

Social Security (Employment Injuries Insurance)

1952-10

SOCIAL SECURITY (RECIPROCITY) ORDER

Subsidiary

1974/059

Order made under s. 54 and under s.18A of the Social Security (Family Allowances) Act and s.49 of the Social Security (Insurance) Act.

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(LN. 1974/059)

14.6.1974

Amending enactments

Relevant current
provisions

Commencement
date

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1. This Order may be cited as the Social Security (Reciprocity) Order.
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 Gibraltar and provide for reciprocity with the Government of the United Kingdom of Great Britain and Northern Ireland in any matters specified in either section 54 of the Social Security (Employment Injuries Insurance) Act, section 18A of the Social Security (Family Allowances) Act* or section 49 of the Social Security (Insurance) Act: and the Social Security (Employment Injuries Insurance) Act, the Social Security (Family Allowances) Act* and the Social Security (Insurance) Act shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

* *Social Security (Family Allowances) Ordinance is repealed.*

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
Governor of Gibraltar.

12th 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

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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.

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4. In relation to family allowance
 - (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.
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.

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

30th January 1974

Sir,

I have the honour to acknowledge receipt of your Despatch of 12th December, 1973 and to confirm that this correctly states the understanding between our two Governments concerning an Interim Agreement on Social Security arising out of the U.K. 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.