

SCHEDULE

Description of disease or injury	Nature of occupation
36. Poisoning by beryllium.	Any occupation involving the use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.

Reciprocal Agreement with Eire

ORDER IN COUNCIL, DATED 25TH APRIL, 1949, MADE UNDER SECTION 61 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SECTION 84 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1949. No. 82

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

I, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, Governor of Northern Ireland, in pursuance of section 61 of the National Insurance Act (Northern Ireland), 1946, and section 84 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, 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 :—

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with Eire) Order (Northern Ireland), 1949, and shall be deemed to have had effect from the 5th July, 1948.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Agreement relating to insurance and workmen's compensation set out in the schedule to this Order shall have full force and effect so far as the same relate to Northern Ireland, and the National Insurance Acts (Northern

Ireland), 1946 and 1948, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the provisions contained in the said Agreement.

Given at Government House, Hillsborough, this twenty-fifth day of April, 1949.

Edmond Warnock
W. V. McCleery
S. H. Hall-Thompson
Brian Maginess
William Grant

SCHEDULE

AGREEMENT RELATING TO INSURANCE AND WORKMEN'S COMPENSATION MADE THIS TWELFTH DAY OF APRIL, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY NINE BETWEEN THE MINISTRY OF LABOUR AND NATIONAL INSURANCE OF THE ONE PART AND THE MINISTER FOR SOCIAL WELFARE OF THE OTHER PART.

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

1946. Ch. 23.

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

1946. Ch. 21,
and 1946. Ch.
23.

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

1 & 2 Geo. 5.
c. 55.

“the Eire Act” means the National Insurance Act, 1911;

10 & 11 Geo.
5. c. 30.

“the Eire Acts” means the National Insurance Act, 1911, the Unemployment Insurance Act, 1920, and the Workmen's Compensation Act, 1934;

No. 9 of 1934.

“sickness benefit” means, as the case may require, sickness benefit under the Northern Ireland Act or sickness or disablement benefit under the Eire Act together with any cash supplement payable under the Social Welfare Schemes (Cash Supplements) Order, 1947;

S. R. & O.
1947, No. 76.

“maternity benefit” means, as the case may require, maternity benefit other than maternity allowance under the Northern Ireland Act, or maternity benefit under the Eire Act;

“contributions of the appropriate class” means contributions (whether under the Northern Ireland Act or the Eire Act 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 or, under the Eire Act, of marriage benefit;

“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 Eire Acts, a person so employed who neither is domiciled nor has a place of residence in Eire; and

“radio officer” means a person to whom this Agreement applies who is employed on board any ship or vessel in connection with the radio apparatus thereof.

(2) References in this Agreement to the Acts in force in Northern Ireland or Eire, respectively, shall be construed as references to the Northern Ireland Acts or the Eire Acts as the case may require.

(3) References in this Agreement to any enactment or order shall include a reference to such enactment or order as amended by any subsequent enactment, regulations or order.

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

3. The said Ministry of Labour and National Insurance and the said Minister for Social Welfare shall from time to time determine the procedure appropriate for the purposes of this Agreement, and all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

4. Such financial adjustments between the Northern Ireland National Insurance Fund on the one hand and the Irish National Health Insurance Fund and the Unemployment Fund of Eire on the other, as may be agreed from time to time in connection with this Agreement, shall be made by the said Ministry of Labour and National Insurance and the said Minister for Social Welfare.

5.—(1) This Agreement shall have effect as from the 5th July, 1948, but shall not apply so as to affect the operation of the Workmen's Compensation Act, 1934, as respects any accident happening before the 1st June, 1949.

(2) The said Ministry of Labour and National Insurance or the said Minister for Social Welfare may terminate this Agreement or any Part thereof on giving not less than six months previous notice in writing.

PART I

Insurance for sickness benefit and maternity benefit

6.—(1) Subject to the provisions of Articles 8 and 12 and of the following paragraphs of this Article, where a person insured under the Northern Ireland Act is on the 5th July, 1948, in Eire or thereafter goes to Eire, that person shall, in respect of any period for which he is in Eire occurring after the said date and before the expiration of six months from the date on which he last arrived in Eire, be treated for the purposes of his right to receive sickness or maternity benefit as if he were in Northern Ireland during that period and where a person insured under the Eire Act is on the 5th July, 1948, in Northern Ireland, or thereafter goes to Northern Ireland, that person shall in respect of any period for which he is in Northern Ireland occurring after the said date and before the expiration of six months from the date on which he last arrived in Northern Ireland, be treated for the purposes of his right to receive sickness benefit or maternity benefit as if he were in Eire during that period :

Provided that—

- (a) for the purpose of calculating the said period of six months the temporary absence of a person from Northern Ireland or Eire, as the case may be, shall be disregarded and the question whether the absence of a person is or is not to be treated as temporary for the said purpose shall be determined under Article 3 ; and
- (b) the said Ministry of Labour and National Insurance or the said Minister for Social Welfare, as the case may be, may extend the said period of six months by not more than seven days in the circumstances of any particular case or class of cases.

(2) This Article shall not apply in the case of any such person being a woman who marries during the said period as from the date of her marriage.

(3) The rate at which any sickness benefit (apart from any increase) shall be payable to any person by virtue of this Article shall not exceed the maximum rate of that benefit (apart from any increase) appropriate to that person under the provisions of the Northern Ireland Act when that person is in Northern Ireland or of the Eire Act when that person is in Eire.

(4) In determining, in relation to any person to whom this Article applies, the question whether any such person is entitled to benefit under the Northern Ireland Act, or whether any such person is entitled to benefit or to remain insured under the Eire Act, and, for the purpose of any of these questions, the number of contributions paid by or in respect of him, any contributions of the appropriate class paid by or in respect of that person for any weeks in a period to which this Article applies and which is current at the date when that question arises shall be taken into account.

(5) Subject to the provisions of Article 10, this Article shall not confer any right to receive any increase of benefit under the Northern Ireland Act for a child or an adult dependant who is absent from Northern Ireland.

7. Where a person insured under the Northern Ireland Act goes to Eire and returns to Northern Ireland before the provisions of Article 6 cease to apply to him, he shall receive credit in Northern Ireland for contributions of the appropriate class paid in Eire during the period in question, and where a person insured under the Eire Act goes to Northern Ireland and returns to Eire before the provisions of Article 6 cease to apply to him, he shall receive credit in Eire for contributions of the appropriate class paid in Northern Ireland during the period in question.

8. A member of the Defence Forces of Eire who is insured under the Northern Ireland Act shall not be entitled to sickness benefit under that Act in respect of any period during which he is a member of such Forces.

9.—(1) Where a person insured under the Northern Ireland Act is in Eire at the expiration of the period during which the provisions of Article 6 applied to him, then for the purposes of sickness benefit and maternity benefit—

(a) the provisions of the Northern Ireland Act shall cease to apply in his case ; and

(b) in the application to him of the provisions of the Eire Act, insurance, employment, contributions of the appropriate class paid (including such contributions credited or treated as paid) and benefits paid or claimed in Northern Ireland shall be treated as if they had been respectively insurance, employment, contributions of the appropriate class paid (including contributions credited or treated as paid) and benefits paid or claimed in Eire.

(2) Where a person insured under the Eire Act is in Northern Ireland at the expiration of the period during which the provisions of Article 6 applied to him, then—

(a) the provisions of the Eire Act shall cease to apply in his case ; and

(b) in the application to him, for the purposes of sickness benefit and maternity benefit, of the provisions of the Northern Ireland Act, insurance, employment, contributions of the appropriate class paid (including such contributions credited or treated as paid) and benefits paid or claimed in Eire shall be treated as if they had been respectively insurance, employment, contributions of the appropriate class paid (including contributions credited or treated as paid) and benefits paid or claimed in Northern Ireland :

Provided that, in the case of a person who has been insured under the Eire Act and is in Northern Ireland, unless and until not less than thirteen such contributions have been paid by or in respect of him under the Northern Ireland Act since the beginning of the said period, the rate at which any such benefit (including any increase) shall be payable, shall not exceed the rate at which it would have been payable to him at the end of that period under the provisions of the Eire Act.

10. Where the wife or husband of a person insured under the Northern Ireland Act is in Eire such wife or husband shall be treated for the purposes of the right of that person to receive an increase of any sickness benefit to which that person may be entitled in respect of a wife or husband as if she or he were in Northern Ireland and where the wife or husband of a person insured under the Eire Act is in Northern Ireland, such wife or husband shall be treated for the purposes of the right of that person to receive an increase of any sickness benefit to which that person may be entitled in respect of a wife or husband as if she or he were in Eire.

11. Where the wife of a person insured under the Northern Ireland Act is in Eire, she shall be treated for the purpose of her right to receive maternity benefit in respect of that person's insurance as if she were in Northern Ireland and where the wife of a person insured under the Eire Act is in Northern Ireland, she shall be treated for the purpose of her right to receive maternity benefit in respect of that person's insurance as if she were in Eire.

12. Where a person is incapable of work by reason of an accident or industrial disease, any payment made or title to payment under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in respect of that accident or disease shall be treated as if it were a payment or title to payment under the Workmen's Compensation Act, 1934, for the purposes of the Eire Act, and any weekly payment made or title to weekly payment under the Workmen's Compensation Act, 1934, in respect of that accident or disease shall be treated as if it were a payment

or title to payment of the like amount by way of injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, for the purposes of the Northern Ireland Act.

PART II

Insurance of persons who are resident in Northern Ireland or Eire while employed in Eire or Northern Ireland respectively, or who, being ordinarily resident in Eire, are temporarily resident and employed in Northern Ireland

13.—(1) Where a person resident in Northern Ireland is employed under a contract of service or apprenticeship in Eire and is insured under the Eire Act in respect of that employment, his insurance for sickness benefit and maternity benefit shall be deemed to be under the Northern Ireland Act only, and that part of each contribution paid in respect of his employment as aforesaid which relates to sickness benefit and maternity benefit shall be treated as having been paid under the Northern Ireland Act and where a person resident in Eire is employed under a contract of service in Northern Ireland and insured accordingly, his insurance for sickness benefit and maternity benefit shall be deemed to be under the Eire Act only, and that part of each contribution paid in respect of his employment as aforesaid which relates to sickness benefit and maternity benefit shall be treated as having been paid under the Eire Act :

Provided that—

- (a) nothing in this provision shall affect the obligation of that person or his employer to pay contributions under the Northern Ireland Act if he is employed in Northern Ireland or under the Eire Act if he is employed in Eire ;
- (b) the rate of benefit payable to a person by virtue of this provision shall not exceed, in the case of a person resident in Northern Ireland and employed in Eire, the maximum rate appropriate to that person under the provisions of the Eire Act.

(2) In the case of a person to whom this Article applies the said Minister for Social Welfare shall account to the said Ministry of Labour and National Insurance for a sum equal to that part of each contribution paid in Eire which relates to sickness benefit and maternity benefit and the said Ministry of Labour and National Insurance shall account to the said Minister for Social Welfare for an equal sum in respect of each contribution paid in Northern Ireland which relates to sickness benefit and maternity benefit.

(3) In the event of the rate of contribution which relates to sickness benefit and maternity benefit or the rate of those benefits, or either of them, being revised in either Northern Ireland or Eire the said Ministry of Labour and National Insurance and the said Minister for Social Welfare may make any agreed adjustment of the sum mentioned in the preceding paragraph.

14.—(1) Where a person resident in Northern Ireland is employed under a contract of service or apprenticeship in Eire and insured accordingly, his insurance for unemployment benefit shall, if he so elects, be deemed to be under the unemployment benefit scheme in force in Northern Ireland and where a person resident in Eire is employed under a contract of service in Northern Ireland and insured accordingly, his insurance for unemployment benefit shall, if he so elects, be deemed to be under the unemployment benefit scheme in force in Eire.

(2) In the case of a person to whom this Article applies, the said Ministry of Labour and National Insurance shall account to the said Minister for Social Welfare for a sum equal to that part of each contribution (not being a contribution which has been taken into account for the purpose of making any payment of unemployment benefit on a claim made in the United Kingdom) paid as an employed person in Northern Ireland which relates to unemployment benefit and the said Minister for Social Welfare shall account to the said Ministry of Labour and National Insurance for an equal sum in respect of each contribution paid in Eire which relates to unemployment benefit and against which such benefit has not been paid and an appropriate credit of contributions for unemployment benefit purposes shall be given to the person aforesaid :

Provided that for the purposes of this Article no account shall be taken of any contribution paid in respect of employment which occurred prior to the 5th July, 1948.

(3) (a) A person to whom by virtue of the provisions of the preceding paragraph contributions are credited in the Northern Ireland National Insurance Fund shall, if he satisfies the conditions (other than those relating to contributions) for the receipt of unemployment benefit under the Northern Ireland Act and is free from the disqualifications for the receipt of unemployment benefit under that Act, be entitled to receive payment of unemployment benefit and (where payable) an increase for dependants at the appropriate rate set out in the Second Schedule to the Northern Ireland Act, so however that he shall not by virtue of this paragraph receive more than one day's unemployment benefit in respect of each contribution credited under the preceding paragraph of this Article and that the contributions so credited shall otherwise be disregarded for the purposes of the Northern Ireland Act except that, where unemployment benefit has been exhausted, contributions so credited in respect of employment performed in Eire subsequent to the date of exhaustion shall be taken into account as contributions of the appropriate class for the purposes of requalification for unemployment benefit.

(b) Contributions credited in the Unemployment Fund of Eire under the preceding paragraph shall be treated as if they were contributions paid in respect of employment in Eire, provided that each part of each contribution accounted for under that paragraph by the said Ministry of Labour and National Insurance to the said Minister for Social Welfare shall, for purposes other than the ratio of benefit to contributions, be reckoned as one contribution to that Fund.

(4) In the event of the rate of contribution which relates to unemployment benefit or the rate of unemployment benefit being revised in either Northern Ireland or Eire the said Ministry of Labour and National Insurance and the said Minister for Social Welfare may make any agreed adjustment of the sum mentioned in paragraph (2) of this Article.

15. Where a person who—

(a) is ordinarily resident in Eire, and

(b) has been temporarily resident in Northern Ireland while employed under a contract of service there, and

(c) is not entitled to unemployment benefit in Northern Ireland by reason of proviso (ii) to subsection (1) of Section 10 of the Northern Ireland Act, returns to Eire and claims unemployment benefit or unemployment assistance there, the value of that part of each contribution paid by him as an employed person while so temporarily resident in Northern Ireland which relates to unemployment benefit shall be accounted for, if he so elects, by the Ministry of Labour and National Insurance to the Minister for Social Welfare and an appropriate number of contributions shall be credited to him in the Unemployment Fund of Eire and treated for the purposes of unemployment benefit as if they had been paid in respect of employment in Eire:

Provided that each part of each contribution so accounted for shall, for purposes other than the ratio of benefit to contributions, be reckoned as one contribution to that Fund.

16. Where in respect of any person the Ministry of Labour and National Insurance under paragraph (2) of Article 14 or under Article 15 has accounted to the Minister for Social Welfare in respect of the contributions specified in those Articles, there shall be disregarded, for the purposes of the right of that person to receive unemployment benefit under the Northern Ireland Act, any contributions as an employed person under that Act in respect of which such accounting has taken place, and where in respect of any person the Minister for Social Welfare under paragraph (2) of Article 14 has accounted to the Ministry of Labour and National Insurance in respect of the contributions specified in that Article, there shall be disregarded, for the purpose of determining the number of days for which unemployment benefit is payable under the Eire Acts, any contributions paid under those Acts in respect of which such accounting has taken place.

PART III

Insurance and Workmen's Compensation for masters and members of the crews of ships and vessels

17. 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.

18. 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 Eire and for the purposes of the Eire Acts a person shall not be so treated if he is domiciled or has a place of residence in the United Kingdom.

19. 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 Eire, then, subject to the provisions of Articles 20 and 21, in respect of that employment the provisions of the Acts in force in Northern Ireland shall not apply to that person, and he shall be subject (in so far as they are applicable) to the provisions of the Acts in force in Eire and 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 Eire 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 Articles 20 and 21, in respect of that employment the provisions of the Acts in force in Eire shall not apply to that person, and he shall be subject (in so far as they are applicable) to the provisions of the Acts in force in Northern Ireland.

20. If a radio officer is insurable under the National Insurance Acts in force in Great Britain 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 the provisions of the Acts in force in Northern Ireland or Eire, as the case may be, in respect of that employment shall not apply to that radio officer.

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

- (a) whose port of registry is a port in Northern Ireland, or Eire, where, in the latter case, the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Northern 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
 - (i) in Northern Ireland and whose port of registry is not a port in Great Britain, or
 - (ii) in Eire and whose port of registry is a port in Northern 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 Eire Acts shall not, apply; and
- (ii) if that person is ordinarily resident in Eire, the provisions of the Eire Acts shall, and those of the Northern Ireland Acts shall not, apply.

22.—(1) Where any person to whom this Part of this Agreement applied at the relevant time specified in paragraph (2) of this Article—

- (a) is entitled in Northern Ireland to unemployment benefit under the Northern Ireland Act, or to industrial injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the wife or husband of that person is in Eire; or
- (b) is entitled in Eire to unemployment benefit under the Unemployment Insurance Act, 1920, or to weekly payments by way of compensation under the Workmen's Compensation Act, 1934, and the wife or husband of that person is in Northern Ireland;

such wife or husband shall be treated for the purpose of any right of that person to receive an increase of any such unemployment benefit or industrial injury benefit or an allowance (if any) additional to such weekly payments in respect of a wife or husband as if she or he were in Northern Ireland or Eire, as the case may be.

(2) For the purposes of this Article the relevant time means—

- (a) in the case of a person entitled to unemployment benefit, immediately before the termination of his last employment before becoming so entitled, and

- (b) in the case of a person entitled to industrial injury benefit or weekly payments by way of compensation, immediately before the termination of the employment in respect of which such benefit or compensation is payable.

23.—(1) In determining for the purposes of Part I of this Agreement relating to insurance for sickness benefit and maternity benefit whether a person is in Northern Ireland or Eire, any period of employment on board a ship or vessel which is employment to which the provisions of the Northern Ireland Acts apply shall be treated as if it were a period during which that person was in Northern Ireland and any period of employment on board a ship or vessel which is employment to which the provisions of the Eire Acts apply shall be treated as if it were a period during which that person was in Eire.

(2) The limitation imposed by paragraph (3) of Article 6 of Part I of this Agreement on the rate of sickness benefit payable by virtue of that Article shall not apply in the case of any person to whom this Part of this Agreement applied immediately before he became entitled to that benefit.

PART IV

Contributions and insurance in the case of persons who are employed in Northern Ireland and in Eire in the same contribution week

24. Where a person is employed both in Northern Ireland and in Eire by the same employer in the same contribution week insurance contributions for that week shall, if the person is resident in Northern Ireland, be payable only under the Acts in force in Northern Ireland and he shall be insured by virtue of the employment in Northern Ireland only and, if the person is resident in Eire, be payable only under the Acts in force in Eire and he shall be insured by virtue of the employment in Eire only:

Provided that this provision shall not apply in relation to contributions and insurance under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.

Given under the Official Seal of the Ministry of Labour and National Insurance on the day and year first herein appearing.

(L.S.)

Brian Maginess,

Minister of Labour and National Insurance.

Given under the Official Seal of the Minister for Social Welfare on the day and year first herein appearing.

(L.S.)

William Norton,

Minister for Social Welfare.

Reciprocal Agreement with the Isle of Man

ORDER IN COUNCIL, DATED 25TH APRIL, 1949, MADE UNDER SECTION 84 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1949. No. 84

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

I, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order