

1974 No. 555

SOCIAL SECURITY

**The Family Allowances, National Insurance and
Industrial Injuries (Gibraltar) Order 1974**

Made - - - -

26th March 1974

[Under S.I. 1976/225, references in the following Order to provisions of the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1965 to 1974 have effect, with certain modifications, as references to the corresponding or most nearly corresponding provisions of the Social Security Act 1975 (c.14).]

[Under Regulation 9 of, and the Schedule to S.I. 1976/963, Part I of the Child Benefit Act 1975 (c.61) has effect as if the provisions relating to family allowances under the Family Allowances Acts 1965 to 1975 contained in the following Order applied to child benefit under that Part.]

[Under S.I. 1988/591, any provision in the following Order relating to the calculation of widow's allowance under U.K. legislation includes a reference to a widow's payment under U.K. legislation.]

At the Court at Windsor Castle, the 26th day of March 1974

Present,

The Queen's Most Excellent Majesty in Council

Whereas by an exchange of Letters (which Letters are set out in the Schedule to this Order) between the Secretary of State for Foreign and Commonwealth Affairs and the Governor of Gibraltar an Agreement on social security was made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Gibraltar:

And Whereas it was provided in the Letters that the Agreement should enter into force forthwith:

And Whereas by section 105(1) of the National Insurance Act 1965(a), as extended by section 22(1) of the Family Allowances Act 1965(b), and section 84(1) of the National Insurance (Industrial Injuries) Act 1965(c), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the said Acts of 1965 in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 105(1), as so extended, and the said section 84(1), and all other powers enabling Her in that

(a) 1965 c.51.

(b) 1965 c.53.

(c) 1965 c.52.

behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Citation and interpretation

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purpose of the interpretation of this Order as they apply to the interpretation of an Act of Parliament.

Modification of Acts

2. The provisions contained in the Letters set out in the Schedule to this Order shall have full force and effect, so far as they relate to England, Wales and Scotland and provide for reciprocity with the Government of Gibraltar in any matters specified in either section 105(1) of the National Insurance Act 1965, as extended by section 22(1) of the Family Allowances Act 1965, or section 84(1) of the National Insurance (Industrial Injuries) Act 1965; and the Family Allowances Acts 1965 to 1969, the National Insurance Acts 1965 to 1973 and the National Insurance ((Industrial Injuries) Acts 1965 to 1973 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew

(a) 1889 c.63.

F.A., N.I. AND I.I. (GIBRALTAR) ORDER 1974

SCHEDULE**LETTERS EXCHANGED BETWEEN THE SECRETARY
OF STATE FOR FOREIGN AND COMMONWEALTH
AFFAIRS AND THE GOVERNOR OF GIBRALTAR**

No. 1

The Secretary of State for Foreign and Commonwealth Affairs to the
Governors of Gibraltar

12 December 1973

Sir

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Gibraltar and to record below the points which have been agreed between the two Governments concerning an Interim Agreement on Social Security arising out of the United Kingdom's Accession to the European Economic Community.

- 1 Any reference in the following paragraphs to a territory shall be construed as a reference to the territory of the United Kingdom or Gibraltar or both as the case may be and any reference to a child shall be construed as a reference to any person for whom family allowances are payable under the legislation in question.
- 2(a) Any person shall have the same rights and liabilities in relation to social security other than family allowances, as he would have had if the United Kingdom and Gibraltar had been separate Member States of the European Economic Community.
- (b) For the purpose of giving effect to paragraph (a) above the same procedures shall so far as is practicable be adopted in relation to the person and benefit concerned as would have been applicable had the United Kingdom and Gibraltar been such separate Member States.
- 3 For the purpose of the right to receive payment of a pension for old age, widow's benefit, guardian's allowance, child's special allowance or dependency benefits in respect of any such pension, benefit or allowance, under the legislation applicable to either the United Kingdom, or Gibraltar, any period during which a person, not subject to paragraph 2, was present or ordinarily resident in the other territory shall be treated as a period during which he was present or ordinarily resident, as the case may be, in the territory to which the legislation applies.
- 4 In relation to family allowances—
 - (a) where under the legislation applicable to a territory—
 - (i) the completion of a period of presence in that territory is required, any period during which a person was in the other territory shall be treated as a period during which he was in the territory to which the legislation applies,
 - (ii) the place of a person's birth is relevant, a person who was born in the other territory shall be treated as having been born in the territory to which the legislation applies;
 - (b) family allowances shall not be payable in respect of the same child under the legislation applicable to both territories and where but for this provision they would have been so payable, they shall be paid under the legislation which applies to the territory in which the child is ordinarily resident.

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- 5 Such administrative and financial arrangements may be made as may be required for the application of this Agreement.
- 6 The Agreement shall enter into force forthwith and shall remain in force until reviewed at any time by agreement between both parties.

If the Government of Gibraltar agree that the foregoing correctly sets out the points agreed between the two Governments, I have the honour to propose that this despatch and your reply to that effect shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Gibraltar.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Alec Douglas-Home

No. 2

The Governor of Gibraltar to the Secretary of State for Foreign and Commonwealth Affairs.

30 January 1974

Sir

I have the honour to acknowledge receipt of your Despatch of 12 December 1973 and to confirm that this correctly states the understanding between our two Governments concerning the Interim Agreement on Social Security arising out of the UK accession to the European Economic Community.

2. I agree that the Despatch and this reply shall be regarded as placing that understanding on record.

I have the honour to be

Sir

Your most obedient humble servant

John Grandy

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order gives effect in England, Wales and Scotland to the Agreement (contained in an exchange of Letters set out in the Schedule) made between the Governments of the United Kingdom and Gibraltar in so far as it relates to the matters for which provision is made by the Family Allowance Acts 1965 to 1969, the National Insurance Acts 1965 to 1973 and the National Insurance (Industrial Injuries) Acts 1965 to 1973.