1984 No. 90

SOCIAL SECURITY

The Social Security (Israel) Order (Northern Ireland) 1984

Made	*8th March 1984*
Coming into operation . . .	*1st April 1984*

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**) and Article 17 of the Child Benefit (Northern Ireland) Order 1975(**b**) and of all other powers enabling me in that behalf, I hereby make the following order:

Citation, commencement and interpretation

1. This order may be cited as the Social Security (Israel) Order (Northern Ireland) 1984 and shall come into operation on 1st April 1984.

(2) In this order "the principal order" means the National Insurance and Industrial Injuries (Reciprocal Agreement with Israel) Order (Northern Ireland) 1958(**c**).

Amendment of principal order and modification of Act and Order

2. The principal order shall be amended in accordance with, and accordingly the Social Security (Northern Ireland) Act 1975, and Part II of the Child Benefit (Northern Ireland) Order 1975 and any regulations made under it, shall be modified to such extent as may be required to give effect to, the provisions contained in the Protocol set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Dated this 8th day of March 1984

James Prior
One of Her Majesty's Principal
Secretaries of State

(**a**) 1975 c. 15; section 134 was amended by section 20(3) of, and extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977 (1977 c. 5), and subsection (1A) of section 134 was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(**b**) S.I. 1975/1504 (N.I. 16); Article 17 was amended by Article 16 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)), and paragraph (1A) of Article 17 was inserted by Article 7(2) of the Social Security (Northern Ireland) Order 1981

(**c**) S.R. & O. (N.I.) 1958 No. 32 (p. 443)

SCHEDULE

PROTOCOL

BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF ISRAEL AMENDING THE CONVENTION ON SOCIAL SECURITY SIGNED AT LONDON ON 29 APRIL 1957

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Israel;

Desiring to conclude a Protocol to amend the Convention on Social Security signed at London on 29 April 1957, hereinafter referred to as "the Convention";

Have agreed as follows:

ARTICLE I

Article 1 of the Convention shall be amended as follows:

(*a*) In paragraph (3) for the words "(or the other) Contracting Party" there shall be substituted the words "of the Contracting Parties;"

(*b*) For paragraph (4) there shall be substituted the following:

" "competent authority" means the authority responsible for the social security schemes in all or part of a territory of each Party; in relation to the territory of the United Kingdom, the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland, and the Isle of Man Board of Social Security, and, in relation to Israel, the Minister of Labour and Social Affairs;"

(*c*) After paragraph (5) there shall be inserted a new paragraph as follows:

"(5A) "children's allowances" means, in relation to the United Kingdom, child benefit payable under the legislation of the United Kingdom, and, in relation to Israel, children's allowance payable under the legislation of Israel;"

(*d*) For paragraph (8) there shall be substituted the following:

" "insurance period" means a period in respect of which contributions appropriate to the benefit in question have been paid, credited, or treated as paid under the legislation of one of the Contracting Parties;"

(*e*) For paragraphs (11), (12) and (13) the following paragraphs shall be substituted:

"(11) "widow's benefit" means, in relation to the United Kingdom; widow's allowance, widowed mother's allowance and widow's pension payable under the legislation of the United Kingdom and, in relation to Israel, survivor's benefit (except orphan's benefit) payable under the legislation of Israel;

(12) "orphan's benefit" means, in relation to the United Kingdom, a guardian's allowance payable under the legislation of the United Kingdom and, in relation to Israel, a survivor's benefit payable in respect of a double orphan under the legislation of Israel;

(13) "benefit in respect of an industrial injury" means, in relation to the United Kingdom:

(*a*) sickness benefit or invalidity pension payable in respect of incapacity for work resulting from

(i) personal injury caused by an accident arising out of and in the course of employment; or

(ii) an industrial disease or personal injury due to the nature of any employment

which is payable within a period of ninety days (disregarding Sundays) beginning with the day of the accident or the date of onset of the disease;

(*b*) disablement benefit;

(*c*) industrial death benefit;

and, in relation to Israel, industrial injury benefit payable under the legislation of Israel;

(14) "competent institution" means the authority from which the person concerned is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Party where that authority is situated;

(15) other terms in this Convention have the meaning given to them under the applicable legislation."

ARTICLE II

Article 2 of the Convention shall be amended to read as follows:

"(1) The provisions of this Convention shall apply,

(*a*) in relation to the United Kingdom, to:

(i) the Social Security Acts 1975 to 1982 and the Social Security (Northern Ireland) Acts 1975 to 1982;

(ii) the Social Security Acts 1975 to 1982 (Acts of Parliament) as applied to the Isle of Man by Orders made under the provisions of the Social Security Act 1982 (an Act of Tynwald);

(iii) the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975, and the Child Benefit Act 1975 (an Act of Parliament) as applied to the Isle of Man by Orders made under the provisions of the Social Security Act 1982 (an Act of Tynwald);

and the legislation which was consolidated by those Acts or Orders or repealed by legislation consolidated by them;

(*b*) in relation to Israel, to:

the National Insurance Law (Consolidated Version) 5728-1968, as far as it applies to the insurance branches included in this Convention.

(2) Subject to the provisions of paragraphs (3), (4) and (5) of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits described in the legislation specified in paragraph (1) of this Article at the date of coming into force of this Convention and for which specific provision is made in this Convention.

(4) This Convention shall apply to any legislation which relates to a branch of social security not covered by the legislation specified in paragraph (1) of this Article only if the two Parties make an agreement to that effect.

(5) This Convention shall not apply to legislation on social security of the Institutions of the European Communities nor to any convention on social security which either Party has concluded with a third party nor to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such a convention but shall not prevent either Party from taking into account under its legislation the provisions of any other convention which that Party has concluded with a third party provided this shall not reduce the amount of benefit payable under the provisions of this Convention."

ARTICLE III

Article 4 of the Convention shall be amended as follows:

(*a*) At the beginning of the first line insert "(1)";

(*b*) After "(a)" there shall be inserted the words "for the first two years of that employment";

(*c*) There shall be added the following paragraph:

"(2) Where the person's employment continues for longer than two years, the legislation of the latter Party shall continue to apply to him provided that the competent authorities of the two Parties agree thereto, and provided that the employment has not lasted for longer than five years."

ARTICLE IV

For paragraph (2) of Article 5 of the Convention there shall be substituted the following:

"(2) Subject to the provisions of paragraph (1) of this Article, where a person is employed in:

(i) the government service, or

(ii) the public service, or

(iii) the maritime or airline undertakings

of one Party in the territory of the other Party and is not ordinarily resident in that territory, or a person is employed in the private service of a person referred to in sub-paragraph (i) or (ii) of this paragraph and is not ordinarily resident in that territory, then those provisions of the legislation of the former Party which concern the payment of contributions shall apply to him as if he were employed in the territory of that Party and the legislation of the latter Party shall not apply to him."

ARTICLE V

Article 8 of the Convention shall be amended as follows:

(*a*) In paragraph (1) after the words "widow's benefit" there shall be inserted the word "or"; and the words "or death benefit" shall be omitted;

(*b*) [Amendment to paragraph (1) of the Hebrew text which does not affect the English text;]

(*c*) There shall be added the following paragraph:

"(3) Except where otherwise provided for in this Convention, pensions and other cash benefits may not be reduced, modified, suspended or withdrawn on account of the recipient residing in the territory of the other Contracting Party."

ARTICLE VI

Article 10 of the Convention shall be amended as follows:

(*a*) In paragraph (1) for the word "woman" there shall be substituted the word "person"; for the words "death benefit" there shall be substituted the words "benefit in respect of an industrial injury"; and for the word "she" there shall be substituted the words "that person";

(*b*) In paragraph (2) for the words "death benefit" there shall be substituted the words "benefit in respect of an industrial injury".

ARTICLE VII

A new Article 10A shall be inserted after Article 10 of the Convention as follows:

"SPECIAL PROVISIONS RELATING TO THE APPLICATION OF THE LEGISLATION OF THE TERRITORY OF THE UNITED KINGDOM AND ISRAEL

Article 10A

(1) For the purpose of calculating entitlement under the legislation of the United Kingdom to an old age pension in accordance with Article 12 of this Convention, or to widow's benefit in accordance with Article 14, insurance periods completed under the legislation of Israel before 6 April 1975 shall be treated as if they had been insurance periods completed under the legislation of the United Kingdom.

(2) For the purpose of calculating entitlement under the legislation of the United Kingdom to an old age pension in accordance with Article 12 of this Convention, to widow's benefit in accordance with Article 14, or to maternity allowance in accordance with Article 19, insurance periods completed as a self-employed person or as a non-employed person or credited insurance periods under the legislation of Israel after 5 April 1975 shall be treated as if they had been insurance periods completed as a self-employed person or as a non-employed person, or credited insurance periods as the case may be, under the legislation of the United Kingdom.