Reciprocal Agreement with Yugoslavia

ORDER IN COUNCIL, DATED 22ND AUGUST, 1958, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SECTION EIGHTY-FOUR OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1958. No. 151 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas at London on the twenty-fourth day of May, 1958, a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia (which Convention is set out in the Schedule and is hereinafter referred to as "the Convention") was signed on behalf of those Governments:

And whereas by Article 40 of the Convention it was provided that the Convention should enter into force on the first day of the second month following the month in which the instruments of ratification had been exchanged:

And whereas the Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Federal People's Republic of Yugoslavia and the instruments of ratification were exchanged on the twenty-eighth day of July, 1958, and accordingly the Convention enters into force on the first day of September, 1958:

And whereas by section sixty-one of the National Insurance Act (Northern Ireland), 1946(**a**), as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956(**b**), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**c**), it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting those Acts in their application to cases affected by agreements with other governments providing for reciprocity in the matters specified in those sections:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of the said section sixty-one of the National Insurance Act (Northern Ireland), 1946, as so extended, and the said section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:—

(**a**) 1946. c.23. (**b**) 1956. c.8. (**c**) 1946. c.21.

1. This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Yugoslavia) Order (Northern Ireland), 1958, and shall come into operation on the first day of September, 1958.

2. The provisions contained in the Convention set out in the Schedule shall have full force and effect, so far as the same relate to Northern Ireland and provide by way of agreement with the Government of the Federal People's Republic of Yugoslavia for reciprocity in any matters specified in either subsection (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946, as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, or subsection (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and accordingly the Family Allowances Acts (Northern Ireland), 1945 to 1956(a), the National Insurance Acts (Northern Ireland), 1946 to 1957(b), and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1957(c), shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

Given at Government House, Hillsborough, this twenty-second day of August, one thousand nine hundred and fifty-eight.

Terence O'Neill
Ivan Neill
W. M. May
Alex. R. G. Gordon

SCHEDULE

Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia

London, May 24, 1958

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one Contracting Party should receive, under the social security legislation of the other, equal treatment with the nationals of the latter,

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(a) 1945. c.19; 1952. c.14; 1956. c.8.
(b) 1946. c.23; 1949. c.20; 1951. c.18; 1952. c.14; 1953. c.27; 1955. c.1; 1955. c.10; 1956. c.8; 1957. c.7; 1957. c.26.
(c) 1946. c.21; 1948. c.20; 1951. c.18; 1952. c.14; 1953. c.30; 1955. c. 1; 1956. c.8; 1957. c.7; 1957. c.26.

Desirous of giving effect to this principle and of making arrangements enabling their nationals, who go from the territory of one Party to the territory of the other, either to keep any rights which they have acquired under the legislation of the former Party or to enjoy corresponding rights under the legislation of the latter,

Have agreed as follows:—

PART I.—DEFINITIONS AND SCOPE

Article 1

For the purpose of the present Convention, unless the context otherwise requires—

(*a*) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Yugoslavia, the territory of the Federal People's Republic;

(*b*) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Yugoslavia, a citizen of the Federal People's Republic;

(*c*) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;

(*d*) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Minister of Health, the Secretary of State for Scotland, the Ministry of Labour and National Insurance for Northern Ireland, the Ministry of Health and Local Government for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Yugoslavia, the Secretariats of the Federal Executive Council responsible for the administration of the legislation specified in sub-paragraph (*b*) of paragraph (1) of Article 2;

(*e*) "social security authority" means, in relation to the United Kingdom, the competent authority of the United Kingdom, and, in relation to Yugoslavia, the Federal Institute for Social Security;

(*f*) "child" means, in relation to any person, a child within the meaning of the legislation which is being applied, who is treated under that legislation as being a child of that person or included in his family;

(*g*) "parent" includes a person who is treated as a parent under the legislation which is being applied;

(*h*) "dependant" means a person who is treated as such under the legislation which is being applied;

(*i*) "employed person" means a person who comes within the definition of an employed person (or a person who is treated as an employed person) in the legislation which is

being applied; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment;

(*j*) "benefit" means any pension, allowance or other cash benefit payable under the legislation of one (or the other) Party and includes any additional allowance payable therewith and any increase payable for a dependant;

(*k*) "medical benefit" means, in relation to the United Kingdom, any benefit in kind provided under the legislation specified in sub-paragraph (*a*)(iii) of paragraph (1) of Article 2 of the Convention, and, in relation to Yugoslavia, any benefit in kind provided under the Yugoslav scheme of health insurance;

(*l*) "sickness benefit" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom other than invalidity pension;

(*m*) "invalidity pension" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to an insured person—

(i) for a period of interruption of employment as defined in that legislation after the lapse in that period of three hundred and twelve days for each of which he has been entitled to receive such benefit;

(ii) for a period immediately after he has ceased to be entitled to receive sickness benefit under the legislation of Yugoslavia; or

(iii) in accordance with the provisions of paragraph (3) or (4) of Article 14;

(*n*) "old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension, as defined in the legislation of the United Kingdom;

(*o*) "insurance period" means a period for which an insured person has paid contributions relevant to the benefit in question or has had such contributions paid in respect of him;

(*p*) "equivalent period" means a period for which an insured person has had contributions credited to him which are relevant to the benefit in question;

(*r*) "children's allowance" means, in relation to the United Kingdom, a family allowance payable under the legislation of the United Kingdom.

Article 2

(1) The provisions of the present Convention shall apply—

(*a*) In relation to the United Kingdom, to—

(i) the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts;

(ii) the National Insurance (Industrial Injuries) Act, 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948;

(iii) the National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, the Health Services Act (Northern Ireland), 1948, and the National Health Service (Isle of Man) Act, 1948;

(iv) the Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946;

(*b*) in relation to Yugoslavia, to the legislation of Yugoslavia concerning—

(i) the social insurance of employed persons and their families;

(ii) children's allowances;

(iii) allowances for employed persons who are temporarily unemployed.

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

(3) The Convention shall apply, only if the Contracting Parties so agree, to any law or regulation which amends or supplements the legislation specified in paragraphs (1) and (2) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with a third party.

(4) The Convention shall apply to any law or regulation of one (or the other) Party which extends insurance to a new class of persons or relates to a new branch of social security, unless either Party objects and gives notice to the other to that effect within three months of the official communication of the said law or regulation in accordance with paragraph (3) of Article 31 of the Convention.

PART II.—GENERAL PROVISIONS

Article 3

Subject to the provisions of the present Convention, a national of one Contracting Party shall be entitled to enjoy the advantages of the legislation of the other Party under the same conditions as if he were a national of the latter Party.

Article 4

(1) Subject to the provisions of paragraph (2) of this Article and Article 6, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall, and the legislation of the other Party shall not, apply to his employment.