

FAMILY ALLOWANCES**Reciprocal Arrangements with New Zealand**

REGULATIONS, DATED 25TH NOVEMBER, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

1948. No. 337

The Ministry of Labour and National Insurance for Northern Ireland, acting in conjunction with the Ministry of Finance for Northern Ireland, in exercise of the powers conferred on it by the Family Allowances Act (Northern Ireland), 1945, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Family Allowances (New Zealand Reciprocal Arrangements) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st day of December, 1948.

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

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(4) 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 hereto shall have full force and effect so far as the same relate to Northern Ireland, and the Family Allowances Act (Northern Ireland), 1945, shall have effect subject to such modifications and adaptations of the provisions thereof as may be requisite for giving effect to the provisions contained in the said Memorandum or in consequence thereof.

3. The Ministry of Labour and National Insurance for Northern Ireland shall, from time to time, make with the Minister of Social Security in New Zealand any financial adjustments required by the provisions of Article 8 of the said Memorandum.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 25th day of November, 1948, in the presence of

(L.S.)

William Allen,

Assistant Secretary to the Ministry of Labour
and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of November, 1948, in the presence of

(L.S.)

John I. Cook,

Assistant Secretary to the Ministry of Finance
for Northern Ireland.

Schedule

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO FAMILY ALLOWANCES IN NORTHERN IRELAND AND FAMILY BENEFITS IN NEW ZEALAND MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE FOR NORTHERN IRELAND WITH THE CONSENT OF THE MINISTRY OF FINANCE FOR NORTHERN IRELAND OF THE ONE PART AND THE MINISTER OF SOCIAL SECURITY IN NEW ZEALAND OF THE OTHER PART.

1.—(1) In this Memorandum unless the context otherwise requires—
“country” means Northern Ireland or New Zealand as the case may require ;

“the appropriate authority” means in the case of Northern Ireland the Ministry of Labour and National Insurance and in the case of New Zealand the Social Security Commission of New Zealand.

(2) References in this Memorandum to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

2. The Arrangements set out in this Memorandum shall apply for the purposes of all or any of the provisions of the scheme of Family Allowances in force in Northern Ireland and the scheme of Family Benefits in force in New Zealand.

3. The Arrangements shall apply in Northern Ireland to claimants for Family Allowances who are British subjects and in New Zealand to claims for Family Benefits in respect of children who are British subjects and the following provisions of this Memorandum shall have effect accordingly.

4.—(1) The following provisions of this article shall have effect in relation to Family Allowances in Northern Ireland for the purposes of the provisions of the Family Allowances Act (Northern Ireland), 1945, and the regulations made thereunder, and the said Act and regulations shall be construed accordingly.

(2) Residence or presence in New Zealand shall be treated as residence or presence in Northern Ireland.

(3) A person born in New Zealand shall be treated as a person whose place of birth is in the United Kingdom.

(4) Where a claimant's family includes children born in New Zealand the claimant shall not be disentitled to Family Allowances in respect of those children by reason only that the claimant (or his wife or her husband) is unable to satisfy the conditions as to presence in Northern Ireland contained in the said Act and regulations as varied by the foregoing provisions of this article.

Provided that nothing in this paragraph shall prevent the disentanglement of a claimant who ceases to satisfy such conditions by reason of any absence from Northern Ireland which occurs after he has become entitled to Family Allowances, whether by virtue of this paragraph or otherwise, so long as that absence continues.

5.—(1) The following provisions of this article shall have effect in relation to Family Benefits in New Zealand for the purposes of the provisions of the Social Security Act, 1938, and the said Act shall be construed accordingly.

(2) Residence in Northern Ireland shall be treated as residence in New Zealand.

(3) A child whose place of birth is in the United Kingdom shall be treated as a child born in New Zealand.

6. Subject to the provisions of the scheme of Family Allowances or Family Benefits in force in each country as modified by these Arrangements a claim for an allowance or benefit shall be made to the appropriate authority for the country in which the person to whom the allowance or benefit belongs is present, or, if that person is absent from Northern Ireland and New Zealand, to the appropriate authority for the country in which his agent appointed under the appropriate Act or regulation is present.

7. Where, by reason of a child being included in a family, a Family Allowance or Family Benefit has been paid by one country for any period Family Benefit or a Family Allowance shall not (whether such payment was made directly under the Act in force in that country or under that Act by virtue of these Arrangements) be payable for that period by the other country by reason of the child being treated as included in that or any other family.

8.—(1) Where by reason only of these Arrangements sums on account of a Family Allowance have been paid in Northern Ireland by reason of the inclusion in a family of a child who leaves that country to return to New Zealand within six months of his arrival in Northern Ireland there shall be paid out of the Social Security Fund in New Zealand to the Ministry of Labour and National Insurance for Northern Ireland an amount equal to the sums so paid on account of that Family Allowance.

(2) Where by reason only of these Arrangements Family Benefit has been paid in New Zealand in respect of a child who leaves that country to return to Northern Ireland within six months of his arrival

in New Zealand there shall be paid by the Ministry of Labour and National Insurance for Northern Ireland to the Social Security Fund in New Zealand an amount equal to the sums which would have been paid on account of a Family Allowance if the child had been present in Northern Ireland during the period of his presence in New Zealand and included in the family in which he has been included after his return to Northern Ireland.

(3) Save as expressly provided by this article there shall be no financial adjustments between the Government of Northern Ireland and the Government of New Zealand in respect of these arrangements.

9. Each party to this Memorandum shall, on request, afford to the other any information in the possession of that party relating to any claimant or child.

10. For the purpose of avoiding doubts it is hereby declared that a Maori shall not be disqualified for any of the purposes of Family Allowances in Northern Ireland by reason only of the fact that he is a Maori.

11. These Arrangements shall come into force on the first date after the legislation giving effect to them has been approved by the Parliament of New Zealand and the Ministry of Labour and National Insurance has made regulations under section 25 of the Family Allowances Act (Northern Ireland), 1945, in relation thereto.

12. Either party to this Memorandum may terminate the arrangements herein contained on giving not less than twelve calendar month's previous notice in writing to the other party.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this ninth day of August, 1948.

(L.S.)

Brian Maginess,
Minister of Labour and National Insurance for
Northern Ireland.

The Ministry of Finance for Northern Ireland hereby consents.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this ninth day of August, 1948.

(L.S.)

J. M. Sinclair,
Minister of Finance for Northern Ireland.

Signed by the Minister of Social Security in New Zealand this twenty-third day of September, nineteen hundred and forty-eight.

W. E. Parry,
Minister of Social Security.