Reciprocal Agreements) Order 1976 and shall come into operation forthwith.

(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

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

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 twelve months beginning with 6th April in any year;

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

(3) Any reference in this Order to any provision made by, or contained in, any enactment or instrument shall, except insofar 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 and the revocation effected by it as they would apply if this Order and the Order which it revokes were Acts of Parliament and the revocation were a repeal.

#### **Modification of Orders made under the National Insurance Act 1965**

2.—(1) Any Order in Council specified in Schedule 1 to this Order which was made under section 105 of the National Insurance Act 1965 shall, for the purposes of section 143 of the Social Security Act 1975, have effect subject to the modifications contained in the following provisions of this Order.

(2) Any such Order in Council shall have effect as if the agreement proposed by Her Majesty’s Government for modifying the agreement set out in the Schedule to such Order, so as to take account of changes in the legislation of the United Kingdom without otherwise altering the effect of such agreement, had been entered into.

(3) Any reference in any such Order in Council specified in Schedule 1 to this Order to any matter dealt with by, or provision contained in, the National Insurance 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 Act.

(4) 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 any paragraph of 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).

#### **Modifications of Orders made under the National Insurance (Industrial Injuries) Act 1965**

3. Any reference in any Order in Council specified in Schedule 1 to this Order which was made under section 84 of the National Insurance (Industrial Injuries) Act 1965 to any matter dealt with by, or provision contained in, 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 Act.

[Article 4 revokes S.I. 1975/813.]

*N. E. Leigh.*

(a) 1889 c. 63.

(b) S.I. 1948/1844 (Rev. XVI, p. 363; 1948 I, p. 2902).

SCHEDULE 1

Articles 2(1) and 3

ORDERS IN COUNCIL MODIFIED BY THIS ORDER

<i>Title of Order in Council</i>	<i>Reference</i>
[References to S.Is. 1948/1844 and 1948/2350 (Isle of Man) deleted by S.I. 1977/2150, Art. 3(2).]	
The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	S.I. 1953/884
The National Insurance and Industrial Injuries (Luxembourg) Order 1955	S.I. 1955/420
[Reference to S.I. 1955/874 (Netherlands) revoked by S.I. 2007/631.]	
The National Insurance and Industrial Injuries (Malta) Order 1956	S.I. 1956/1897
[The above S.I. 1956/1897 was revoked by S.I. 1996/1927.]	
[Reference to S.I. 1957/856 (Sweden) deleted by S.I. 1988/590, Art. 4(2).]	
The National Insurance and Industrial Injuries (Israel) Order 1957	S.I. 1957/1879
[Reference to S.I. 1958/423 (Norway) deleted by S.I. 1991/767, Art. 4(2).]	
The National Insurance and Industrial Injuries (France) Order 1958	S.I. 1958/597
The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	S.I. 1958/771
The National Insurance and Industrial Injuries (Malta) Order 1958	S.I. 1958/772
[The above S.I. 1958/772 was revoked by S.I. 1996/1927.]	
The Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958	S.I. 1958/1263
[Reference to S.I. 1959/2216 (Canada) deleted by S.I. 1995/1699, Art. 3(2).]	
The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960	S.I. 1960/211
[Reference to S.I. 1960/212 (Finland) deleted by S.I. 1984/125, Art. 4(2).]	
[Reference to S.I. 1960/707 (Republic of Ireland) omitted by 2007/2122, Art. 3(2).]	
The National Insurance and Industrial Injuries (Turkey) Order 1961	S.I. 1961/584
The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	S.I. 1961/1202
The National Insurance (Germany) Order 1961	S.I. 1961/1513
[Reference to S.I. 1962/173 (Canada) deleted by S.I. 1995/1699, Art. 3(2).]	
[Reference to S.I. 1966/270 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).]	
[Reference to S.I. 1968/1655 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).]	

**RECIPROCAL AGREEMENTS****SOCIAL SECURITY (RECIPROCAL AGREEMENTS) ORDER 1976**SCHEDULE 1 — *continued*

<i>Title of Order in Council</i>	<i>Reference</i>
The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969	S.I. 1969/384
The National Insurance (United States of America) Order 1969	S.I. 1969/1493
[The above S.I. 1969/1493 was revoked by S.I. 1984/1817.]	
[Reference to S.I. 1969/1494 (Cyprus) deleted by S.I. 1983/1698, Art. 3(2).]	
The National Insurance and Industrial Injuries (Bermuda) Order 1969	S.I. 1969/1686
[Reference to S.I. 1970/150 (New Zealand) deleted by S.I. 1983/1894, Art. 4(2).]	
[Reference to S.I. 1971/1742 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).]	
The Family Allowances, National Insurance and Industrial Injuries (Austria) Order 1972	S.I. 1972/1586
[The above S.I. 1972/1586 was revoked by S.I. 1981/605.]	
The National Insurance and Industrial Injuries (Jamaica) Order 1972	S.I. 1972/1587
[The above S.I. 1972/1587 was revoked by S.I. 1997/871.]	
[Reference to S.I. 1972/1588 (Jersey and Guernsey) deleted by S.I. 1978/1527, Art. 3(2).]	
[Reference to S.I. 1973/763 (Canada) deleted by S.I. 1995/1699, Art. 3(2).]	
The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974	S.I. 1974/555
The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	S.I. 1975/415

SCHEDULE 2

Article 2(4)

**SPECIFIC MODIFICATIONS OF CERTAIN ORDERS IN COUNCIL**

*Reference or Provision in Agreement*

*Modification of Order in Council*

1

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.
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.
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.
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.
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.
7. the exclusion of contributions related to wages or earnings.
8. persons to be treated as having paid contributions as non-employed persons.

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 the first day of that week.
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. 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. & 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.
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. only such contributions paid in respect of periods before 6th April 1975 to be excluded.
8. those persons to be treated as having paid Class 3 contributions.

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

**RECIPROCAL AGREEMENTS**

SOCIAL SECURITY (RECIPROCAL AGREEMENTS) ORDER 1976

**EXPLANATORY NOTE**

*(This Note is not part of the Order)*

This Order provides for the Orders in Council listed in Schedule 1 (which give effect to the agreements made between the Governments of the United Kingdom and other countries providing for reciprocity in certain social security matters) to have effect subject to modifications to take account of changes contained in the Social Security Act 1975 and for such Orders made under the National Insurance Act 1965 to have effect for the purpose of section 143 of the 1975 Act. The Social Security (Reciprocal Agreements) Order 1975, which is replaced by this Order, is revoked.