



NEW ZEALAND

ANALYSIS

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| <p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Approval of memorandum of reciprocal arrangements.</p> | <p>3. Residence in Great Britain or birth in United Kingdom to be treated as residence or birth in New Zealand.</p> <p>4. Family benefit not payable for same period as family allowance.</p> <p>5. Financial adjustments.</p> <p>Schedule.</p> |
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1948, No. 44

AN ACT to Provide for Reciprocity with Great Britain **Title.**
in Relation to Family Benefits.

[19th November, 1948

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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| <p>1. (1) This Act may be cited as the Family Benefits (Reciprocity with Great Britain) Act, 1948.</p> <p>(2) This Act shall come into force on a day to be appointed for the commencement thereof by the Governor-General by Proclamation.</p> <p>2. The execution on behalf of New Zealand of the memorandum of reciprocal arrangements set out in the Schedule to this Act is hereby approved.</p> <p>3. For the purposes of the Social Security Act, 1938, in its application to family benefits, residence in Great Britain of a child who is a British subject shall be treated as residence in New Zealand, and a child who is a British subject and whose place of birth is in the United Kingdom shall be treated as a child born in New Zealand:</p> | <p>Short Title and commencement.</p> <p>Approval of memorandum of reciprocal arrangements.</p> <p>Residence in Great Britain or birth in United Kingdom to be treated as residence or birth in New Zealand.</p> <p>1938, No. 7</p> |
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Provided that nothing in this section shall be construed to modify the provisions of section seventy of the said Act (which relate to the effect of absence on the right to receive benefit).

Family benefit not payable for same period as family allowance.

4. Except in cases to which section five of this Act applies, no person shall be entitled to receive a family benefit under the Social Security Act, 1938, for any child in respect of any period for which a family allowance has been paid in Great Britain for that child.

Financial adjustments.

5. Where by reason only of the aforesaid memorandum a family allowance has been paid in Great Britain in respect of a child who leaves that country to return to New Zealand within six months of his arrival in Great Britain, there shall, without further appropriation than this Act, 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 sum so paid on account of family allowance.

Schedule.

SCHEDULE

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

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 regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order, or regulations.

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.

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.

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 regulations 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 the 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.

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.

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 regulation is present.

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.

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.

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.

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.

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.

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.

[SEAL]

(Sgd.) JAMES GRIFFITHS,
Minister of National Insurance.

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

(Sgd.) W. E. PARRY,
Minister of Social Security.