EXPLANATORY NOTE

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

These Regulations specify the type of oil to be used for oiling mule spindles in factories in which the spinning of cotton, staple fibre, and mixtures of cotton and staple fibre by means of self-acting mules is carried on, and provide for the periodic medical examination of persons engaged in such spinning.

FAMILY ALLOWANCES

1953 No. 1842

The Family Allowances (Australia Reciprocal Arrangements) Regulations, 1953

Made - - - -	*14th December*, 1953
Laid before Parliament	*16th December*, 1953
Coming into Operation	*7th January*, 1954

Whereas the Minister of National Insurance, with the consent of the Treasury, of the one part, and the Minister of State for Social Services in Australia of the other part have made reciprocal arrangements relating to family allowances in Great Britain and child endowment in Australia and the provisions of such arrangements are contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to these regulations (hereinafter referred to as " the Memorandum "):

And whereas it has been agreed, pursuant to Article 8 of the Memorandum, that the arrangements shall enter into force on the 7th day of January, 1954:

Now, therefore, the Minister of Pensions and National Insurance acting in conjunction with the Treasury in exercise of the powers conferred by Section 25 of the Family Allowances Act, 1945(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Family Allowances (Australia Reciprocal Arrangements) Regulations, 1953, and shall come into operation on the 7th January, 1954.

(2) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(3) The Interpretation Act, 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions contained in the Memorandum shall, as from the 7th January, 1954, have full force and effect so far as the same relate to Great Britain, and the Family Allowances Acts, 1945 and 1952(c), shall have effect subject to such modifications and adaptations of the provisions thereof as may be requisite for giving effect to the provisions contained in the Memorandum or in consequence thereof.

(a) 8 & 9 Geo. 6. c. 41. (b) 52 & 53 Vict. c. 63.
(c) 8 & 9 Geo. 6. c. 41; 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.

3. The Minister of Pensions and National Insurance, with the consent of the Treasury, may make such financial adjustments as he and the Minister of State for Social Services in Australia may agree to be necessary in consequence of the provisions contained in the Memorandum.

Dated this 11th day of December, 1953.

Osbert Peake,
Minister of Pensions and National Insurance.

Dated this 14th day of December, 1953.

Edward Heath,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO FAMILY ALLOWANCES IN GREAT BRITAIN AND CHILD ENDOWMENT IN AUSTRALIA MADE BETWEEN THE MINISTER OF NATIONAL INSURANCE IN GREAT BRITAIN WITH THE CONSENT OF THE TREASURY OF THE ONE PART AND THE MINISTER OF STATE FOR SOCIAL SERVICES IN AUSTRALIA OF THE OTHER PART.

1. In this Memorandum, unless the context otherwise requires—

(*a*) "allowance in respect of a child" means, in relation to Great Britain, a family allowance payable under the legislation of Great Britain and, in relation to Australia, child endowment payable under the legislation of Australia;

(*b*) "appropriate authority" means, in relation to Great Britain, the Minister of National Insurance and, in relation to Australia, the Director-General of Social Services;

(*c*) "country" means, according to the context, Great Britain or Australia;

(*d*) "Great Britain" means, England, Scotland and Wales;

(*e*) "legislation" means, according to the context, the laws, orders and regulations specified in paragraph 2 which are or have been or may hereafter be in force in any part of one (or the other) country;

(*f*) "United Kingdom" means Great Britain, Northern Ireland and the Isle of Man.

2.—(1) These Arrangements shall apply—

(*a*) in relation to Great Britain, to the Family Allowances Act, 1945; and

(*b*) in relation to Australia, to the Social Services Consolidation Act, 1947-1952.

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, the Arrangements shall also apply to any law, order or regulation which carries into effect, amends, supplements or consolidates the legislation specified in sub-paragraph (1) of this paragraph.

(3) The Arrangements shall apply to laws, orders and regulations which amend or supplement the legislation specified in sub-paragraph (1) of this paragraph for the purpose of giving effect to reciprocal agreements on social security which the Minister of National Insurance has made with the authorities administering schemes of family allowances in Northern Ireland and the Isle of Man; but they shall apply, only if the parties to this Memorandum so agree, to laws, orders or regulations which amend or supplement that legislation for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) party or the Government of the United Kingdom of Great Britain and Northern Ireland or the Government of Australia has made with the authority administering any scheme of family allowances in a third country other than Northern Ireland and the Isle of Man or with the Government of such a country.

3.—(1) If a person is in Great Britain but is treated for the purposes of the

legislation of Australia as being in Australia, he shall be qualified to receive an allowance in respect of a child in accordance with the provisions of that legislation; and no allowance in respect of his child shall be paid under the legislation of Great Britain.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph—

(*a*) if a person is permanently resident in one country, then for the purposes of any right to receive an allowance in respect of a child under the legislation of that country, any period during which he was resident or present in the other country shall be treated as a period during which he was, respectively, resident or present in the former country and, if he was born in the latter country, he shall be treated as if he were born in the former country; and

(*b*) a person who is temporarily absent from one country shall, for the purposes of any right to receive an allowance in respect of a child under the legislation of that country, be treated during any period during which he is in the other country as if he were in the former country, provided that the said period begins within three months after the time when he was last in the former country; but such a person shall be qualified to receive only the amount of the allowance which he would have received under the legislation of the latter country if that amount is less than the amount which he would have received under the legislation of the former country.

(3) Where the circumstances in which a person is receiving education or undergoing training in Australia are such that, if they had occurred in Great Britain, they would have enabled that person to be treated for the purposes of the legislation of Great Britain as undergoing full-time instruction in a school or as undergoing full-time training, as the case may be, that person shall, for the purposes of any right to receive an allowance in respect of a child under the legislation of Great Britain, be treated as undergoing full-time instruction in a school, or full-time training, accordingly.

(4) Any child born to a woman while she is temporarily absent from one country in circumstances in which she is treated, in accordance with paragraph (*b*) of sub-paragraph (2) of this paragraph, as if she were in that country shall, for the purposes of any right to receive an allowance in respect of a child under the legislation of that country, be treated as if the child had been born in that country and, so long as the woman or her husband is so temporarily absent, as if the child were in that country during any period in which the child is in the other country.

(5) Where any person is qualified to receive an allowance in respect of a child under the legislation of one country by virtue of the provisions of sub-paragraph (2) of this paragraph, no allowance in respect of that child shall be paid under the legislation of the other country.

4. For the purposes of applying the provisions of sub-paragraph (2) of paragraph 3—

(*a*) if a person is permanently resident in the United Kingdom, he shall be treated, while he is in Great Britain, as being permanently resident in Great Britain;

(*b*) if a person, who is temporarily absent from Great Britain, was in Northern Ireland or the Isle of Man at the time when he was last in the United Kingdom, he shall be treated as if he had been in Great Britain at that time;

(*c*) a person shall be treated as permanently resident in one country and shall not be treated as temporarily absent from the other country—

(i) if the appropriate authority of the former country is satisfied that he is likely to remain there for at least three years; or

(ii) if he has been temporarily resident in the former country for at least one year and the appropriate authorities of both countries have not agreed that he should not be treated as permanently resident in that country; and

(*d*) a person shall be treated as permanently resident in the United Kingdom and shall not be treated as temporarily absent from Australia—

(i) if the appropriate authority of Great Britain is satisfied that he is likely to remain in the United Kingdom for at least three years; or

(ii) if he has been temporarily resident in the United Kingdom for at least one year and the appropriate authorities of both countries have not agreed that he should not be treated as permanently resident in the United Kingdom.

5. Where, under the provisions of paragraph 3, any allowance in respect of a child is payable under the legislation of one country to a person who is in the other country, the payment may, at the request of the appropriate authority of the former country, be made by the appropriate authority of the latter country as agent for the authority of the former country.

6.—(1) No provision of these Arrangements shall confer any right to receive an allowance for a period before the date of the entry into force of the Arrangements.

(2) Where any claim to receive an allowance in accordance with the provisions of the Arrangements is made within six months after the date of the entry into force of the Arrangements, it shall be treated as if it had been made on that date or on any subsequent date to which it relates.

(3) A period during which a person has been resident or present in either country before the date of the entry into force of these Arrangements shall be taken into account for the purpose of determining the right to receive an allowance in accordance with the provisions of the Arrangements.

(4) No provision of the Arrangements shall diminish any rights which a person has acquired under the legislation of either country before the date of the entry into force of the Arrangements.

7. In the event of the termination of the Arrangements, any rights acquired by a person in accordance with their provisions shall be maintained.

8. The Arrangements shall enter into force at a date to be agreed between the parties to this Memorandum and shall remain in force for a period of one year from that date. Thereafter they shall continue in force from year to year unless notice of termination is given in writing by either party at least six months before the expiry of any such yearly period.

Given under the official seal of the Minister of National Insurance this 1st day of June, nineteen hundred and fifty-three.

(L.S)

Osbert Peake,
Minister of National Insurance.

We consent.

Herbert Butcher,
Edward Heath,
Two of the Lords Commissioners of Her Majesty's Treasury.

Signed by the Minister of State for Social Services in Australia this 3rd day of June, nineteen hundred and fifty-three.

Athol Townley,
Minister of State for Social Services.

EXPLANATORY NOTE

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

These Regulations give effect in Great Britain to the Reciprocal Arrangements (set out in the Schedule to the Regulations) made between the Minister of National Insurance (now the Minister of Pensions and National Insurance) and the Minister of State for Social Services in Australia. The Arrangements

provide for reciprocity in relation to family allowances in Great Britain and child endowment in Australia and the Regulations modify the Family Allowances Acts, 1945 and 1952, in their application to persons affected by the Arrangements.

1953 No. 1059

The Family Allowances (Qualifications) Amendment Regulations, 1953

Made - - - -	*6th July*, 1953
Laid before Parliament	*7th July*, 1953
Coming into Operation	*14th July*, 1953

The Minister of National Insurance, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury has so directed, in exercise of the powers conferred on him by sections 17 (1) (*b*), 21 (7) and 24 of the Family Allowances Act, 1945(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Family Allowances (Qualifications) Amendment Regulations, 1953, shall be read as one with the Family Allowances (Qualifications) Regulations, 1946(**b**), as amended(**c**) (hereinafter referred to as " the principal regulations ") and shall come into operation on the 14th July, 1953.

Amendment of regulation 8 *of the principal regulations*

2.—(1) Regulation 8 of the principal regulations (which regulation contains definitions of " presence " and " absence " for the purposes of regulations 9, 10 and 11 of the principal regulations) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part I of the Schedule to these regulations.

(2) In the said regulation 8,—

(*a*) the words " unless the context otherwise requires " shall be omitted ;

(*b*) before each of the words " presence " and " absence " (where each such word occurs for the second time) there shall be inserted the word " actual " ;

(3) At the end of the said regulation 8 there shall be added the words " and ' present ' shall be construed accordingly ".

Amendment of regulation 9 *of the principal regulations*

3.—(1) Regulation 9 of the principal regulations (which regulation prescribes rules for determining whether an adult's presence in or absence from Great Britain is or is not to be treated as temporary) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part II of the Schedule to these regulations.

(**a**) 8 & 9 Geo. 6. c. 41.
(**b**) S.R. & O. 1946/138; Rev. VII, p. 607; 1946 I, p. 502.
(**c**) S.I. 1952/1457, 1999; 1952 I, pp. 996, 1001.