EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order gives effect in Great Britain to the agreement relating to sickness and maternity benefit (set out in the Schedule to the Order) made between the Minister of National Insurance and the Minister for Social Welfare of Eire and modifies the National Insurance Act, 1946, in its application to persons affected by that agreement.

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(2) FRANCE

The National Insurance (Reciprocal Agreement with France as to Retirement Pensions) Order, 1948

1948 No. 1341

Made - - - -	*22nd June*, 1948
Coming into Operation	*5th July*, 1948

At the Court at Buckingham Palace, the 22nd day of June, 1948

Present,

The King's Most Excellent Majesty in Council

9 & 10 Geo. 6. c. 67.

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946 and of all other powers enabling Him in that behalf is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation.

1.—(1) This Order may be cited as the National Insurance (Reciprocal Agreement with France as to Retirement Pensions) Order, 1948, and shall come into operation on the 5th July, 1948.

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

" the Act " means the National Insurance Act, 1946;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

" the Minister " means the Minister of National Insurance;

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

52 & 53 Vict. c. 63.

The Interpretation Act, 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of the Act.

2. For the purpose of giving effect to paragraph 4 of Article 30 of the General Agreement on Social Security, between the government of the French Republic and the government of the United Kingdom dated the 11th June, 1948 (which paragraph relates to the payment of pensions in France) the Act, and the orders and regulations made thereunder shall have effect subject to the modifications contained in this Order.

Retirement Pensions payable in France.

3.—(1) Any British subject or French national being an existing old age pensioner within the meaning of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(**a**), who on the appointed day(**b**) or at any time thereafter is in France, and would, but for the provisions of paragraph (*a*) of subsection (1) of Section 29 of the Act (which paragraph relates to disqualification for absence abroad), be entitled to receive a retirement pension (including a Contributory Old Age Pension) by virtue of those regulations, shall not be disqualified for receiving such a pension for any period during which he is in France, if the following conditions are satisfied in his case:—

(*a*) He must either

(i) have been in receipt of an old age pension under or by virtue of the Contributory Pensions Acts immediately before he left Great Britain, or

(ii) have had contributions paid by or in respect of him under those Acts since the 1st July, 1940; and

(*b*) such evidence as to identity must be furnished in respect of him as the Minister may deem necessary.

(2) A British subject or French national (other than a person to whom the foregoing paragraph applies) who becomes entitled to a retirement pension on or after the appointed day, shall not be disqualified for receiving that pension for any period during which he is in France.

Weekly rate of Pensions payable in France.

4. The weekly rate of a pension which is payable by virtue of this Order shall be—

(*a*) in the case of a person who had attained pensionable age and was outside Great Britain on the 29th September, 1946, and has not since that date been in receipt of a pension in Great Britain, the rate at which a pension would have been payable to him on that date under or by virtue of the Contributory Pensions Acts, if he had then been in Great Britain; and

(*b*) in any other case the rate at which a pension would be payable if the pensioner were in Great Britain.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order implements part of the reciprocal agreement with France on social security and modifies the National Insurance Act, 1946, by removing the disqualification for the receipt of retirement pensions by British subjects and French nationals in respect of periods during which they are in France.

(**a**) S.I. 1948 No. 55, p. 2822 above.
(**b**) 5th July 1948—*see* S.I. 1948 No. 54, p. 2615 above.