NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Reciprocal Agreement with:
France, p. 422
Israel, p. 443
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Reciprocal Agreement with France

ORDER IN COUNCIL, DATED 22ND MAY, 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. 101 [NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND
WAKEHURST

Whereas at Paris on the tenth day of July, 1956, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on social security (which Convention is set out in the Schedule) was signed on behalf of those Governments:

And whereas by Article 49 of the said 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 said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the French Republic and the instruments of ratification were exchanged on the thirty-first day of March, 1958, and accordingly the said Convention enters into force with effect from the first day of May, 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

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

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 France) Order (Northern Ireland), 1958, and shall come into operation on the first day of May, 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 French 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 twenty-second day of May, one thousand nine hundred and fifty-eight.

Terence O'Neill
Ivan Neill
W. M. May
Brian Maginess

SCHEDULE

Convention on Social Security between the United Kingdom and France

Paris, July 10, 1956

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French 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 security legislation of the other equal treatment with the nationals of the latter,

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 the rights

(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.

which they have acquired under the legislation of the former Party or to enjoy corresponding rights under the legislation of the latter,

Desirous further of making arrangements for insurance periods completed under the legislation of the two Parties to be added together for the purpose of determining the right to receive benefit,

Have agreed as follows:—

PART I.—DEFINITIONS

Article 1

For the purpose of the present Convention—

(1) " territory " means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to France, Metropolitan France, its overseas Departments (Guadaloupe, French Guiana, Martinique and Reunion) and Algeria;

(2) " national " means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to France, a person having French nationality and any French protected person belonging to French Togoland or the French Cameroons;

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

(4) " competent authority " means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, as the case may require, and, in relation to France, the Ministers responsible for the legislation specified in Article 2;

(5) " social security authority " means, in relation to the United Kingdom, the Ministry of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, or the Statutory Authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to France, the appropriate administrative authority specified in the legislation of France;

(6) " 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;

(7) " dependant " means, in relation to the United Kingdom, 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 United Kingdom, and, in relation to France, a person who comes within the definition of a dependant in the legislation of France;

(8) " insurance period " means, in relation to the United Kingdom, a period in respect of which contributions, appropriate to the benefit in question, have been paid under the legislation of the United Kingdom, and, in relation to France, an insurance period or contribution period recognised under the legislation of France;

(9) " equivalent period " means, in relation to the United Kingdom, a period in respect of which contributions, appropriate to the benefit in question, have been credited under the legislation of the United Kingdom, and, in relation to France, a period recognised under the legislation of France as equivalent to an insurance period;

(10) the words " benefit " and " pension " include any increase in the benefit or pension and any additional allowances payable therewith;

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

(12) " invalidity pension " means—

(*a*) in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom,

(i) which becomes payable to a person in respect of a period of interruption of employment as defined in that legislation after he has been entitled in that period to receive such benefit for three hundred and twelve days; or

(ii) which becomes payable by the social security authority of the United Kingdom in accordance with the provisions of paragraph (3) or (4) of Article 19;

(*b*) in relation to France, invalidity pension as defined in the legislation of France;

(13) " old age pension " means, in relation to the United Kingdom, a contributory old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to France, an old age pension, or annuity or allowance as defined in the legislation of France which is payable by virtue of the payment of contributions to a sufficient amount;

(14) " benefit in respect of death " means a lump sum payment made in respect of death.

PART II.—SCOPE

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;

(*b*) in relation to France, to—

(i) the legislation relating to the organisation of the social security schemes;

(ii) the social insurance legislation applicable to persons employed in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and benefits in respect of maternity expenses;

(iii) the social insurance legislation applicable to persons employed and persons treated as employed in agricultural employment, and concerning the same insurance and benefits;

(iv) the legislation relating to the contributory scheme for old age allowances for non-employed persons;

(v) the legislation on the prevention of, and compensation for, industrial accidents and occupational diseases;

(vi) special social security schemes, in so far as they deal with the insurance or benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the scheme of social security in the mining industry.

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

(3) The Convention shall apply to laws, orders or regulations which extend insurance to new classes of persons or relate to a new branch of social security, unless either Contracting Party decides that it shall not apply and gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 37 of the Convention.

(4) The Convention shall apply to laws, orders and regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement on social security only if the Contracting Parties so decide.

PART III.—GENERAL PROVISIONS

Article 3

A national of one Contracting Party shall be entitled to receive the benefits of the legislation of the other Party under the same conditions as if he were a national of the latter Party.