

## 1976 No. 1044

## NORTHERN IRELAND

**The Social Security (Reciprocal Agreements) (Northern Ireland)  
Order 1976**

*Made* - - - - - 2nd July 1976

*Coming into Operation* 2nd July 1976

At the Court at Buckingham Palace, the 2nd day of July 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 99 of the National Insurance Act (Northern Ireland) 1966(a) and section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(b), it was provided for the Governor of Northern Ireland by Order in Council to make provision for modifying or adapting the said Acts of 1966 in their application to cases affected by agreements with governments of countries outside the United Kingdom providing for reciprocity in matters specified in those sections:

And Whereas by paragraph 4 of Schedule 5 to the Northern Ireland Constitution Act 1973(c) it is provided that any reference to the Governor of Northern Ireland, as respects functions to be discharged by him, or to the Governor of Northern Ireland in Council shall be construed as a reference to the Secretary of State and that any reference to the making of an Order in Council by the Governor of Northern Ireland shall be construed as a reference to the making of an order by the Secretary of State:

And Whereas the Orders in Council and orders made by the Secretary of State 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 in Council and 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 and orders 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 paragraphs 10 and 12 (as amended by paragraph 71(a) of Schedule 4 to the Social Security Pensions Act 1975(d)) of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(e) it is provided that Her Majesty may by Order in Council provide that an Order in Council, or an order made by the Secretary of State, under section 99 of the National Insurance Act (Northern Ireland) 1966 or section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 shall have effect with such modifications as may be specified in the Order and, in the case of an

(a) 1966 c. 6 (N.I.).

(b) 1966 c. 9 (N.I.).

(c) 1973 c. 36.

(d) 1975 c. 60.

(e) 1975 c. 18.

Order in Council or order under the said section 99, shall have effect for the purposes of section 134 of the Social Security (Northern Ireland) Act 1975<sup>(a)</sup> and as if the reference in the said sections 99 and 134 to an agreement included a reference to a proposed agreement:

Now, therefore, Her Majesty, in pursuance of the said section 2 and the said paragraphs 10 and 12 (as amended), 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) (Northern Ireland) Order 1976 and shall come into operation forthwith.

(2) In this Order, unless the context otherwise requires,—

“the Act” means the Social Security (Northern Ireland) Act 1975;

“the other country” means the party with whom the United Kingdom has made the relevant agreement set out in a Schedule to the Orders in Council and orders 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<sup>(b)</sup> 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 in Council, and orders of the Secretary of State, made under the National Insurance Act (Northern Ireland) 1966*

2.—(1) Any Order in Council, or order made by the Secretary of State, specified in Schedule 1 to this Order which was made under section 99 of the National Insurance Act (Northern Ireland) 1966 shall, for the purposes of section 134 of the Act, have effect subject to the modifications contained in the following provisions of this Order.

(2) Any such Order in Council or order 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 in Council or 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 or order to any matter dealt with by, or provision contained in, the National Insurance Measures (Northern Ireland) 1966 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.

<sup>(a)</sup> 1975 c. 15.

<sup>(b)</sup> 1889 c. 63.

(4) Where in any agreement set out in the Schedule to any such Order in Council or order 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 in Council or 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 (Northern Ireland) 1949(a).

*Modifications of Orders in Council, and orders of the Secretary of State, made under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966*

3. Any reference in any Order in Council, or order made by the Secretary of State, specified in Schedule 1 to this Order which was made under section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to any matter dealt with by, or provision contained in, the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 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.

*Revocation of Order*

4. The Social Security (Reciprocal Agreements) (Northern Ireland) Order 1975(b) is hereby revoked.

*N. E. Leigh*

Articles 2 and 3.

#### SCHEDULE 1

##### ORDERS MODIFIED BY THIS ORDER

Title	Reference
PART I ORDERS IN COUNCIL	
The National Insurance (Isle of Man Reciprocal Agreement) Order (Northern Ireland) 1949	S.R. & O. (N.I.) 1949 No. 83 (p. 310)
The National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order (Northern Ireland) 1949	S.R. & O. (N.I.) 1949 No. 84 (p. 334)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Luxembourg) Order (Northern Ireland) 1955	S.R. & O. (N.I.) 1955 No. 77 (p. 360)
The National Insurance and Industrial Injuries (Reciprocal Agreement with the Netherlands) Order (Northern Ireland) 1955	S.R. & O. (N.I.) 1955 No. 122 (p. 373)
(a) S.R. & O. (N.I.) 1949 No. 83 (p. 310).	(b) S.I. 1975/1042 (1975 II, p. 3613).

Title	Reference
The National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1957	S.R. & O. (N.I.) 1957 No. 11 (p. 747)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Sweden) Order (Northern Ireland) 1957	S.R. & O. (N.I.) 1957 No. 98 (p. 755)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Israel) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 32 (p. 443)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Norway) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 59 (p. 240)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Belgium) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 93 (p. 217)
The National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 101 (p. 422)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 118 (p. 471)
The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 130 (p. 455)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Yugoslavia) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 151 (p. 259)
The Family Allowances and National Insurance (Canada) Order (Northern Ireland) 1960	S.R. & O. (N.I.) 1960 No. 15 (p. 40)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Denmark) Order (Northern Ireland) 1960	S.R. & O. (N.I.) 1960 No. 16 (p. 45)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland) 1960	S.R. & O. (N.I.) 1960 No. 67 (p. 211)
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 148 (p. 567)

Title	Reference
The National Insurance and Industrial Injuries (Reciprocal Agreement with Turkey) Order (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 149 (p. 592)
The National Insurance (Reciprocal Agreement with Germany) Order (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 224 (p. 937)
The National Insurance (Canada) Order (Northern Ireland) 1962	S.R. & O. (N.I.) 1962 No. 10 (p. 32)
The National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland) 1964	S.R. & O. (N.I.) 1964 No. 142 (p. 637)
The National Insurance (Republic of Ireland) Order (Northern Ireland) 1966	S.R. & O. (N.I.) 1966 No. 50 (p. 197)
The National Insurance and Industrial Injuries (Republic of Ireland) Order (Northern Ireland) 1968	S.R. & O. (N.I.) 1968 No. 252 (p. 1067)
The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 143 (p. 517)
The National Insurance (United States of America) Order (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 316 (p. 1447)
The National Insurance and Industrial Injuries (Cyprus) Order (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 317 (p. 1451)
The Family Allowances and National Insurance (New Zealand) Order (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 21 (p. 143)
The National Insurance and Industrial Injuries (Bermuda) Order (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 22 (p. 157)
The National Insurance (Republic of Ireland) Order (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 4 (p. 23)

## PART II

## ORDERS OF THE SECRETARY OF STATE

The National Insurance and Industrial Injuries (Jersey and Guernsey) Order (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 320 (p. 1590)
The Family Allowances, National Insurance and Industrial Injuries (Austria) Order (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 321 (p. 1606)

Title	Reference
The National Insurance and Industrial Injuries (Jamaica) Order (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 322 (p. 1631)
The National Insurance (Canada) Order (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 164 (I, p. 866)
The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order (Northern Ireland) 1974	S.R. 1974 No. 153 (I, p. 643)
The Family Allowances, National Insurance and Industrial Injuries (Spain) Order (Northern Ireland) 1975	S.R. 1975 No. 77

## SCHEDULE 2

Article 2 (4).

## SPECIFIC MODIFICATIONS OF CERTAIN ORDERS

Reference or Provision in Agreement 1	Modification of Order in Council or order of the Secretary of State 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.	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. 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.	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. 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.	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.

Reference or Provision in Agreement 1	Modification of Order in Council or order of the Secretary of State 2
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.	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.
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.	6. that parent to be deemed to satisfy the conditions set out in regulation 6 of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975(a).
7. the exclusion of contributions related to wages or earnings.	7. only such contributions paid in respect of periods before 6th April 1975 to be excluded.
8. persons to be treated as having paid contributions as non-employed persons.	8. those persons to be treated as having paid Class 3 contributions.

#### EXPLANATORY NOTE

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

This Order provides for the Orders in Council, and orders made by the Secretary of State, 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 (Northern Ireland) Act 1975 and for such Orders in Council and orders made under the National Insurance Act (Northern Ireland) 1966 to have effect for the purposes of section 134 of the 1975 Act. The Social Security (Reciprocal Agreements) (Northern Ireland) Order 1975, which is replaced by this Order, is revoked.

SI 1976/1044  
ISBN 0-11-061044-X



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