ENTRY INTO FORCE OF AGREEMENT

Article 35

(1) This Agreement shall enter into force on the 1st April, 1958, and shall remain in force for a period of one year from that date. Thereafter it shall continue in force from year to year unless—

(*a*) the Parties agree to terminate it; or

(*b*) either Party gives notice of termination in writing at least six months before the expiry of any such yearly period.

(2) Subject to the provisions of Article * * * * * 33, the former Agreement shall be terminated on the date of entry into force of this Agreement.

IN WITNESS whereof the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Canberra, this twenty-ninth day of January, Nineteen hundred and fifty-eight.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HAROLD MACMILLAN.

For the Government of the Commonwealth of Australia:

ROBERT MENZIES.

EXPLANATORY NOTE

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

This order gives effect in Northern Ireland to the Agreement (set out in the Schedule) made between the Governments of the United Kingdom of Great Britain and of the Commonwealth of Australia and modifies the National Insurance Acts (Northern Ireland), 1946 to 1957, in their application to persons affected by the Agreement.

Residence and Persons Abroad Amendment Regulations (Northern Ireland), 1958

REGULATIONS, DATED 3RD JULY, 1958, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1958. No. 109 **[C]**

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by sections 28 and 57 of the National Insurance Act (Northern

Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Residence and Persons Abroad) Amendment Regulations (Northern Ireland), 1958, shall be read as one with the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the seventh day of July, 1958.

Amendment of the principal regulations

2. The principal regulations shall be amended in accordance with the following provisions, and shall accordingly have effect as set out in the Schedule.

Amendment of regulation 3 of the principal regulations

3. In sub-paragraph (*a*) of paragraph (2) of regulation 3 of the principal regulations, after the word "Subject" there shall be inserted the words "to the provisions of regulation 3A and".

4. Paragraphs (3) and (4) of regulation 3 of the principal regulations shall cease to have effect.

Regulations added to the principal regulations

5. Immediately after regulation 3 of the principal regulations there shall be inserted the following regulations:—

"**3A.**—(1) An insured person employed in an employed contributor's employment who ceases to be so employed in Northern Ireland but is in any week employed outside Northern Ireland in continuation of an employed contributor's employment by an employer having a place of business in Northern Ireland, being a week for which by virtue of paragraph (1) of regulation 3 he is not liable to pay a contribution as an insured person, shall, subject to the conditions specified in sub-paragraph (*b*) of paragraph (2) of the said regulation 3,—

(i) if in that week he is under the age of sixty-five (or, in the case of a woman, sixty) be entitled to pay a contribution for that week as a non-employed person; or

(ii) if in that week he is over the age of sixty-five (or, in the case of a woman, sixty) and has not retired from regular employment, be entitled to pay a contribution for that week as a non-employed person at the same rate as a non-employed person under that age.

(a) 1946. c.23.

(b) S.R. & O. (N.I.) 1948, No. 210 as amended by S.R. & O. (N.I.) 1949, No. 120; S.R. & O. (N.I.) 1950, No. 155; S.R. & O. (N.I.) 1951, No. 39; S.R. & O. (N.I.) 1952, No. 134; reg. 21 and Second Schedule, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1955, No. 117; S.R. & O. (N.I.) 1956, No. 211; and S.R. & O. (N.I.) 1957, No. 174; and S.R. & O. (N.I.) 1957, No. 266.

(2) An insured person who is over the age of sixty-five (or, in the case of a woman, sixty) shall be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age for any week in which he is in Northern Ireland, has not retired from regular employment and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland.

Treatment of contributions paid by persons who are or have been outside Northern Ireland

3B.—(1) Any contribution paid by an insured person as a self-employed person or as a non-employed person for any week in which he is in Northern Ireland and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland, shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment.

(2) Where a person to whom paragraph (1) of regulation 3A is applicable returns to Northern Ireland, retires from regular employment or dies, any contribution as a non-employed person paid (whether before or after any such event) in accordance with that paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment."

Renumbering of regulation 5A of the principal regulations

6. Regulation 5A of the principal regulations (which relates to the crediting of contributions in respect of periods outside Northern Ireland) shall be renumbered "4".

Amendment of regulation 5 of the principal regulations

7.—(1) Regulation 5 of the principal regulations (which regulation modifies the Act in relation to payment of benefit abroad) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (*b*) of paragraph (1) of the said regulation 5, all the words after the phrase "the particular circumstances of the case" shall be omitted.

(3) For paragraph (3) of the said regulation 5 there shall be substituted the following paragraph:—

"(3) A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Northern Ireland, provided the spouse is residing with the husband or wife, as the case may be.".

Regulation 7 of the principal regulations ceasing to have effect

8. Regulation 7 of the principal regulations (which contains provisions for the suspension of payment of benefit) shall cease to have effect.

Paragraph (2) of regulation 8 of the principal regulations to be omitted

9. Paragraph (2) of regulation 8 of the principal regulations shall be omitted.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 3rd day of July, 1958, in the presence of

(L.S.) *H. A. Lowry,*
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 3rd day of July, 1958, in the presence of

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

PRINCIPAL REGULATIONS AS AMENDED*

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948 and shall come into operation on the 2nd July, 1948.

(2) In these regulations, unless the context otherwise requires—

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

"the Insurance Act" means the National Health Insurance Act, 1936;

"the Contributory Pensions Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations 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.

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*The words substituted or added by these regulations are shown in italics.

Conditions as to residence in Northern Ireland

2. For the purposes of subsection (1) of section 1 of the Act (which subsection provides for persons who are in Northern Ireland becoming insured under the Act subject to such conditions as may be prescribed as to residence in Northern Ireland), the condition as to residence in Northern Ireland shall be that a person must have been resident in Northern Ireland for a continuous period of twenty-six weeks terminating on or after the appointed day and on or after attaining school leaving age:

Provided that—

(*a*) this condition shall not apply to the following persons as from the respective dates mentioned below:—

(i) (subject to the provisions of paragraphs (*b*) and (*c*) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person—as from the date on which he becomes such a person;

(ii) in the case of a person who came to Northern Ireland from a place outside the British Islands and but for the said foregoing provision would be a self-employed person or a non-employed person and who notifies the Ministry that this condition shall not apply to him—as from the date of such notification;

(iii) in the case of a person over school leaving age and under the age of eighteen who came to Northern Ireland for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied — as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still existing on, the appointed day, as from that day;

(*b*) where an employed person (not being an existing contributor within the meaning of any regulations made under section 62 of the Act) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in the United Kingdom and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in the United Kingdom, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Act;

(*c*) where a person (not being an existing contributor within the meaning of any regulations made under

section 62 of the Act) in relation to whom the provisions of the said sub-paragraph (i) would otherwise apply is not ordinarily resident in the United Kingdom, the foregoing condition shall apply if either—

(i) during a vacation occurring in a course of full time studies which he is pursuing outside the United Kingdom, he is gainfully occupied under a contract of service in Northern Ireland in temporary employment of a nature similar or related to that course of studies; or

(ii) there exists between him (not being a person in relation to whom the provisions of the last preceding paragraph of this proviso apply) and some other person outside the United Kingdom a relationship comparable with the relationship between an apprentice and his master in Northern Ireland, and he is gainfully occupied under a contract of service in Northern Ireland in employment (being employment which commenced before he attained the age of twenty-five and of which the duration is not expected to exceed, or does not in fact exceed, three months) which is of a nature similar or related to the employment under the said relationship outside the United Kingdom.

Payment of contributions by persons who are or have been outside Northern Ireland

3.—(1) Where an insured person is throughout any contribution week outside Northern Ireland and is not in that week an employed person, he shall not be liable to pay any contributions as an insured person for that week.

(2)—(*a*) Subject *to the provisions of regulation* 3*A and* to the conditions specified in sub-paragraph (*b*) of this paragraph an insured person shall, for any week during the whole of which he is outside Northern Ireland, and for which by virtue of paragraph (1) of this regulation he is not liable to pay a contribution as an insured person, be entitled to pay a contribution as a non-employed person or, if he so desires and is gainfully occupied in that week, as a self-employed person.

(*b*) The conditions referred to in the preceding sub-paragraph are:—

(i) either that, subject to the provisions of sub-paragraph (*c*) of this paragraph, not less than one hundred and fifty-six contributions of any class under the Act had been paid by him as an insured person, or, alternatively, that he had been resident in Northern Ireland for a continuous period of not less than three years at any time before the week in question.

(*bb*) Any contribution which a person is entitled to pay under sub-paragraph (*a*) of this paragraph may be paid—

(i) by a person who is ordinarily resident in Northern Ireland or who has resided therein for an aggregate period of at least ten years, at any time not later than the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable; and

(ii) by any other person at any time before the end of the benefit year next following the contribution year which includes the contribution week in respect of which the contribution is payable, or within such longer period, being a period ending not later than the end of the sixth contribution year following the contribution year which includes the said contribution week, as the Ministry may in a particular case allow.

(*c*) For the purposes of the first of the alternative conditions contained in sub-paragraph (*b*)(i) of this paragraph, the following provisions shall apply:—

(i) in the case of a person who became insured under the Insurance Act or the Contributory Pensions Act before the 30th September, 1946, and who continued to be an insured person under either of those Acts up to immediately before the appointed day, and in respect of whom the contributions paid before that day under those Acts since his last entry into insurance were not less than one hundred and four, the said condition shall be deemed to be satisfied;

(ii) in the case of a person who became so insured on or after the said 30th September, or in respect of whom less than one hundred and four such contributions were so paid before the appointed day, and who continued to be an insured person under the Insurance Act or the Contributory Pensions Act up to immediately before that day, any such contributions shall count towards the satisfaction of the said condition; and

(iii) in either of the foregoing cases, if more than one contribution has been paid under the said Acts for any one week, any such contributions shall for the purposes of this sub-paragraph be treated as if they were one contribution.

3A.—(1) *An insured person employed in an employed contributor's employment who ceases to be so employed in Northern Ireland but is in any week employed outside Northern Ireland in continuation of an employed contributor's employment by an employer having a place of business in Northern Ireland, being a week for which by virtue of paragraph* (1) *of regulation* 3 *he is not liable to pay a contribution as an insured person, shall,*

subject to the conditions specified in sub-paragraph (b) of paragraph (2) of the said regulation 3,—

(i) *if in that week he is under the age of sixty-five (or, in the case of a woman, sixty) be entitled to pay a contribution for that week as a non-employed person; or*

(ii) *if in that week he is over the age of sixty-five (or, in the case of a woman, sixty) and has not retired from regular employment, be entitled to pay a contribution for that week as a non-employed person at the same rate as a non-employed person under that age.*

(2) *An insured person who is over the age of sixty-five (or, in the case of a woman, sixty) shall be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age for any week in which he is in Northern Ireland, has not retired from regular employment and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland.*

Treatment of contributions paid by persons who are or have been outside Northern Ireland

3B.—(1) *Any contribution paid by an insured person as a self-employed person or as a non-employed person for any week in which he is in Northern Ireland and is employed outside Northern Ireland by an employer having a place of business in Northern Ireland in employment which would be an employed contributor's employment if it were in Northern Ireland shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment.*

(2) *Where a person to whom paragraph (1) of regulation 3A is applicable returns to Northern Ireland, retires from regular employment or dies, any contribution as a non-employed person paid (whether before or after any such event) in accordance with that paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment.*

Crediting of contributions in respect of periods outside Northern Ireland

4. Where a person is by virtue of the provisions of these regulations not liable to pay a contribution for any week during the whole of which he is absent from Northern Ireland and would but for those provisions have been excepted from liability for and credited with a contribution for that week under the provisions of the National Insurance (Contributions) Regulations (Northern Ireland), 1948, by virtue of any of the regulations which are specified in the Schedule hereto, that person shall be entitled to be credited with such contribution as if those regulations applied to his case.

Payment of benefit to persons absent from Northern Ireland

5. The following provisions shall apply in relation to the payment of benefit to or in respect of persons absent from Northern Ireland:—

(1) A person shall not be disqualified for receiving sickness benefit or maternity allowance—

(*a*) by reason of being temporarily absent from Northern Ireland (being in the Isle of Man or the Channel Islands) during the period of six months from the date on which such absence commences; or

(*b*) by reason of being temporarily absent from Northern Ireland (not being in the Isle of Man or the Channel Islands) for the specific purpose of being treated for incapacity which commenced before he left Northern Ireland, during such period as the Ministry may allow, having regard to the particular circumstances of the case.

(2) A person shall not be disqualified for receiving widow's benefit, child's special allowance, a guardian's allowance or a retirement pension by reason of being absent from Northern Ireland.

(3) *A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Northern Ireland, provided the spouse is residing with the husband or wife, as the case may be.*

6.—(1) Subject to the provisions of this regulation, a woman shall not be disentitled to a maternity grant by reason of the fact that, on the date of confinement, she is—

(*a*) in the Isle of Man or the Channel Islands; or

(*b*) elsewhere outside Northern Ireland, if

(i) not less than forty-five contributions of the appropriate class have been paid by, or credited to, the relevant person in respect of the last complete contribution year before the relevant time, and

(ii) before the week in which the confinement occurs either of the alternative conditions contained in sub-paragraph (*b*)(i) of paragraph (2) of regulation 3 (and, where applicable, the provisions of sub-paragraph (*c*) of that paragraph) are satisfied by the relevant person, irrespective of whether the other provisions of that regulation are satisfied;

and any such woman shall, in addition, not be disqualified for receiving a maternity grant by reason of her being absent from Northern Ireland.

For the purposes of this paragraph the expression "relevant person" means the person by whom the contribution conditions are to be satisfied; and the expression "relevant time" means the date of the confinement, or where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age.

(2) The provisions of sub-paragraph (*b*) of the foregoing paragraph shall not apply—

(*a*) to a maternity grant payable to a woman by virtue only of her husband's insurance, unless at the time of confinement she is residing with her husband, or, if he is dead, unless she was residing with him at the time of his death; or

(*b*) to a maternity grant in respect of expectation of a woman's confinement.

Administrative arrangements as to contributions and benefits

8. Contributions and benefit which become payable by virtue of these regulations shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as the Ministry may determine or require from time to time.

SCHEDULE

Regulation 4

REGULATIONS PROVIDING FOR CREDITING CONTRIBUTIONS WHICH ARE APPLIED BY REGULATION 4

National Insurance (Contributions) Regulations (Northern Ireland), 1948

Regulation 2 which relates to periods of unemployment;
Regulation 3 which relates to periods of incapacity for work;
Regulation 6 which relates to women in receipt of widow's benefit or retirement pension by virtue of husband's insurance;
Regulation 6A which relates to women in receipt of widow's pension under certain provisions other than those of the National Insurance Act (Northern Ireland), 1946;
Regulation 7 which relates to periods of full-time education, unpaid apprenticeship and training;
Regulation 8 which relates to a period of four weeks commencing with the week of confinement;
Regulation 9 which relates to weeks in respect of which a maternity allowance is payable.

EXPLANATORY NOTE

(*This note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations amend the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland), 1948, by extending the right to pay contributions as a non-employed person in respect of an employed contributor's employment abroad and to have such contributions treated as contributions as an employed person. They provide that the provisions of those regulations which suspend the payment of benefit while the beneficiary is absent from Northern Ireland shall cease to have effect, and in certain cases allow an increase of benefit in respect of a spouse who is abroad.