SCHEDULE

ARTICLE 1

Provisions of the Act	Subject Matter	Appointed Day
Section 1(1) and First Schedule	Higher rates of contributions under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(a) ...	6th June, 1955
Section 1(2) and Second Schedule	Higher rates and amounts of benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in the case of—	
	(a) death benefit	25th April, 1955
	(b) any other benefit	19th May, 1955
Section 2(1) and Third Schedule	Higher rates of contributions under the National Insurance Act (Northern Ireland), 1946(b)	6th June, 1955
Section 2(2) and Fourth Schedule	Higher rates and amounts of benefit under the National Insurance Act (Northern Ireland), 1946, in the case of—	
	(a) widow's benefit	25th April, 1955
	(b) guardian's allowance	25th April, 1955
	(c) retirement pension	25th April, 1955
	(d) maternity benefit	16th May, 1955
	(e) unemployment and sickness benefit	19th May, 1955
Section 2(2) and Fourth Schedule	Consequential amendment of Part II of the Second Schedule to the National Insurance Act (Northern Ireland), 1946, in relation to death grant	16th May, 1955
Section 3 and Fifth Schedule	Consequential amendments of—	
	(a) the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946—	
	(i) sections 14 and 29	19th May, 1955
	(ii) section 30 and Fourth Schedule	25th April, 1955
	(b) the National Insurance Act (Northern Ireland), 1946—	
	(i) sections 16 and 22	25th April, 1955
	(ii) section 25	19th May, 1955
	(c) the National Insurance Act (Northern Ireland), 1951(c)	25th April, 1955
	(d) the National Insurance Act (Northern Ireland), 1953(d)	16th May, 1955

Reciprocal Agreement with Luxembourg

ORDER IN COUNCIL, DATED 4TH APRIL, 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. 77 [NC]

(a) 1946, c.21. (b) 1946, c.23. (c) 1951, c.18. (d) 1953, c.27.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND
WAKEHURST

WHEREAS at London on the thirteenth day of October, nineteen hundred and fifty-three, a Convention on social security was signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Grand Duchy of Luxembourg:

AND WHEREAS by Article 44 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 Grand Duchy of Luxembourg, and the instruments of ratification were exchanged on the fourteenth day of February, nineteen hundred and fifty-five, and accordingly the said Convention enters into force on the first day of April, nineteen hundred and fifty-five:

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 Luxembourg) Order (Northern Ireland), 1955, and shall come into operation forthwith.

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.

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

Given at Government House, Hillsborough, this fourth day of April, one thousand nine hundred and fifty-five.

Brian Maginess
Geo. B. Hanna
Ivan Neill
Glentoran

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE UNITED KINGDOM AND THE GRAND DUCHY OF LUXEMBOURG

London, October 13, 1953

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Grand Duchy of Luxembourg,

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 Grand Duchy of Luxembourg, its national territory;

(2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Luxembourg, a person having Luxembourg 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 of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, and the Isle of Man Board of Social Services as the case may require, and in relation to the Grand Duchy of Luxembourg, the Minister responsible for the legislation specified in Article 2;

(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 Luxembourg, the appropriate administrative authority specified in the legislation of Luxembourg;

(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 an additional allowance under the legislation of the United Kingdom, and, in relation to Luxembourg, a person who comes within the definition of a dependant in the legislation of Luxembourg;

(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 Luxembourg, an insurance period as defined in the legislation of Luxembourg;

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

(12) "invalidity pension" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to a person in respect of 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 either sickness benefit under the legislation of one (or the other) Party, or an invalidity pension under the legislation of Luxembourg;

"invalidity pension" means, in relation to Luxembourg, an invalidity pension as defined in the legislation of Luxembourg;

(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 Luxembourg, an old age pension as defined in the legislation of Luxembourg.

ARTICLE 2

(1) The provisions of the present Convention shall apply, in relation to the United Kingdom, to the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, the legislation in force before the 5th July, 1948, which was replaced by those Acts, 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; and, in relation to Luxembourg, to the laws and regulations concerning sickness and maternity insurance, old age, invalidity and death insurance, and insurance against industrial accidents and industrial diseases.

(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 6, 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 principal place of business of the undertaking which employs him is in the latter territory.

(2)—(*a*) Where a national of either Party, who is ordinarily resident in the territory of one Party, and is in the service of an employer who is ordinarily resident in the territory of that Party or has a place of business there, is employed in the territory of the other Party, the legislation of the former Party shall apply to that person 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 his employment in the latter territory should for unforeseen reasons continue after such period of six months, the legislation of the former Party shall continue to apply to him for any further period of not more than six months, provided that the competent authority of the latter Party agrees thereto before the end of the first period of six months.

(*b*) Where a national of either Party is employed by a transport undertaking 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 principal place of business shall apply to him as if he were employed in that territory and as if any conditions relating to nationality, residence or domicile were satisfied in his case.

(*c*) Where a national of either Party, ordinarily resident in the territory of one Party and employed on an aerodrome in the territory of the other Party, is paid remuneration in respect of that employment by an air transport undertaking which has its principal place of business in the territory of the former Party, the legislation of the former Party shall apply to that national as if he were employed in its territory, and the said air transport undertaking shall be treated as the employer for the purposes of such legislation.

ARTICLE 5

(1) For the purpose of this Article, " aircraft of one (or the other) Party ' means, according to the context,

(*a*) an aircraft registered in the territory of the United Kingdom, or

(*b*) an aircraft registered in the territory of Luxembourg.

(2) Subject to the provisions of paragraph (3) of this Article, where a national of either Contracting Party, ordinarily resident in the territory of one Party, is employed on board any aircraft of the other Party, the legislation of the latter Party shall apply to him as if any conditions relating to nationality, residence or domicile were satisfied in his case.