

Isle of Man Reciprocal Arrangements.

REGULATIONS, DATED 24TH MAY, 1937, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER SECTION 36 OF THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND), 1936.

1937. No. 49.

The Ministry of Labour for Northern Ireland, in conjunction with the Ministry of Finance, in exercise of the powers conferred on them by Section 36 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, hereinafter referred to in these Regulations as "the Act," and of all other powers enabling them in that behalf, hereby make the following Regulations :—

1. These Regulations may be cited as the Contributory Pensions (Isle of Man Reciprocal Arrangements) Regulations (Northern Ireland), 1937.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to these Regulations shall have full force and effect so far as the same relate to Northern Ireland, and the Act shall in relation to or in connection with any persons affected by the Arrangements have effect in Northern Ireland subject to such modifications and adaptations as may be required for the purpose of giving effect to the provisions contained in the said Memorandum.

SCHEDULE.

MEMORANDUM OF THE RECIPROCAL ARRANGEMENTS RELATING TO WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS BETWEEN THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE, ON APPLICATION MADE BY THE GOVERNMENT OF NORTHERN IRELAND AND WITH THE APPROVAL OF THE SECRETARY OF STATE, OF THE ONE PART, AND THE GOVERNOR OF THE ISLE OF MAN, WITH THE ADVICE AND CONSENT OF THE OLD AGE PENSIONS AND NATIONAL HEALTH INSURANCE BOARD OF THE ISLE OF MAN OF THE OTHER PART.

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

"The Insurance Act" means the National Health Insurance Act, 1924 (14 and 15 Geo V. c. 38), as amended in its application to Northern Ireland by any subsequent enactment;

"The Island Insurance Act" means the Act of Tynwald entitled the Old Age Pensions and National Health Insurance Act, 1920, as amended by any subsequent enactment;

"The Pensions Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925 (15 and 16 Geo. V. c. 23) as amended by any subsequent enactment;

"The Pensions Act of 1929" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929 (20 Geo. V. c. 17) as amended by any subsequent enactment;

"The Island Pensions Act" means the Act of Tynwald entitled the Widows', Orphans' and Old Age Contributory Pensions Act, 1929, as amended by any subsequent enactment;

"The Island Pensions Act of 1930" means the Act of Tynwald entitled the Widows', Orphans' and Old Age Contributory Pensions Amendment Act, 1930;

"Island Commissioners" means the Insurance Commissioners appointed under the Island Insurance Act;

"Island" means the Isle of Man;

"Island Society" means the Manx Health Insurance Society established under the Island Insurance Act;

"A Post-70 Old Age Pension" means an old age pension under the Old Age Pensions Acts (Northern Ireland), 1908-1927, payable by virtue of the Pensions Act or a corresponding pension payable under the provisions of the Island Pensions Act;

"Pension" means a pension payable under the Pensions Act or the Island Pensions Act, as the case may require;

"Pensions Account" has the same meaning as in the Pensions Act;

"Ministry" means the Ministry of Labour for Northern Ireland;

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

(3) The Arrangements hereunder mentioned shall be deemed to have come into operation as from the 16th July, 1935.

2. Any insurance under the Pensions Act or Insurance Act, or any contributions paid or deemed to have been paid under those Acts, or any residence which are taken into account for the purposes of the Pensions Act shall be taken into account for the corresponding purposes of the Island Pensions Act, and any insurance, contributions, or residence which are taken into account for the purposes of the Island Pensions Act shall be taken into account for the corresponding purposes of the Pensions Act;

Provided that this Article shall not apply in the case of

- (a) Widows' or Orphans' pensions claimable under the provisions of Section 19 of the Island Pensions Act;
- (b) Post-70 old age pensions claimable under the provisions of sub-section 1, paragraphs (a) and (b) of Section 21 of the Island Pensions Act;
- (c) Old Age Pensions claimable under the provisions of Section 7 of the Pensions Act where the period of insurance mentioned in paragraph (a) of Section 8 of that Act or in proviso (i) of the last named Section had been completed independently of these reciprocal arrangements before the seventh day of July, 1931;
- (d) Old Age pensions claimable under the provisions of Section 8 of the Island Pensions Act where the period of insurance mentioned in paragraph (a) of Section 9 of that Act or in proviso (i) of the last named Section, had been completed independently of these reciprocal arrangements before the seventh day of July, 1931;
- (e) Widows' pensions claimable under the provisions of paragraphs (a) and (c) of sub-section (1) of Section 2 of the Island Pensions Act of 1930 or Post-70 old age pensions claimable under Sub-section (1) of Section 3 of that Act, where the husband died or reached the age of seventy on or after the fourth day of January, 1926, but before the eighth day of July, 1929, unless it is shown that at some time within three years before the date of the husband's death or the date on which he attained the age of seventy his normal occupation was employment of such a kind as is specified in paragraph (e) or paragraph (f) of Part I. of the Second Schedule to the Island Insurance Act;
- (f) Widows' pensions claimable under the provisions of paragraph (b) of sub-section (1) of Section 2 of the Island Pensions Act of 1930, where the husband died on or after the first day of January, but before the first day of July, 1931, or post-70 old age pensions claimable under paragraph (e) of Sub-section (1) of Section 21 of the Island Pensions Act where the husband died in the period aforesaid, and a widow's pension

would have been claimable under paragraph (b) of sub-section (1) of Section 2 of the Island Pensions Act of 1930, if the widow had not attained the age of seventy when her husband died ;

- (g) Widows' pensions claimable under the provisions of sub-section (1) of Section 3 of the Pensions Act or post-70 old age pensions claimable under paragraph (e) of sub-section (1) of section 20 of that Act, where the husband reached the age of seventy on or after the fourth day of January, 1926, but before the eighth day of July, 1929, and died on or after the latter date ;
- (h) Widows' pensions claimable under the provisions of paragraph (c) of sub-section (1) of Section 1 of the Pensions Act of 1929 or post-70 old age pensions claimable under sub-section (2) of Section 2 of that Act, where the husband reached the age of seventy before the fourth day of January, 1926, and died on or after that date but before the eighth day of July, 1929 ;
- (i) Orphans' pensions claimable under the provisions of sub-section (1) of Section 4 of the Pensions Act, where the parent in respect of whose insurance the pension is claimable reached the age of seventy before the eighth day of July, 1929, and died on or after that date ;
- (j) Widows' or orphans' pensions claimable under the provisions of Section 20 of the Island Pensions Act, or post-70 old age pensions claimable under the provisions of paragraph (e) of sub-section (1) of Section 21 of that Act, where the husband, or the parent in respect of whose insurance the pension is claimable, reached the age of seventy on or after the fourth day of January, 1926, but before the eighth day of July, 1929.

3. So far as appropriate any qualification or disqualification or provision which would, had a pension been payable under or by virtue of the Pensions Act, have been applicable thereto, shall be treated as if it were the corresponding qualification, disqualification or provision applicable to the pension under or by virtue of the Island Pensions Act.

4.—(1) In the case of an employed contributor, voluntary contributor or an exempt person (being a man) under the age of 65 who becomes resident in the Island, he shall, until he is treated as a member of the Island Society under the Island Insurance Act by virtue of the reciprocal arrangements relating to health insurance for the time being in force, or becomes an exempt person under the Island Insurance Act, be regarded as a person insured under the Pensions Act, and the Pensions contributions paid in respect of him shall be credited to the Pensions Account.

(2) As from the date on which such a person becomes a member of the Island Society or an exempt person under the Island Insurance Act he shall be treated as a person insured under the Island Pensions Act.

(3) Where the title to a pension arises by virtue of the provisions of sub-section (1) of Section 1 or sub-section (2) of Section 2 of the Pensions Act of 1929, or by virtue of the provisions of sub-section (1) of Section 2 or sub-section (1) of Section 3 of the Island Pensions Act, 1930, the pension shall be a charge on the funds of the country in which the husband of the widow claiming the pension died.

Provided that this paragraph shall not apply in the case of the pensions specified in paragraphs (e) and (f) of the proviso to Article 2 of these arrangements.

(4) Any claim for pension made by a person resident in the Island who is insured or treated as insured under the Pensions Act, or by a person so resident whose claim to pension arises in respect of the insurance of a person insured or treated as insured under the Pensions Act, or in respect of the employment in Northern Ireland of a person who died or attained the age of seventy before the date of the commencement of that Act, shall be made to the Ministry or to the Island Commissioners acting on behalf of the Ministry.

(5) Nothing contained in this Article shall prejudice or affect the liability of employers to pay contributions under the Island Insurance Act or Island Pensions Act in respect of persons employed by them.

5.—(1) Where a pension is payable under or by virtue of the Pensions Act to a person and such person becomes resident in the Island, then for a period of six months from the date on which he becomes so resident the pension shall continue to be paid out of the Pensions Account or, in the case of a Post-70 Old Age Pension

out of moneys provided by Parliament, and the Island Commissioners shall make such arrangements as may be necessary for the payment of the pension, acting in this respect on behalf of the Ministry.

(2) After the termination of the said period of six months the pension shall become a charge on the Island funds and be payable by the Island Treasurer thereout.

(3) In the case of a person entitled to a pension under or by virtue of the Pensions Act, who is resident in the Island on the date as from which the title to such pension accrues or on the 16th July, 1935, whichever is the later, the pension shall as from either such date become a charge on the Island funds and be payable by the Island Treasurer thereout.

6. Nothing in this Memorandum shall authorise payment under the Pensions Act of a pension or allowance to or in respect of a person during any period in respect of which a pension or allowance is payable to or in respect of that person under the Island Pensions Act.

7. The arrangements specified in Article 3, paragraphs (1), (2) and (5) of Article 4, Articles 5 and 6 shall apply *mutatis mutandis* to a person who transfers his residence from the Island to Northern Ireland, and the arrangements specified in paragraph (4) of Article 4 shall apply *mutatis mutandis* to a claim from a person resident in Northern Ireland.

8. The National Health Insurance Joint Committee with the consent of the Government of Northern Ireland and the Governor of the Isle of Man with the advice and consent of the Old Age Pensions and National Health Insurance Board of the Isle of Man shall make such financial adjustments as they may agree to be necessary for the purposes of these arrangements.

Given under the Official Seal of the National Health Insurance Joint Committee this thirtieth day of December in the year One thousand nine hundred and thirty-six.

(L.S.)

(Signed) E. C. MOFFREY,
Secretary to the National Health
Insurance Joint Committee.

Given under the hand of the Lieutenant Governor of the Isle of Man, this thirtieth day of December, in the year One thousand nine hundred and thirty-six.

(Signed) MONTAGU BUTLER,
Lieutenant Governor.

The advice and consent of the Old Age Pensions and National Health Insurance Board is hereby given to this Memorandum.

(Signed) RAMSEY B. MOORE,
Chairman.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 24th day of May, in the year One thousand nine hundred and thirty-seven.

(L.S.)

H. Conacher,
Secretary, Ministry of Labour
for Northern Ireland.

Given under the Official Seal of the Ministry of Finance
this 24th day of May, in the year One thousand nine
hundred and thirty-seven.

(L.S.)

G. C. Duggan,

Assistant Secretary to the Ministry of
Finance.

Joint Committee Regulations.

THE CONTRIBUTORY PENSIONS (JOINT COMMITTEE) REGULATIONS
(NORTHERN IRELAND), 1937, DATED 22ND SEPTEMBER, 1937,
MADE BY THE MINISTRY OF LABOUR UNDER SECTION 34
OF THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY
PENSIONS ACT (NORTHERN IRELAND), 1936 (26 GEO. 5 &
1 EDW. 8, C. 32).

1937. No. 93.

The Ministry of Labour for Northern Ireland, in exercise
of the powers conferred on it by section 34 of the Widows',
Orphans' and Old Age Contributory Pensions Act (Northern
Ireland), 1936 and of all other powers enabling it in that behalf,
and with the consent of the National Health Insurance Joint
Committee, hereby makes the following Regulations:—

1. These Regulations may be cited as the Contributory Pen-
sions (Joint Committee) Regulations (Northern Ireland), 1937.

2.—(1) In these Regulations, unless the context otherwise
requires—

“the Pensions Act” means the Widows', Orphans' and
Old Age Contributory Pensions Act (Northern Ireland), 1936;

“The Insurance Act” means the National Health Insurance
Act, 1936;

“the Joint Committee” means the National Health
Insurance Joint Committee;

“the Ministry” means the Ministry of Labour for Northern
Ireland.

(2) The Interpretation Act, 1921 applies to the interpreta-
tion of these Regulations as it applies to the interpretation of an
Act of Parliament.