

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 28th day of December, nineteen hundred and forty-five.

(L.S.)

H. Anderson,
Assistant Secretary,
Ministry of Labour for Northern Ireland.

The Ministry of Finance for Northern Ireland approves.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of December, nineteen hundred and forty-five.

(L.S.)

John I. Cook,
Assistant Secretary,
Ministry of Finance for Northern Ireland.

Isle of Man Reciprocal Arrangements

REGULATIONS, DATED 8TH MARCH, 1945, MADE BY THE MINISTRY OF LABOUR IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACTS (NORTHERN IRELAND), 1936 TO 1941.

1945 No. 31

The Ministry of Labour, in conjunction with the Ministry of Finance, in exercise of the powers conferred on them by the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1941, and of all other powers enabling them in that behalf, hereby make the following regulations :—

1.—(1) These regulations may be cited as the Contributory Pensions (Isle of Man Reciprocal Arrangements) Regulations (Northern Ireland), 1945, and shall be deemed to have had effect as from the 3rd January, 1938, in relation to voluntary contributors, and as from the 10th October, 1939, in relation to all other persons.

(2) Words and expressions in these regulations shall have the same meaning as in the Memorandum of Reciprocal Arrangements set out in the schedule to these regulations.

(3) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the schedule to these regulations shall have full force and effect so far as the same relate to Northern Ireland, and the Pensions Act shall have effect in Northern Ireland subject to such modifications and adaptations as may be required in that Act, for the purpose of giving effect to the provisions contained in the said Memorandum.

3. The Contributory Pensions (Isle of Man Reciprocal Arrangements) Regulations (Northern Ireland), 1937, are revoked as from the 3rd January, 1938, in relation to voluntary contributors, and as from the 10th October, 1939, in relation to all other persons, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder, prior to those respective dates.

Schedule.

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS BETWEEN THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE ON APPLICATION MADE BY THE GOVERNMENT OF NORTHERN IRELAND AND WITH THE APPROVAL OF THE SECRETARY OF STATE OF THE ONE PART, AND THE GOVERNOR OF THE ISLE OF MAN WITH THE ADVICE AND CONSENT OF THE INSURANCE COMMISSIONERS OF THE OTHER PART.

1. In this Memorandum, unless the context otherwise requires—

“the Island” means the Isle of Man;

“the Insurance Act” means the National Health Insurance Act, 1936, as amended by any subsequent enactment;

“the Island Insurance Act” means the Act of Tynwald entitled the National Health Insurance Act, 1939, as amended by any subsequent enactment;

“the Pensions Act” means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, as amended by any subsequent enactment;

“the Island Pensions Act” means the Act of Tynwald entitled the Widows', Orphans' and Old Age Contributory Pensions Act, 1939, as amended by any subsequent enactment;

“the Acts” mean, in the case of Northern Ireland, the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1941, as amended by any subsequent enactment, and, in the case of the Island, the Widows', Orphans' and Old Age Contributory Pensions Acts, 1939 to 1942, as amended by any subsequent enactment;

26 Geo. 5. &
1 Edw. 8.
c. 32.

2 & 3
Geo. VI.

26 Geo. 5. &
1 Edw. 8.
c. 32.

3 & 4
Geo. VI.

“pension” means a pension payable under or by virtue of the Acts and includes an additional allowance ;

“deferred pension” means a pension payable in accordance with the provisions of subsection (3) of section 5 of the Widows’, Orphans’ and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937, or of subsection (3) of section 27 of the Island Pensions Act ;

¹ Edw. 8. &
¹ Geo. 6.
c. 23.

“employment” means, as the case may require, employment within the meaning of the Insurance Act or of the Island Insurance Act, or employment by virtue of which a person is insured for the purposes of the Acts only, or the employment referred to in sub-paragraph (a) (ii) of paragraph 1 of the Fourth Schedule to either the Pensions Act or the Island Pensions Act ;

“country” means Northern Ireland or the Island, as the case may require ;

“the Insurance Commissioners” mean the Insurance Commissioners established under the Act of Tynwald entitled the Health Insurance and Pensions (Constitution of Board) Act, 1939.

^{2 & 3}
Geo. VI.

2. The Arrangements set out in this Memorandum shall apply for the purposes of all or any of the provisions of the pension scheme or schemes in force in Northern Ireland or the Island, as the case may be, but for no other purpose, and shall have effect as from the 3rd January, 1938, in relation to voluntary contributors and as from the 10th October, 1939, in relation to all other persons.

3. Employment or insurance, contributions paid (including contributions deemed to have been paid) or pensions paid, and residence in one country, shall be treated as if they had been respectively employment or insurance, contributions paid (including contributions deemed to have been paid) or pensions paid and residence in the other country, except in the case of—

(1) Widows’ pensions claimable under the provisions of sub-paragraphs (a) and (c) of paragraph 1 of the Fourth Schedule to the Island Pensions Act, where the husband died or attained the age of seventy on or after the 4th January, 1926, but before the 8th July, 1929, unless it is shown that at some time within three years before the date of the husband’s death or the date on which he attained the age of seventy his normal occupation was employment of such a kind as is specified in paragraph (e) or paragraph (f) of Part 1 of the First Schedule to the Island Insurance Act ; and

(2) Widows’ pensions claimable under the provisions of sub-paragraph (b) of paragraph 1 of the Fourth Schedule to the Island Pensions Act, where the husband died on or after the 1st January, 1931, but before the 1st July, 1931.

4. Employment of a person which for the purposes of the Acts in force in one country is, or, had the rate of his remuneration not exceeded two hundred and fifty pounds a year up to the 4th January, 1942, or four hundred and twenty pounds a year thereafter, would have been, an excepted employment entailing the payment of no contributions or of contributions at less than the ordinary rates, shall be treated as if it had been an excepted employment entailing the payment of no contributions, or, as the case may require, contributions at less than the ordinary rates, under the Acts in force in the other country.

5. Any title to pay contributions at a reduced rate, or to a deferred pension, which a person may have acquired under the Acts in force in one country shall, while that person is resident in the other country, become a corresponding title to pay contributions at the reduced rate, or to a deferred pension, under the Acts in force in the other country.

6.—(1) If an employed contributor, or a voluntary contributor who is insured (but not separately insured) for pension purposes, or an exempt person (being a man) under the age of 65, resident in one country becomes resident in the other country, he shall, until he is treated by virtue of the reciprocal arrangements relating to health insurance for the time being in force, as insured, or becomes an exempt person, in the other country, be regarded as a person insured under the Acts in force in the country in which he was previously resident, and the pensions contributions paid in respect of him shall be credited to the Pensions Account of that country.

(2) As from the date on which such a person is so treated as insured or so becomes an exempt person, he shall be treated as a person insured under the Acts in force in the other country.

7. A voluntary contributor who is separately insured for pension purposes in one country shall, if he becomes resident in the other country, continue to be insured under the provisions of the Acts in force in the former country until the end of the contribution half-year next after that in which he became resident in the other country, and from the commencement of the contribution half-year next following the first mentioned contribution half-year his insurance for pension purposes shall be transferred to the country in which he has become resident :

Provided that where such a person becomes so resident after the 4th January, 1942, this Article shall apply with the substitution of the word " year " for the words " half-year next after that " and of the words " next contribution year " for the words " contribution half-year next following the first mentioned contribution half-year ".

8. Where by virtue of this Memorandum a pension payable under the Acts in force in one country becomes payable under the Acts in force in the other country, any qualification, disqualification or other

provision which would, had the pension continued to be payable under or by virtue of the Acts in force in the one country, have been applicable thereto, shall, in relation to that pension and so far as appropriate, be treated as if it were the qualification, disqualification or other provision applicable to the pension under or by virtue of the Acts in force in the other country.

9. A person who is a voluntary contributor under the pensions scheme or schemes in force in one country shall not at the same time be entitled to be or become a voluntary contributor under the pensions scheme or schemes in force in the other country.

10. A person who was resident in one country, but has become resident in the other country, shall not be entitled to become a special voluntary contributor under the Acts in force in such other country or, as the case may require, shall be entitled (provided the provisions of those Acts are complied with) to become a special voluntary contributor thereunder for the purposes of widows' and orphans' pensions only, if, assuming he were still resident in the one country at the time he desires to become a special voluntary contributor in the other country, he would not at that time be entitled to become a special voluntary contributor under the Acts in force in the one country, or, as the case may be, would be entitled to become a special voluntary contributor thereunder for the purposes of widows' and orphans' pensions only.

11. Where a pension is payable for any period to or in respect of a person, either directly under the Acts in force in one country or under those Acts by virtue of this Memorandum, a pension to or in respect of that person for that period shall not be payable under the Acts in force in the other country.

12. A pension payable to a person by one country shall, while that person is resident in the other country, become payable under or by virtue of the Acts in force in the other country :

Provided that for a period of six months from the date on which he becomes so resident, or for such shorter period as may in any particular case be determined by the pensions authority of the country in which he becomes so resident, the pension shall continue to be paid out of the funds of the one country, and the pensions authority of the other country shall make such arrangements as may be necessary for the payment of the pension, acting in this respect on behalf of the pensions authority of the former country.

13. Where a pension is payable to, or in respect of a person outside Northern Ireland and the Island, such pension shall be paid by the pensions authority of the country by which the pension was being paid when that person left Northern Ireland or the Island, as the case may be.

14. Where title to a pension arises by virtue of the provisions of paragraph 1 or paragraph 7 of the Fourth Schedule to either the

Pensions Act or the Island Pensions Act, the pension shall be a charge, at the date on which the title to such pension arises, on the funds of the country in which the husband of the widow claiming the pension died, but such charge shall be subject to the provisions of Article 15 :

Provided that this Article shall not apply in the case of the pensions specified in paragraphs (1) and (2) of Article 3 of this Memorandum.

15. Notwithstanding anything contained in Article 12 or Article 14, in the case of a person entitled to a pension under or by virtue of the Acts in force in one country who is resident in the other country on the date as from which the title to such pension accrues, the pension shall as from such date become a charge on, and be payable out of, the funds of the other country.

16. Application to become a special voluntary contributor shall be made to the pensions authority of the country in which the applicant is living, and, if he is living outside Northern Ireland and the Island, it shall be made to the country in which he claims to be resident at the time of application.

17. A claim for a pension shall be made to the pensions authority of the country in which the person in respect of whose insurance or employment the pension is claimed, was last insured or employed, as the case may be, or to the pensions authority of the other country acting on behalf of the pensions authority of the former country.

18. Nothing contained in this Memorandum shall prejudice or affect the liability of employers to pay contributions under the Acts, the Insurance Act or the Island Insurance Act in respect of persons employed by them.

19. The National Health Insurance Joint Committee with the consent of the Government of Northern Ireland, and the Governor of the Isle of Man with the advice and consent of the Insurance Commissioners, shall make such financial adjustments as they may agree to be necessary for the purposes of these arrangements.

20. Either party to this Memorandum may terminate the arrangements herein contained at the end of any contribution half-year on giving not less than three months previous notice in writing to the other party.

Given under the Official Seal of the National Health Insurance Joint Committee this 23rd day of November, nineteen hundred and forty-four.

(L.S.)

Robert Rouse,
Secretary, National Health Insurance
Joint Committee.

I approve.

Herbert Morrison,
One of His Majesty's Principal
Secretaries of State.

Given under the hand of the Lieutenant-Governor of the Isle
of Man this 23rd day of November, nineteen hundred and
forty-four.

Granville,
Lieutenant-Governor.

The advice and consent of the Insurance Commissioners is hereby
given to this Memorandum of Arrangements.

R. B. Moore,
Chairman.

Given under the Official Seal of the Ministry of Labour for
Northern Ireland this 8th day of March, nineteen hundred
and forty-five.

(L.S.)

H. Anderson,
Assistant Secretary, Ministry of Labour
for Northern Ireland.

Given under the Official Seal of the Ministry of Finance for
Northern Ireland this 8th day of March, nineteen hundred
and forty-five.

(L.S.)

John I. Cook,
Assistant Secretary, Ministry of Finance
for Northern Ireland.

COUNTY OFFICERS AND COURTS

County Court Judge of Tyrone

1945. No. 137

BY THE GOVERNOR OF NORTHERN IRELAND

GRANVILLE

WHEREAS under and by virtue of certain proclamations heretofore
made and of the several statutes in that behalf the County of Antrim is
divided into two districts for the purpose of hearing and determining
causes by civil bill and of transacting all such criminal and other
business as may be cognisable or determinable at any General or
Quarter Sessions of the Peace or in any Civil Bill Court in or for the