1977 No. 91

SOCIAL SECURITY

The Child Benefit (Isle of Man) Order (Northern Ireland) 1977

Made . . . . . 30*th March* 1977

Coming into operation . . . . 4*th April* 1977

In exercise of the powers conferred on me by Article 17 of the Child Benefit (Northern Ireland) Order 1975(a), and of all other powers enabling me in that behalf, I hereby make the following order:

Citation and commencement

1. This order may be cited as the Child Benefit (Isle of Man) Order (Northern Ireland) 1977 and shall come into operation on 4th April 1977.

Modification of Part II of the Child Benefit (Northern Ireland) Order 1975 and certain regulations made under it

2. Part II of the Child Benefit (Northern Ireland) Order 1975 and regulations made under that Part shall be modified in their application to cases affected by the Agreement set out in the Schedule to such extent as may be necessary to give effect to provisions of that Agreement relating to payments for purposes similar or comparable to the purposes of that Part.

Dated this 30th day of March 1977.

Roy Mason
One of Her Majesty's Principal Secretaries of State

(a) S.I. 1975/1504 (N.I. 16)

SCHEDULE Article 2

Agreement relating to schemes of child benefit made between the Secretary of State for Social Services and the Department of Health and Social Services for Northern Ireland of the one part and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security constituted under the Isle of Man Board of Social Security Act 1970 of the other part

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

"Party" means the United Kingdom of Great Britain and Northern Ireland, or the Isle of Man, as the case may require;

"legislation" means, in relation to the United Kingdom, the Child Benefit Act 1975 hereafter referred to as "the Act", the Child Benefit (Northern Ireland) Order 1975, hereafter referred to as "the Order" and in relation to the Isle of Man, the Child Benefit Act 1975 (an Act of Parliament) as applied to the Isle of Man by the Social Security Legislation (Application) (Child Benefit) Order 1976, an order made by virtue of section 1 of the Social Security Legislation (Application) Act 1974 (an Act of Tynwald) and hereafter referred to as "the Applied Act", in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument other than one made for the purpose only of giving effect to the provisions of any agreements applying to one of the territories and providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of the schemes;

"competent authority" means, in relation to the United Kingdom, the Secretary of State for Social Services or the Department of Health and Social Services for Northern Ireland, as the case may require, and in relation to the Isle of Man, the Isle of Man Board of Social Security;

"territory" means, in relation to the United Kingdom, England, Scotland, Wales and Northern Ireland, and in relation to the Isle of Man, the Isle of Man;

"schemes" means, in relation to the United Kingdom, the schemes contained in Part I of the Act and Part II of the Order, and in relation to the Isle of Man, the scheme contained in Part I of the Applied Act;

"the Residence and Persons Abroad Regulations" means, in relation to regulations made under the Act, the Child Benefit (Residence and Persons Abroad) Regulations 1976; in relation to regulations made under the Order, the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976; in relation to regulations applied under the Applied Act, the Child Benefit (Residence and Persons Abroad) Regulations 1976 as so applied to the Isle of Man, in each case as amended or extended by any instrument, and including any instrument which may re-enact or replace it.

(2) Unless the context otherwise requires, in the application of the present Agreement to a territory, expressions in the present Agreement shall have the same respective meanings as in the legislation which relates to that territory.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of the present Agreement as they apply for the purposes of the interpretation of an Act of Parliament.

2. For the purposes of all or any of the provisions of the schemes of child benefit established by the Act, Order or the Applied Act, acts, omissions and events, and in particular presence, employment and the claiming or payment of child benefit, having effect for all or any of those purposes in one territory shall have corresponding effect for all or any of those purposes in the other territory.

3. Part II of the Residence and Persons Abroad Regulations shall not apply to a person who is absent from one territory for any period during which he is present in the other territory.

4. Notwithstanding the provisions of Articles 2 and 3 of this Agreement:—

(*a*) where a person would be entitled to child benefit in respect of the same child for the same week under the legislation of both territories, he shall be entitled only to the benefit payable under the legislation of the territory in which he is present; and

(*b*) where two or more persons would be entitled to child benefit in respect of the same child for the same week under the legislation of both territories, one of them only shall be entitled; and the question of which of them is entitled shall be determined in accordance with the legislation of the territory in which the child is present.

5.—(1) The competent authorities shall make such financial and administrative arrangements as may appear to them necessary for the purpose of giving effect to this Agreement.

(2) The competent authorities shall assist one another on any matter relating to the application of this Agreement as if the matter were one affecting the application of their own legislation.

6.—(1) Any claim, notice or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the competent authority of that Party, shall be treated as if it had been submitted within the same period to the competent authority of the other Party.

(2) In any case to which the provisions of paragraph (1) of this Article apply, the authority to which the claim, notice or appeal has been submitted shall transmit it without delay to the competent authority of the other Party.

7. The present Agreement shall come into force on 4th April 1977 but either of the Parties may terminate it by giving not less than six months' notice in writing to the other.

Signed, on 23rd March 1977.

David Ennals,
Secretary of State for Social Services.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland this 25th day of March 1977.

N. Dugdale,
(L.S.) Secretary.

Given under the hand of the Lieutenant-Governor of the Isle of Man this 28th day of March 1977.

Sir John Paul,
Lieutenant-Governor.

EXPLANATORY NOTE

(This note is not part of the order but is intended to indicate its general purport.)

This order makes provision for modification of Part II of the Child Benefit (Northern Ireland) Order 1975 and regulations made under that Part so as to give effect to the Agreement relating to schemes of child benefit (set out in the Schedule) made between the Secretary of State for Social Services and the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security.