ARTICLE 43

In the event of the termination of the present Convention, any right acquired by a person in accordance with its provisions shall be maintained, and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

ARTICLE 44

The present Convention shall be ratified and the instruments of ratification shall be exchanged in Luxembourg as soon as possible. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

ARTICLE 45

The present Convention shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Convention.

Done in duplicate at London this 13th day of October, 1953, in the English and French languages, both texts being equally authoritative.

Osbert Peake.

N. Biever.

Reciprocal Agreement with the Netherlands

ORDER IN COUNCIL, DATED 30TH JUNE, 1955, 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.

1955. No. 122 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

WHEREAS at The Hague on the eleventh day of August, nineteen hundred and fifty-four a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands on social security (which Convention is set out in the Schedule hereto) 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 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 Kingdom of the Netherlands, and the instruments of ratification were exchanged on the 23rd day of May, 1955, and accordingly the said Convention entered into force on the 1st day of June, 1955:

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 the Netherlands) Order (Northern Ireland), 1955, and shall come into operation with effect from the 1st day of June, 1955.

2. The provisions contained in the Convention set out in the Schedule to this Order shall have full force and effect, so far as the same relate to Northern Ireland, and the National Insurance Acts (Northern Ireland), 1946 to 1955, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1955, 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 thirtieth day of June, one thousand nine hundred and fifty-five.

Brian Maginess
Ivan Neill
Harry Midgley
John F. Gordon

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

SCHEDULE

Convention on Social Security between the United Kingdom and the Kingdom of the Netherlands

The Hague, August 11, 1954

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

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 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 AND SCOPE

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 the Kingdom of the Netherlands, the territory in Europe;

(2) " national " means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to the Kingdom of the Netherlands, a person having Netherlands nationality;

(3) " 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;

(4) " competent authority " means, in relation to the United Kingdom, the Minister, Ministry or Board responsible for the administration of the legislation specified in Article 2, and, in relation to the Kingdom of the Netherlands, the Minister responsible for the administration of that legislation;

(5) " social security 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 the Kingdom of the Netherlands, the appropriate administrative authority specified in the legislation of the Kingdom of the Netherlands;

(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 a person who would be treated as such for the purpose of any claim to receive a dependant's allowance under the legislation which is being applied;

(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 the Kingdom of the Netherlands, an insurance period completed under the legislation of the Kingdom of the Netherlands;

(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 the Kingdom of the Netherlands, a period recognised under the legislation of the Kingdom of the Netherlands 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 the Kingdom of the Netherlands, sickness benefit as defined in the legislation of the Kingdom of the Netherlands;

(12)—(*a*) "invalidity pension" means, 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 (5) of Article 16;

(*b*) "invalidity pension" means, in relation to the Kingdom of the Netherlands, an invalidity pension as defined in the legislation of the Kingdom of the Netherlands;

(13) "old age pension" means, in relation to the United Kingdom, an old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to the Kingdom of the Netherlands, an old age pension as defined in the legislation of the Kingdom of the Netherlands.

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 the Kingdom of the Netherlands, to—

(i) the laws and regulations concerning sickness insurance, including maternity benefits in cash, but excluding all benefits in kind,

(ii) the laws and regulations concerning insurance providing compensation for old age, invalidity and early death,

(iii) the laws and regulations concerning industrial accidents and industrial diseases,

(iv) the laws and regulations concerning unemployment insurance,

(v) the regulation concerning the system of invalidity and old age insurance for workers in the mining industry and other workers who are treated as such.

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

(3) The Convention shall not apply to laws or regulations which extend insurance to new classes of persons or relate to a new branch of social security, if either Contracting Party so decides and gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 38 of the Convention.

(4) The Convention shall apply to laws 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 II.—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.

Article 4

(1) Subject to the provisions of paragraph (2) of this Article and of Articles 5 and 8, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall apply to him, even if he is ordinarily resident in the territory of the other Party, and even if his employer or the registered office or principal place of business of the undertaking which employs him is in the latter territory.