1969. No. 316 **[NC]**

NATIONAL INSURANCE

United States of America

ORDER IN COUNCIL, DATED 26TH NOVEMBER 1969, MADE UNDER SECTION 99 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of Northern Ireland, in pursuance of section 99 of the National Insurance Act (Northern Ireland) 1966(a), 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:

Citation and commencement

1. This Order may be cited as the National Insurance (United States of America) Order (Northern Ireland) 1969 and shall come into operation with effect from 25th September 1969.

Modification of Acts

2. The provisions contained in the Notes set out in the Schedule shall have full force and effect, so far as they relate to Northern Ireland and provide for reciprocity in any matters specified in section 99(1) of the National Insurance Act (Northern Ireland) 1966, and accordingly the National Insurance Acts (Northern Ireland) 1966 to 1969 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to those provisions.

GIVEN at Government House, Hillsborough, this 26th day of November 1969.

W. K. Fitzsimmons

W. J. Long

Robert Simpson

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

SCHEDULE

Notes Exchanged between the Ambassador of the United States of America and the Secretary of State for Foreign and Commonwealth Affairs.

No. 1

Note from the Ambassador of the United States of America to the Secretary of State for Foreign and Commonwealth Affairs.

No. 21 September 23, 1969

Excellency:

I have the honor to refer to the conversations which have taken place between the representatives of the United States Social Security Administration and of the United Kingdom Department of Health and Social Security about the provisions of the United States Social Security Act which concern the payment of benefits to persons who are outside the United States and who are not citizens of the United States and about those provisions of the United Kingdom National Insurance Acts which concern the payment of pensions to persons who are outside the United Kingdom and who are not ordinarily resident there. On the basis of those conversations, I am to say that, if the Government of the United Kingdom of Great Britain and Northern Ireland will undertake

(*a*) that any increase of pension rates which may be awarded in the future under the United Kingdom Acts to pensioners who are in the United Kingdom shall apply also to anyone who is ordinarily resident in the United States and has qualified for a pension under those acts other than by virtue of a reciprocal agreement concluded by the United Kingdom with a third country;

(*b*) that any pension payable under the United Kingdom Acts to a citizen of the United States who is ordinarily resident in a country with which the United Kingdom has concluded an agreement on social security shall not be paid at a rate lower than the rate at which it would have been paid if he or she had been a citizen of the United Kingdom and Colonies;

(*c*) that the foregoing provision (*b*) shall have effect from 1st January 1957 and that arrears of benefit shall be paid accordingly;

(*d*) that for the purpose of the foregoing provisions (*a*), (*b*), and (*c*), the expression "United Kingdom Acts" means the National Insurance Acts of Great Britain, Northern Ireland, and the Isle of Man, the Insular Insurance Laws of Jersey, and the Social Insurance Laws of Guernsey, including regulations and orders made under those acts and laws; and the word "pension" means a retirement pension, old age pension, or widow's benefit payable under those acts and laws;

then the Government of the United States will agree that the United Kingdom has a social insurance system which complies with the conditions set out in Section 202(*t*)(2) of the United States Social Security Act, and that, in consequence, the limitations imposed by Section 202(*t*)(1) of that Act in the payment of benefits to persons who are not citizens of the United States do not apply to citizens of the United Kingdom and Colonies.

If these proposals are acceptable to the Government of the United Kingdom, this note and your reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

WALTER ANNENBERG

No. 2

Note from the Secretary of State for Foreign and Commonwealth Affairs to the Ambassador of the United States of America.

25 September 1969,

Your Excellency,

I have the honour to acknowledge receipt of your Note No. 21 of the 23rd September 1969, which read as follows:

"I have the honor to refer to the conversations which have taken place between the representatives of the United States Social Security Administration and of the United Kingdom Department of Health and Social Security about the provisions of the United States Social Security Act which concern the payment of benefits to persons who are outside the United States and who are not citizens of the United States and about those provisions of the United Kingdom National Insurance Acts which concern the payment of pensions to persons who are outside the United Kingdom and who are not ordinarily resident there. On the basis of those conversations, I am to say that, if the Government of the United Kingdom of Great Britain and Northern Ireland will undertake

(*a*) that any increase of pension rates which may be awarded in the future under the United Kingdom Acts to pensioners who are in the United Kingdom shall apply also to anyone who is ordinarily resident in the United States and has qualified for a pension under those acts other than by virtue of a reciprocal agreement concluded by the United Kingdom with a third country;

(*b*) that any pension payable under the United Kingdom Acts to a citizen of the United States who is ordinarily resident in a country with which the United Kingdom has concluded an agreement on social security shall not be paid at a rate lower than the rate at which it would have been paid if he or she had been a citizen of the United Kingdom and Colonies;

(*c*) that the foregoing provision (*b*) shall have effect from 1st January 1957 and that arrears of benefit shall be paid accordingly;

(*d*) that for the purpose of the foregoing provisions (*a*), (*b*) and (*c*), the expression "United Kingdom Acts" means the National Insurance Acts of Great Britain, Northern Ireland, and the Isle of Man, the Insular Insurance Laws of Jersey, and the Social Insurance Laws of Guernsey, including regulations and orders made under those acts and laws; and the word "pension" means a retirement pension, old age pension, or widow's benefit payable under those acts and laws;

then the Government of the United States will agree that the United Kingdom has a social insurance system which complies with the conditions set out in Section 202(*t*)(2) of the United States Social Security Act, and that, in consequence, the limitations imposed by Section 202(*t*)(1) of that Act in the payment of benefits to persons who are not citizens of the United States do not apply to citizens of the United Kingdom and Colonies.

If these proposals are acceptable to the Government of the United Kingdom, this note and your reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply."

I have the honour to inform Your Excellency that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note together with this reply shall constitute an agreement between the two Governments which shall enter into force on this day's date.

I have the honour to be, with
the highest consideration,

Your Excellency's obedient Servant
(for the Secretary of State)

CHARLES WIGGIN

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 an agreement which has been made between the Government of the United Kingdom and the Government of the United States of America.

This agreement, which is set out in the Notes contained in the Schedule to the Order, provides for the payment to certain persons who are ordinarily resident in the United States of America, or who are citizens of that Country, of certain increases of pension rates under the National Insurance Acts (Northern Ireland) 1966 to 1969 which are payable to persons who are in the United Kingdom or who are citizens of the United Kingdom and Colonies; and for the payment of benefits under the United States Social Security Act to persons who are not citizens of that Country but who are citizens of the United Kingdom and Colonies.