NATIONAL INSURANCE AND INDUSTRIAL INJURIES

RECIPROCAL AGREEMENTS

1. *Eire.* | 2. *France*, p. 2773.

1. EIRE

The National Insurance and Industrial Injuries (Reciprocal Agreement with Eire, Mercantile Marine) Order, 1949

1949 No. 371

Made - - - - 4*th March*, 1949
Coming into Operation 9*th March*, 1949

At the Court at Buckingham Palace, the 4th day of March, 1949

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946(a), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(b), 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 and Industrial Injuries (Reciprocal Agreement with Eire, Mercantile Marine) Order, 1949, and shall come into operation on the 9th March, 1949.

(2) The Interpretation Act, 1889(c), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The provisions contained in the Agreement relating to insurance and workmen's compensation for masters and members of the crews of ships and vessels set out in the Schedule to this Order shall have full force and effect so far as the same relate to Great Britain and the National Insurance Acts, 1946 and 1948(d), shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the provisions contained in the said Agreement.

E. C. E. Leadbitter.

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62.
(c) 52 & 53 Vict. c. 63. (d) *See* 11 & 12 Geo. 6. c. 42. s. 2.

SCHEDULE

AGREEMENT RELATING TO INSURANCE AND WORKMEN'S COMPENSATION FOR MASTERS AND MEMBERS OF THE CREWS OF SHIPS AND VESSELS MADE THIS THE 28TH DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY NINE BETWEEN THE MINISTER OF NATIONAL INSURANCE OF THE ONE PART AND THE MINISTER FOR SOCIAL WELFARE OF THE OTHER PART

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

"the Great Britain Acts" means the National Insurance Acts, 1946;

"the Eire Acts" means the National Insurance Act, 1911(a), the Unemployment Insurance Act, 1920(b), and the Workmen's Compensation Act, 1934(c);

"country" means Great Britain or Eire, as the case may require;

"non-domiciled mariner" means, for the purposes of the Great Britain Acts, a person employed on board any ship or vessel who neither is domiciled nor has a place of residence in the United Kingdom, and, for the purposes of the Eire Acts, a person so employed who neither is domiciled nor has a place of residence in Eire; and

"radio officer" means a person to whom this Agreement applies who is employed on board any ship or vessel in connection with the radio apparatus thereof.

(2) References in this Agreement to the Acts in force in a particular country shall be construed as references to the Great Britain Acts or the Eire Acts, as the case may require.

(3) References in this Agreement to any enactment shall include a reference to such enactment as amended by any subsequent enactment, regulations or order.

2. The provisions of this Agreement shall apply as respects any person who is employed under a contract of service as master or a member of the crew of any ship or vessel.

3. For the purposes of the Great Britain Acts, a person shall not be treated as a non-domiciled mariner if he is domiciled or has a place of residence in Eire, and for the purposes of the Eire Acts a person shall not be so treated if he is domiciled or has a place of residence in the United Kingdom.

4. Where any person to whom this Agreement applies is employed on board a ship or vessel whose port of registry is a port in one country and of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in the other country, then, subject to the provisions of articles 5 and 6, in respect of that employment the provisions of the Acts in force in the first mentioned country shall not apply to that person, and he shall be subject (in so far as they are applicable) to the provisions of the Acts in force in the other country.

5. Where, but for this article, the provisions of the Acts in force in one country would be of application to a radio officer who is paid remuneration in respect of that employment by some person (other than the owner of the ship or vessel) having his principal place of business in the other country, then in respect of that employment the provisions of the Acts in force in the first mentioned country shall not apply to that radio officer, and he shall be subject (in so far as they are applicable) to the provisions of the Acts in force in the other country, so, however, that for the purposes thereof the said person by whom the remuneration is paid shall be treated as his employer.

(a) 1 & 2 Geo. 5. c. 55. (b) 10 & 11 Geo. 5. c. 30.
(c) No. 9 of 1934.

6. Where a person to whom this Agreement applies (other than a non-domiciled mariner or a radio officer to whom the immediately preceding article applies) is employed on board a ship or vessel engaged in regular trade between Eire and the United Kingdom, being a ship or vessel—

(*a*) whose port of registry is a port in Great Britain, or, except where the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Northern Ireland, in Eire; or

(*b*) of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in either country and whose port of registry is not a port in Northern Ireland;

then in respect of that employment—

(i) if that person is ordinarily resident in the United Kingdom, the provisions of the Great Britain Acts shall, and those of the Eire Acts shall not, apply, and

(ii) if that person is ordinarily resident in Eire, the provisions of the Eire Acts shall, and those of the Great Britain Acts shall not, apply.

7.—(1) Where any person to whom this Agreement applied at the relevant time specified in paragraph (2) of this article—

(*a*) is entitled in Great Britain to unemployment benefit under the National Insurance Act, 1946(**a**), or to industrial injury benefit under the National Insurance (Industrial Injuries) Act, 1946(**b**), and the wife or husband of that person is in Eire; or

(*b*) is entitled in Eire to unemployment benefit under the Unemployment Insurance Act, 1920, or to weekly payments by way of compensation under the Workmen's Compensation Act, 1934, and the wife or husband of that person is in Great Britain;

such wife or husband shall be treated for the purpose of any right of that person to receive an increase of any such unemployment benefit or industrial injury benefit or an allowance (if any) additional to such weekly payments in respect of a wife or husband as if she or he were in Great Britain or Eire, as the case may be.

(2) For the purposes of this article the relevant time means—

(*a*) in the case of a person entitled to unemployment benefit, immediately before the termination of his last employment before coming so entitled, and

(*b*) in the case of a person entitled to industrial injury benefit or weekly payments by way of compensation, immediately before the termination of the employment in respect of which such benefit or compensation is payable.

8.—(1) In determining for the purposes of the Agreement relating to insurance for sickness benefit and maternity benefit made between the said Minister of National Insurance and the said Minister for Social Welfare on the 13th September, 1948, in which country a person is, any period of employment on board a ship or vessel which is employment to which the provisions of the Acts in force in one country apply shall be treated as if it were a period during which that person was in that country.

(2) The limitation imposed by paragraph (3) of article 2 of the said Agreement on the rate of sickness benefit payable by virtue of that article shall not apply in the case of any person to whom this Agreement applied immediately before he became entitled to that benefit.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 9 & 10 Geo. 6. c. 62.

9. The said Minister of National Insurance and the said Minister for Social Welfare shall from time to time determine the procedure appropriate for the purposes of this Agreement, and all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

10.—(1) This Agreement shall have effect from 5th July, 1948, but shall not apply so as to affect the operation of the Workmen's Compensation Act, 1934, as respects any accident happening before 1st April, 1949.

(2) The said Minister of National Insurance or the said Minister for Social Welfare may terminate this Agreement on giving not less than six months previous notice in writing.

Given under the Official Seal of the Minister of National Insurance on the day and year first herein appearing.

(L.S.)

JAMES GRIFFITHS,
Minister of National Insurance.

Given under the Official Seal of the Minister for Social Welfare on the day and year first herein appearing.

(L.S.)

WILLIAM NORTON,
Minister for Social Welfare.

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 insurance and workmen's compensation for masters and members of the crews of ships and vessels (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 Acts, 1946 and 1948, in their application to persons affected by that agreement.

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2. FRANCE

The National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order, 1949

1949 No. 2011

Made - - - - 28*th October*, 1949
Coming into Operation 1*st November*, 1949

At the Court at Buckingham Palace, the 28th day of October, 1949

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section 64 of the National Insurance Act, 1946(a) and section 85 of the National Insurance (Industrial Injuries) Act, 1946(b), and of all other powers enabling Him in that behalf, is pleased,

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62.