

**1982 No. 1528****SOCIAL SECURITY****The Social Security (Reciprocal Agreements) Order 1982**

*Made - - - - - 27th October 1982*

*Coming into Operation 27th October 1982*

At the Court of Saint James, the 27th day of October 1982

Present,  
The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 30th day of September 1982, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas the Orders in Council specified in column (1) of Schedule 2 to this Order modified certain enactments so as to give effect to the agreements set out in the Schedules to those Orders:

And Whereas the Orders specified in column (2) of the said Schedule 2 were modified by the Social Security (Reciprocal Agreements) Order 1976(a) and the Social Security (Reciprocal Agreements) Order 1979(b):

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 the said Schedule 2 to enter into agreements with them for altering the existing agreements in consequence 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 143(1) of the Social Security Act 1975(c) it is provided that for the purpose of giving effect to any such agreement as it would be if it were so altered in accordance with such proposals, Her Majesty may by Order in Council make provision for modifying or adapting the Social Security Act 1975 in its application to cases affected by the proposed alterations:

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(a) S.I. 1976/225.

(b) S.I. 1979/290.

(c) 1975 c. 14, amended by section 20(1) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), and section 6(1) of the Social Security Act 1981 (c. 33).

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the said section 143(1) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

*Citation and commencement*

1. This Order may be cited as the Social Security (Reciprocal Agreements) Order 1982 and shall come into operation on 27th October 1982.

*Modification of Orders*

2.—(1) Any Order in Council specified in Schedule 2 to this Order shall, for the purposes of section 143 of the Social Security Act 1975, have effect subject to the modifications relating to such Order contained in Schedule 1 to 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.

*N. E. Leigh,*  
Clerk of the Privy Council.

SCHEDULE 1

*Modification of the National Insurance and Industrial Injuries (Sweden) Order 1957*

1. The agreement in the Schedule to the National Insurance and Industrial Injuries (Sweden) Order 1957(a) shall be amended as follows:—

- (a) in sub-paragraph (c) of Article 7 the words “maternity grant or” shall be deleted;
- (b) for Article 11 there shall be substituted the following:—  
“[ARTICLE 11]

(1) Where a woman is confined in the United Kingdom (other than a woman who is treated as having been confined there by virtue of paragraph (2) of this Article), periods during which she was present in Sweden shall be treated for the purpose of a claim by her for maternity grant under the legislation of that part of the United Kingdom in whose territory the confinement occurred as if they were periods during which she was present in that territory.

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(a) S.I. 1957/856.

(2) For the purpose of any right to maternity grant under the legislation of the United Kingdom, a confinement in Sweden shall be treated as if it were a confinement in the United Kingdom.

(3) Where, but for the provisions of this paragraph, a woman would be entitled to receive a maternity grant under the legislation of more than one part of the United Kingdom by virtue of the provisions of this Convention, a grant shall be payable only under the legislation of the part in which the confinement occurred, unless the confinement occurred in Sweden, in which case the grant shall be payable under the legislation of that part of the United Kingdom in which she was last resident.”.

*Modification of the Family Allowances, National Insurance and Industrial Injuries (Finland) Order 1960*

2. The agreement contained in the Schedule to the Family Allowances, National Insurance and Industrial Injuries (Finland) Order 1960(a) shall be amended as follows:—

(a) in sub-paragraph (c) of Article 7, the words “maternity grant or” shall be deleted;

(b) for Article 9 there shall be substituted the following:—

“[ARTICLE 9]

**Maternity Grant**

(1) Where a woman is confined in the territory of one Party, for the purpose of a claim for maternity grant under the legislation of that Party, periods of presence or residence completed in the territory of the other Party shall, where necessary, be treated as if they were periods of presence or residence completed in the territory of the former Party.

(2) Where a woman would be entitled to a maternity grant under the legislation of both Parties in respect of the same confinement, whether by virtue of this Convention or otherwise:

(a) the grant shall be payable only under the legislation of the Party in whose territory the confinement occurs; or

(b) if the confinement does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under which the woman was last insured before the confinement, or, if she were never insured, under the legislation of the Party under whose legislation her husband was last insured, before her confinement.”.

*Modification of The Social Security (Portugal) Order 1979*

3. The agreement contained in the Schedule to the Social Security (Portugal) Order 1979(b) shall be amended by inserting the following paragraph after paragraph (1) of Article 11:—

“(1A) where a woman is confined on or after 4 July 1982 in Great Britain, Northern Ireland or the Isle of Man (other than a woman who is treated as having been confined there by virtue of Article 12(1)), periods during which she was present in the territory of Portugal shall be treated for the purpose of a claim by her for maternity grant under the legislation of the Party in whose territory the confinement occurred as if they were periods during which she was present in that territory.”

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(a) S.I. 1960/212.

(b) S.I. 1979/921.

## SCHEDULE 2

Orders in Council modified by this Order (1)	Orders in Council previously modified (a) (2)
The National Insurance and Industrial Injuries (Sweden) Order 1957 (S.I. 1957/856)	The National Insurance and Industrial Injuries (Sweden) Order 1957 (S.I. 1957/856)
The Family Allowances, National Insurance and Industrial Injuries (Finland) Order 1960 (S.I. 1960/212)	The Family Allowances, National Insurance and Industrial Injuries (Finland) Order 1960 (S.I. 1960/212)
The Social Security (Portugal) Order 1979 (S.I. 1979/921)	

## EXPLANATORY NOTE

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

This Order provides for the Orders in Council listed in Schedule 2 (which give effect to the agreements made between the Government 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 1980 (c. 30) replacing contributory maternity grant by non-contributory maternity grant in respect of confinements on or after 4th July 1982.

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(a) See S.I. 1976/225, 1979/290.



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