

1962. No. 10

[NC]

NATIONAL INSURANCE

Canada

ORDER IN COUNCIL, DATED 29TH JANUARY, 1962, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of section sixty-one of the National Insurance Act (Northern Ireland), 1946(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:

1. This Order may be cited as the National Insurance (Canada) Order (Northern Ireland), 1962.

2. The provisions contained in the Letters 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 sub-section (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946; and the National Insurance Acts (Northern Ireland), 1946 to 1960(b), shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Given at Government House, Hillsborough, this twenty-ninth day of January, one thousand nine hundred and sixty-two.

Brian Faulkner

Ivan Neill

William Morgan

Glentoran

(a) 1946. c. 23.

(b) 1946. c. 23; 1949. c. 20; 1951. c. 18; 1952. c. 14; 1953. c. 27; 1955. c. 1; 1955. c. 10; 1956. c. 8; 1957. c. 7; 1957. c. 26; 1959. c. 7; 1959. c. 21 and 1960. c. 24.

SCHEDULE

Letters exchanged on the 30th November, 1961, between the High Commissioner for the United Kingdom in Canada and the Canadian Minister of National Health and Welfare

No. 1

THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA TO THE
CANADIAN MINISTER FOR NATIONAL HEALTH AND WELFARE

7th November, 1961.

My dear Minister,

Officials of this High Commission have recently discussed with Canadian officials the question in what respect the arrangements agreed in the letters which passed between us(a) on the 8th and 10th December, 1959, require to be modified in view of the recent amendments made to the Canadian Old Age Security Act.

I have now to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland propose that the provisions set out in paragraph 16 of Sir Saville Garner's letter of the 8th December, 1959 (which, in certain circumstances, enable a person to be treated as having paid contributions under British legislation for weeks of residence in Canada) should not apply where the person claiming a retirement pension under that legislation is entitled, notwithstanding his absence from Canada, to receive a pension under the Old Age Security Act, and that any retirement pension awarded before the date on which the proposed modification of those provisions enters into force should be payable for any period beginning on or after that date only if, and to the extent to which, it would have been payable if those provisions had always had effect as modified. This proposal would not affect payments for any earlier period.

The United Kingdom Government propose that this modification of the arrangements to which I have referred should enter into force on the first day of the third month following the month in which the letters are exchanged, and should be treated on and after that date as if it were part of those arrangements.

Yours sincerely,

Amory.

No. 2

THE CANADIAN MINISTER OF NATIONAL HEALTH AND WELFARE TO THE
HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA

30th November, 1961.

Excellency:

I am replying to your letter of November 7th, 1961 concerning a modification of the original Exchange of Letters on social security benefits dated December 8th and 10th, 1959.

Paragraph 2 of your above letter proposes to modify the provisions of paragraph 16 in the letter of December 8th, 1959, in the following way. Persons residing in Great Britain and Northern Ireland who are entitled to receive the Canadian old age security pension outside of Canada will no longer qualify for the British retirement pension, except in so far as they have gained entitlement to the British pension because of contributions actually paid to the British National Insurance Scheme. The date of operation of this modification will be as set out in paragraph 3 of your letter of November 7th, 1961. Persons who up to the time this modification takes effect have been paid both the British retirement pension and the Canadian old age security pension will not be asked to refund the British pension received.

(a) See the Schedule to the Family Allowances and National Insurance (Canada) Order (Northern Ireland), 1960 (S.R. & O. (N.I.) 1960, No. 15).