1984 No. 68

SOCIAL SECURITY

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

Made . . . . . 2nd March 1984

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**), 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

1. This order may be cited as the Social Security (Finland) Order (Northern Ireland) 1984.

Modification of the Social Security (Northern Ireland) Act 1975

2. The Social Security (Northern Ireland) Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security (as amended by protocols signed on 21st March 1980 and on 24th January 1983) set out in Schedule 1 to this order, so far as the same relate to Northern Ireland.

Modification of the Child Benefit (Northern Ireland) Order 1975

3. Part II of the Child Benefit (Northern Ireland) Order 1975 (child benefit) 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 Convention on Social Security (as amended by protocols signed on 21st March 1980 and on 24th January 1983) set out in Schedule 1 to this order, so far as the same relate to Northern Ireland.

Revocation and Variation of Orders

4.—(1) The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland) 1960(**c**) is hereby revoked.

(2) In Part I of Schedule 1 to the Social Security (Reciprocal Agreements) (Northern Ireland) Order 1976(**d**) the entry relating to the said order of 1960 shall be omitted.

(3) In the Schedule to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1979(**e**) the entry relating to the said order of 1960 shall be omitted.

(**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.) 1960 No. 67, as modified by S.I. 1976/1044, S.R. 1979 No. 92 and S.R. 1982 No. 378

(**d**) S.I. 1976/1044, to which there are amendments not relevant to the subject matter of this order

(**e**) S.R. 1979 No. 92, to which there are amendments not relevant to the subject matter of this order

(4) Paragraph 2 of Schedule 1 to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1982(**a**) is hereby revoked and in Schedule 2 to that order, the entry relating to the said order of 1960 shall be omitted.

Dated this 2nd day of March 1984.

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

(a) S.R. 1982 No. 378

SCHEDULE 1

(The provisions inserted or substituted by the amending protocols are shown in italics.)

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND

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

Having established reciprocity in the field of social security by means of the Convention which was signed on their behalf at Helsinki on 28 July 1959;

Desiring to extend and modify the scope of that reciprocity and to take account of changes in their legislation;

Have agreed as follows;

PART I

General Provisions

ARTICLE 1

(1) For the purpose of this Convention:

(*a*) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

(*b*) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and also the Isle of Man, and, in relation to Finland, the territory of the Republic of Finland;

(*c*) "legislation" means the legislation specified in Article 2 of this Convention which is in force in the territory of one (or the other) Party or in any part of that territory;

(*d*) "competent authority" means the authority responsible for the social security schemes in all or part of the 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 or the Isle of Man Board of Social Security, as the case may require, and, in relation to Finland the Ministry of Social Affairs and Health;

(*e*) "insurance authority" means, in relation to the territory of the United Kingdom, the authority competent to decide entitlement to the benefit in question, and, in relation to Finland, the competent institution;

(*f*) "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;

(*g*) "insured" means, in relation to the territory of the United Kingdom, that contributions have been paid or are payable by or have been credited in respect of the person concerned and, for the purpose of Section 5 of Part III of this Convention, that the person is, or is treated as being, an employed person, and in relation to Finland, a person who belongs to a social insurance scheme according to the Finnish legislation;

(*h*) "insurance period" means, in relation to the territory of the United Kingdom, a contribution period or an equivalent period; and, in relation to Finland, a period during which a person has belonged to a social insurance scheme according to the Finnish legislation;

(*i*) "contribution period" means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation of one (or the other) Party;

(*j*) "equivalent period" means, in relation to the territory of the United Kingdom, a period for which contributions appropriate to the benefit in question have been credited under the legislation of that Party;

(*k*) "dependant" means a person who would be treated as such for the purpose of any claim to receive benefit in respect of a dependant under the legislation of the territory of the United Kingdom or Finland;

(*l*) "pension", "allowance" or "benefit" include any increase of, or any additional amount payable with a pension, allowance or benefit respectively;

(*m*) "sickness benefit" means, in relation to the territory of the United Kingdom, sickness benefit payable under the legislation of that Party and, in relation to Finland, the daily allowance payable during a period of disability as a result of sickness;

(*n*) "unemployment benefit" means, in relation to the territory of the United Kingdom, unemployment benefit payable under the legislation of that Party and, in relation to Finland, the benefits payable under the National Unemployment Funds Act and the Employment Act;

(*o*) "maternity benefit" means, in relation to the territory of the United Kingdom, maternity grant and maternity allowance payable under the legislation of that Party, and in relation to Finland, the daily allowance payable during the confinement or maternity under the Sickness Insurance Act and the cash benefit payable under the Maternity Grant Act;

(*p*) "invalidity pension" means, in relation to the territory of the United Kingdom, invalidity benefit, other than non-contributory invalidity pension, payable under the legislation of that Party, and in relation to Finland, pensions payable during invalidity under the Employment Pension legislation;

(*q*) "old age pension" means, in relation to the territory of the United Kingdom, a retirement pension payable under the legislation of that Party and, in relation to Finland, pensions payable after reaching a certain pensionable age according to the National Pension legislation and the Employment Pension legislation;

(*r*) "widow's benefit" means, in relation to the territory of the United Kingdom, widow's allowance, widowed mother's allowance and widow's pension payable under the legislation of that Party, and in relation to Finland, survivor's pension to widows and to children in her care according to the Survivors' Pensions Act and the Employment Pension legislation;

(*s*) "ship or vessel" means, in relation to the territory of the United Kingdom, any ship or vessel whose port of registry is a port in the territory of the United Kingdom or, in the case of a hovercraft, which is registered in and whose owner has a place of business in the territory of the United Kingdom or any other ship or vessel of which the owner (or managing owner if there is more than one owner) or manager resides or has his principal place of business in that territory and, in relation to Finland, any ship or vessel which sails under the Finnish flag;

(*t*) "gainfully occupied" means being an employed or self-employed person;

(*u*) "employed person" means a person who comes within the definition of an employed person or an employed earner or a person who is treated as such in the applicable legislation and the words "person is employed" shall be construed accordingly;

(*v*) "employment" means employment as an employed person and the words "employ", "employed" or "employer" shall be construed accordingly;

(*w*) "self-employed person" means a person who comes within the definition of a self-employed person or a self-employed earner or a person who is treated as such in the applicable legislation and the words "person is self-employed" shall be construed accordingly.

(2) Other words and expressions which are used in the Convention have the meanings respectively assigned to them in the legislation concerned.

ARTICLE 2

(1) The provisions of this Convention shall apply:

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

(i) the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975;

(ii) the Social Security Act 1975 (an Act of Parliament) as applied to the Isle of Man by orders made under the provisions of the Social Security Legislation (Application) Act 1974 (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 the Social Security Legislation (Application) (Child Benefit) Order 1976, an order made by virtue of Section 1 of the Social Security Legislation (Application) Act 1974 (an Act of Tynwald);

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

(*b*) in relation to Finland to:

(i) the Sickness Insurance Act of 4 July 1963 and the Maternity Grant Act of 13 June 1941;

(ii) the Accident Insurance Act of 20 August 1948 and the Occupational Diseases Act of 29 December 1967, and the laws connected with them;

(iii) the National Pensions Act of 8 June 1956, the Survivors' Pensions Act of 17 January 1969, the Assistance Supplements and Housing Allowances Act of 4 July 1969 and the Child Care Allowances Act of 4 July 1969, and the laws connected with them;

(iv) the Employees' Pensions Act of 8 July 1961, the Temporary Employees' Pensions Act of 9 February 1962, the Farmers' Pensions Act of 14 July 1969, the Self-Employed Pensions Act of 14 July 1969, the Seamen's Pension Act of 26 January 1956, the Pensions Act for the Employees of the Local Government of 30 April 1964, the Pensions Act for the Trusted Persons of the Local Government of 21 July 1977, the Evangelical-Lutheran Church Pensions Act of 20 May 1966, the Evangelical-Lutheran Church Survivors' Pensions Act of 10 April 1970, the Government Employees' Pensions Act of 20 May 1966, and the Government Employees' Survivors' Pensions Act of 31 December 1968, and the laws connected with them;

(v) the Child Allowance Act of 22 July 1948;

(vi) the National Unemployment Funds Act of 23 March 1934 and the Employment Act of 23 December 1971.

(2) Subject to the provisions of paragraph (4) of this Article, this Convention shall also apply to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article and to any legislation which is not specified in paragraph (1)(b) of this Article but which relates to contributions appropriate to the benefits under the legislation there specified.

(3) 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 arrangement to that effect.

(4) This Convention shall not apply to any agreement on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such an agreement.

(5) Reciprocity in the field of medicine and public health, including the provision of immediate treatment of nationals of one Party while they are temporarily in the territory of the other Party, is provided for in a protocol signed simultaneously with this Convention.

ARTICLE 3

(1) A person subject to the legislation of one Party who becomes resident in the territory of the other Party shall, together with his dependants, be subject to the obligations and shall enjoy the advantages of the legislation of the other Party under the same conditions as a national of that Party, subject to any special provision of this Convention.

(2) For the purpose of Article 8 of the Supplementary Benefits (Northern Ireland) Order 1977, a national of either Party shall be treated as if he had been resident in the United Kingdom during any period during which he was resident in Finland.

ARTICLE 4

(1) Subject to the provisions of Articles 11 to 22 of this Convention, where a person would be entitled to old age pension or widow's benefit or any pension, allowance or gratuity payable in respect of an industrial injury or industrial disease under the legislation of one Party if he