Reciprocal Agreement with Italy

ORDER IN COUNCIL, DATED 10TH JULY, 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. 130 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas at Rome on the twenty-ninth day of January, 1957, a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Italian Republic (which Convention is set out in the Schedule) was signed on behalf of those Governments:

And whereas by Article 39 of the said Convention it was provided that the Convention should enter into force on the first day of the month following the month in which the instruments of ratification had been exchanged:

And whereas the said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Italian Republic and the instruments of ratification were exchanged on the fifth day of June, 1958, and accordingly the Convention enters into force on the first day of July, 1958:

And whereas by section sixty-one of the National Insurance Act (Northern Ireland), 1946(a), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(b), 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, 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:—

1. This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order (Northern Ireland), 1958, and shall come into operation with effect from the first day of July, 1958.

(a) 1946. c.23. (b) 1946. c.21.

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 Italian Republic for reciprocity in any matters specified in either subsection (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946, or subsection (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and accordingly the National Insurance Acts (Northern Ireland), 1946 to 1957(a), and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1957(b), 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 tenth day of July, one thousand nine hundred and fifty-eight.

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

SCHEDULE

Convention between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on Social Insurance in Northern Ireland and Italy

Rome, January 29, 1957

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Italian Republic,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one Contracting Party should receive under the social insurance schemes in operation in the territory of the other equal treatment with the nationals of the latter,

Desirous of giving effect to this principle and further of making arrangements whereby, in certain cases, the benefits of the social insurance schemes of each Contracting Party shall be granted to persons in the territory of the other,

Have agreed as follows:—

PART I—DEFINITIONS AND APPLICATION

Article 1

For the purpose of the present Convention—

(1) "territory" means, in relation to the United Kingdom, Northern Ireland, and, in relation to the Italian Republic, Italy;

(a) 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.

(b) 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.

(2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to the Italian Republic, an Italian citizen;

(3) "legislation" means, according to the context, the legislation in force in the territory of one (or the other) Contracting Party which is specified in Article 2, and references to the legislation of one (or the other) Contracting Party shall be construed accordingly;

(4) "competent authority" and "insurance authority" mean, in relation to the Italian Republic, respectively the Minister of Labour and Social Security and an Insurance Institute entrusted with the management of one or more Italian insurance schemes, whereas, in relation to the United Kingdom, the above-mentioned expressions both mean the Ministry of Labour and National Insurance for Northern Ireland:

(5) "employed person" means a person who comes within the definition of an employed person (or of a person who is treated as an employed person) in the legislation of one (or the other) Contracting Party; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment;

(6) "old age pension" means, in relation to the United Kingdom, an old age pension or a retirement pension as defined in the legislation specified in sub-paragraph (*a*)(i) of paragraph (1) of Article 2.

Article 2

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

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

(i) The National Insurance Act (Northern Ireland), 1946, and the legislation in force before the 5th of July, 1948, which was replaced by that Act, establishing insurance schemes in respect of unemployment, sickness, widowhood, orphanhood, old age and death and of the confinement of women, and

(ii) The National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, establishing an insurance scheme in respect of personal injury caused by industrial accident and of prescribed diseases and injuries due to employment;

(*b*) in relation to the Italian Republic, to the legislation providing for—

(i) general insurance in respect of invalidity, old age and survivors,

(ii) insurance against industrial accidents and occupational diseases,

(iii) insurance against sickness,

(iv) insurance against tuberculosis,

(v) the physical and economic welfare of women workers in respect of maternity in so far as that legislation concerns the payment of benefits in cash to such women for pregnancy and child-birth,

(vi) special schemes of insurance for prescribed classes of employed persons (namely, for the staff of undertakings which have a concession to operate a public transport or telephone service, for the staff of agencies which have a contract to collect taxes and for seamen), in so far as such schemes relate to the risks and the benefits covered by the legislation set out in items (i) to (v) of this sub-paragraph,

(vii) unemployment insurance.

(2) The present Convention shall also apply to any legislation which has amended or supplemented, or which may in future amend or supplement, the legislation referred to in paragraph (1) of this Article.

(3) The present Convention shall not apply to legislation which may be enacted extending to new classes of persons the insurance schemes mentioned in this Article, unless the Contracting Parties make an agreement to that effect.

PART II—GENERAL PROVISIONS

Article 3

(1) A national of one Contracting Party shall be subject to the obligations and shall enjoy the benefits of the legislation of the other Party under the same conditions as if he were a national of the latter.

(2) Subject to the provisions of Sections 3 and 4 of Part III, nothing in the present Convention shall be deemed to confer upon any person a right to be paid in respect of the same period benefits of the same kind under the legislation of both Parties.

Article 4

The present Convention shall not apply to established members of the Foreign Service of either Contracting Party.

Article 5

(1) Subject to the provisions of paragraph (2) of this Article, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall, notwithstanding any provision thereof to the contrary, apply to him; and contributions in respect of his employment shall not be payable under the legislation of the other Party.

(2)—(*a*) Where a national of either Party, ordinarily resident in the territory of one Party and in the service of an employer who has a place of business there, is sent in the course of his employment to work in the territory of the other Party, the legislation of the former Party shall apply to that national as if he were employed in the territory of the former Party, provided

that his employment in the latter territory is not expected to last for a period of more than six months. If, however, the employment should continue after such period, the legislation of the Party in whose territory the person concerned is employed shall apply to him.

(*b*) Where a national of either Party is employed by a transport undertaking in the operation of, or on, road or rail vehicles in the territory of one (or the other) Party, the legislation of the Party, in whose territory the transport undertaking has its head office, shall apply to him as if he were employed in that territory.

(3) The competent authorities may from time to time agree that the provisions of paragraphs (1) or (2) of this Article shall not be applied to particular persons or classes of persons.

(4) Where a national of either Party is employed in the territory of one Party, and the legislation of the other Party applies to him in accordance with the provisions of paragraph (2) of this Article, he shall, for the purpose of any title to, or payment of, cash benefit for sickness, maternity, industrial accident or occupational disease or injury, under such legislation, be treated—

(*a*) in respect of sickness and maternity benefit, as if he were in the territory of the latter Party, and

(*b*) in respect of benefit for an industrial accident occuring or an occupational disease or injury contracted or received, during such employment, as if the accident had occurred, or the disease had been contracted or the injury had been received, in the territory of the latter Party.

(5) If a national of either Party and his wife are in the territory of one Party, and the legislation of the other Party applies to him in accordance with the provisions of paragraph (2) of this Article, his wife shall, for the purpose of any title to, or payment of, cash benefit to her in respect of maternity under such legislation, be treated as if she were in the territory of the latter Party.

(6) For the purpose of applying paragraphs (4) and (5) of this Article maternity benefit and cash benefit in respect of maternity mean, in relation to the legislation of the United Kingdom, maternity benefit other than home confinement grant.

Article 6

Subject to the provisions of Article 4—

(*a*) Where an Italian citizen employed in the Government service of Italy and insured under the legislation of the Italian Republic is sent to the territory of Northern Ireland, the legislation of the Italian Republic shall apply to him as if he were employed in the territory of Italy. The provisions of paragraphs (4) and (5) of Article 5 shall also apply to him;

(*b*) where a citizen of the United Kingdom and Colonies employed in the Civil Service of Northern Ireland and insured under the legislation of the United Kingdom is