

1949
NEW ZEALAND

Memorandum

OF RECIPROCAL ARRANGEMENTS RELATING TO
FAMILY ALLOWANCES IN GREAT BRITAIN AND
FAMILY BENEFITS IN NEW ZEALAND MADE BE-
TWEEN THE MINISTER OF NATIONAL INSURANCE
IN GREAT BRITAIN WITH THE CONSENT OF THE
TREASURY OF THE ONE PART AND THE MINISTER
OF SOCIAL SECURITY IN NEW ZEALAND OF THE
OTHER PART

London, 6 August 1948
Wellington, 23 September 1948
(in force 1 December 1948)

Presented to Both Houses of the General Assembly by Leave

MEMORANDUM OF RECIPROCAL ARRANGEMENTS
RELATING TO FAMILY ALLOWANCES IN GREAT
BRITAIN AND FAMILY BENEFITS IN NEW ZEALAND
MADE BETWEEN THE MINISTER OF NATIONAL
INSURANCE IN GREAT BRITAIN WITH THE CONSENT
OF THE TREASURY OF THE ONE PART AND THE
MINISTER OF SOCIAL SECURITY IN NEW ZEALAND
OF THE OTHER PART

ARTICLE 1

- (1) In this Memorandum unless the context otherwise requires—
“Country” means Great Britain or New Zealand as the
case may require ;

“The appropriate authority” means in the case of Great
Britain the Minister of National Insurance, and in the case of
New Zealand the Social Security Commission of New Zealand.

- (2) References in this Memorandum to any enactment or regula-
tions shall include references to such enactment or regulations as
amended by any subsequent enactment, order or regulations.

ARTICLE 2

The Arrangements set out in this Memorandum shall apply for
the purposes of all or any of the provisions of the scheme of Family
Allowances in force in Great Britain and the scheme of Family
Benefits in force in New Zealand.

ARTICLE 3

The Arrangements shall apply in Great Britain to claimants for
Family Allowances who are British subjects and in New Zealand to
claims for Family Benefits in respect of children who are British
subjects and the following provisions of this Memorandum shall
have effect accordingly.

ARTICLE 4

- (1) The following provisions of this Article shall have effect in
relation to Family Allowances in Great Britain for the purposes of
the provisions of the Family Allowances Act, 1945, and the regula-
tions made thereunder, and the said Act and regulations shall be
construed accordingly.

(2) Residence or presence in New Zealand shall be treated as residence or presence in Great Britain.

(3) A person born in New Zealand shall be treated as a person whose place of birth is in the United Kingdom.

(4) Where a claimant's family includes children born in New Zealand, the claimant shall not be disqualified for entitlement to Family Allowances in respect of those children by reason only that the claimant (or his wife or her husband) is unable to satisfy the conditions as to presence in Great Britain contained in the said Act and regulations as varied by the foregoing provisions of this Article :

Provided that nothing in this paragraph shall prevent the disqualification of a claimant who ceases to satisfy such conditions by reason of any absence from Great Britain which occurs after he has become entitled to Family Allowances by virtue of this paragraph, so long as that absence continues.

ARTICLE 5

(1) The following provisions of this Article shall have effect in relation to Family Benefits in New Zealand for the purposes of the provisions of the Social Security Act, 1938, and the said Act shall be construed accordingly.

(2) Residence in Great Britain shall be treated as residence in New Zealand.

(3) A child whose place of birth is in the United Kingdom shall be treated as a child born in New Zealand.

ARTICLE 6

Subject to the provisions of the scheme of Family Allowances or Family Benefits in force in each country as modified by these Arrangements, a claim for an allowance or benefit shall be made to the appropriate authority for the country in which the person to whom the allowance or benefit belongs is present, or if that person is absent from Great Britain and New Zealand, to the appropriate authority for the country in which his agent appointed under the appropriate Act or regulations is present.

ARTICLE 7

Where, by reason of a child being included in a family, a Family Allowance or Family Benefit has been paid by one country for any period, Family Benefit or a Family Allowance shall not (whether such payment was made directly under the Act in force in that

country or under that Act by virtue of these Arrangements) be payable for that period by the other country by reason of the child being treated as included in that or any other family.

ARTICLE 8

(1) Where, by reason only of these Arrangements, sums on account of a Family Allowance have been paid in Great Britain by reason of the inclusion in a family of a child who leaves that country to return to New Zealand within six months of his arrival in Great Britain, there shall be paid out of the Social Security Fund in New Zealand to the Minister of National Insurance in Great Britain, an amount equal to the sums so paid on account of that Family Allowance.

(2) Where, by reason only of these Arrangements, Family Benefit has been paid in New Zealand in respect of a child who leaves that country to return to Great Britain within six months of his arrival in New Zealand, there shall be paid by the Minister of National Insurance in Great Britain to the Social Security Fund in New Zealand an amount equal to sums which would have been paid on account of a Family Allowance if the child had been present in Great Britain during the period of his presence in New Zealand and included in the family in which he has been included after his return to Great Britain.

(3) Save as expressly provided by this article, there shall be no financial adjustments between the Government of the United Kingdom and the Government of New Zealand in respect of these Arrangements.

ARTICLE 9

Each party to this Memorandum shall, on request, afford to the other, any information in the possession of that party relating to any claimant or child.

ARTICLE 10

For the purpose of avoiding doubts it is hereby declared that a Maori shall not be disqualified for any of the purposes of Family Allowances in Great Britain by reason only of the fact that he is a Maori.

ARTICLE 11

These Arrangements shall come into force on the first date after the legislation giving effect to them has been approved by the Parliament of New Zealand and the Minister of National Insurance has made and laid before the Parliament of the United Kingdom regulations under section 25 of the Family Allowances Act, 1945, in relation thereto.

ARTICLE 12

Either party to this Memorandum may terminate the Arrangements herein contained on giving not less than twelve calendar months previous notice in writing to the other party.

Given under the official seal of the Minister of National Insurance, sixth day of August, nineteen hundred and forty-eight.

(Signed) JAMES GRIFFITHS,

[L.S.]

Minister of National Insurance.

We consent :

(Signed) JAMES SIMMONS,

(Signed) JOSEPH HENDERSON,

Two of the Lords Commissioners of
His Majesty's Treasury.

Signed by the Minister of Social Security in New Zealand this twenty-third day of September, nineteen hundred and forty-eight.

(Signed) W. E. PARRY,

Minister of Social Security.

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