Reciprocal Agreement with France

ORDER IN COUNCIL, DATED 29TH MAY, 1952, 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.

1952. No. 103

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

I, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, Governor of Northern Ireland, in pursuance of 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, 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.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland), 1952.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Agreement on Social Security set out in the First Schedule to this Order as applied by the supplementary Agreement on Social Security set out in the Second 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 1951, shall have effect subject to such modifications as may be required for the purpose of giving effect to those provisions as so applied.

Given at Government House, Hillsborough, this twenty-ninth day of May, 1952.

J. M. Sinclair
Brian Maginess
Ivan Neill
John M. Andrews

FIRST SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC REGARDING THE RECIPROCAL APPLICATION OF THE SOCIAL SECURITY SCHEMES OF FRANCE AND NORTHERN IRELAND.

Paris, 28th *January*, 1950

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

and

the Government of the French Republic,

desirous of guaranteeing the benefits of the laws on social security in force in France and Northern Ireland to the persons to whom those laws apply or have been applied, have agreed upon the following provisions :—

PART I— GENERAL PRINCIPLES

Article 1

1. British or French nationals shall be subject respectively to the social security legislation as set out in Article 2 of the present Agreement, in force in France or Northern Ireland, and they shall enjoy the benefits thereof under the same conditions as nationals of each country respectively.

2. British or French nationals who, having been registered under the Northern Ireland compulsory insurance scheme, leave Northern Ireland to proceed to France, and who, in the latter country, do not satisfy the conditions required for them to become subject to compulsory insurance, may claim the benefit of voluntary old-age insurance subject to the same conditions and time-limits, as employed persons who cease to belong to the French compulsory insurance scheme.

Article 2

1. The legislative measures respecting social security covered by the present Agreement shall be :—

(1) In *Northern Ireland* —

(*a*) the legislation relating to the system of national insurance and concerning insurance against sickness, old age and death (including widowhood, orphanhood and death grant) and payments in respect of the confinement of women ;

(*b*) the legislation relating to the system of national insurance and concerning insurance against personal injury by accident, and against prescribed diseases and injuries, due to employment.

(2) In *France* —

(*a*) the general legislation governing the social insurance system applicable to insured persons in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and the covering of maternity expenses ;

(*b*) the social insurance legislation applicable to employed persons and persons treated as employed persons, in agricultural employment and concerning the covering of the same risks and charges ;

(*c*) the legislative measures concerning the prevention of, and compensation for, industrial accidents and occupational diseases ;

(*d*) special social security schemes, in so far as they deal with the risks or benefits covered by the legislative measures referred to in the foregoing paragraphs, and, in particular, the system of social security in the mining industry.

2. The present Agreement shall also apply to any laws or regulations which have amended or supplemented, or which may in future amend or supplement, the laws referred to in the first paragraph of the present Article.

Nevertheless the present Agreement shall not apply —

(*a*) to laws or regulations covering a new branch of social security unless an arrangement to that effect be agreed upon between the contracting Governments ;

(*b*) to laws or regulations extending existing schemes to new classes of beneficiaries, if the Government concerned lodges an objection with the other Government within a period of three months after the official publication of the said laws or regulations.

Article 3

1. Employed persons or persons treated as employed persons under the laws applicable in each of the countries, who are employed in either country, shall be subject to the laws in force at their place of employment.

2. The following exceptions shall be made to the principle laid down in paragraph 1 of the present Article :—

(*a*) employed persons, or persons treated as employed persons, who are employed in a country other than that of their normal residence by an undertaking having in such country of residence an establishment to which the persons concerned normally belong, shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country is not expected to exceed six months ;

(*b*) persons connected with transport undertakings in either country who are employed in the mobile sections (travelling personnel) of these undertakings shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office.

3. The competent authorities of the contracting States may provide, by mutual agreement, for exceptions to the rules laid down in paragraphs 1 and 2 of the present Article. They may also agree that the exceptions provided for in paragraph 2 shall not be applied in certain particular cases.

Article 4

1. The provisions of paragraph 1 of Article 3 shall be applicable to employed persons or persons treated as employed persons whatever their nationality, who are employed in French diplomatic or consular offices in Northern Ireland or who are in the personal employ of officers of the French diplomatic or consular service in that country.

Nevertheless, the present Article shall not apply to diplomatic and consular officers *de carrière*.

2. The provisions of sub-paragraph (*a*) of paragraph 2 of Article 3 may, by agreement between the contracting Governments, be applied to employed persons, or persons treated as such, who are of French nationality and who are employed in diplomatic or consular offices in Northern Ireland, having been posted temporarily in that country, even if they are expected to remain there for more than six months.

The provisions of this paragraph shall also apply to civil servants of one country employed in the other country other than diplomatic or consular officers *de carrière*.

PART II— SPECIAL PROVISIONS

SECTION 1— INSURANCE AGAINST SICKNESS, MATERNITY, DEATH

Article 5

French or British nationals registered under the compulsory insurance scheme in France or Northern Ireland who change their place of residence from one country to the other and who, in the latter country, become subject to compulsory insurance from the time of their arrival, shall, together with the legally entitled members of their household, enter into benefit in respect of the sickness, maternity and death insurance schemes of that country as soon as they fulfil the conditions required for eligibility for benefit under the legislation of that country, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the insurance periods completed consecutively in the two countries.

Furthermore, as regards sickness insurance, the illness must have become apparent after the insured persons became subject to compulsory insurance in the new country of residence.

SECTION 2 — FRENCH INVALIDITY INSURANCE AND LONG-TERM SICKNESS BENEFIT UNDER THE NORTHERN IRELAND INSURANCE SCHEME

A — Establishment of the Right to Benefit and its Award and Payment

Article 6

1. For French or British nationals who, in the two countries, have been insured for different periods under one or more insurance schemes, the insurance periods completed under these schemes or the periods recognised as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of this right.

2. Cash benefits under the French invalidity insurance system and long-term sickness benefit under the Northern Ireland insurance system shall be paid in accordance with the law applicable to the person concerned at the time of the first medical declaration of sickness or accident for purposes of the French legislation and the first medical declaration of incapacity for work for the purposes of the Northern Ireland legislation and the costs shall be borne by the social security authority competent under the terms of that law.

Article 7

If, after suspension or discontinuance of the invalidity pension, or of long-term sickness benefit under the Northern Ireland insurance scheme, the insured person again becomes entitled to benefit within a maximum period of one year, the payment of benefit shall be resumed by the authority responsible for the benefit originally granted, if the state of invalidity or chronic sickness is attributable to the disease or accident in respect of which such benefit was previously granted.

B — Maintenance of Acquired Rights

Article 8

Persons in receipt of an invalidity pension acquired by virtue of the French law who change their place of residence to Northern Ireland, and persons in receipt of long-term sickness benefit under the Northern Ireland insurance scheme in respect of a disease or disablement which has been declared to be chronic prior to their departure for France, shall retain the same right to such benefit while they reside in either of the two countries, as they would have had if they had not changed their place of residence.

Article 9

The responsible administrative authorities of the two countries shall regulate, by mutual agreement, the details of medical and administrative control of persons in receipt of invalidity pensions or of long-term sickness benefit under the Northern Ireland insurance scheme.

Article 10

Invalidity pensions or long-term sickness benefit under the Northern Ireland insurance scheme shall be converted where necessary into old-age pensions, under the conditions laid down by the law by virtue of which they were granted. Effect shall be given, where necessary, to the provisions of Article 12 below.

SECTION 3 — OLD-AGE INSURANCE

A — Establishment of the Right to and Payment of Benefit

Article 11

1. For French or British nationals who, in the two countries, have been insured for different periods under one or more old-age insurance schemes, the insurance periods completed under those schemes or the periods recognised as equivalent to insurance periods by virtue of the said schemes shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of that right.

2. The amount of benefit to which an insured person may become entitled from each of the social security authorities concerned shall be determined by reducing the amount of the benefit to which he would have been so entitled if the total number of

periods referred to in paragraph 1 above had been completed under the appropriate scheme, the reduction being effected on a *pro rata* basis having regard to the periods actually completed under that scheme.

3. The rules laid down in the foregoing paragraphs shall be applicable to the grant of widows' pensions.

The proportion of the pension borne by the social security authorities of each country shall be paid to widows residing in the other country only when they reach the age of 65 years, unless they are incapable of working.

4. This Article shall have effect subject to the provisions of Article 30.

Article 12

When an insured person, account being taken of the total number of periods referred to in paragraph 1 of Article 11, does not simultaneously satisfy the conditions required by the laws of the two countries, his right to a pension in respect of either scheme shall, subject to paragraph 3 of that Article, be established as soon as he has satisfied those conditions.

Article 13

1. Every insured person may, at the time when his right to a pension becomes established, renounce the benefit of the provisions of Article 11 of the present Agreement. The benefits to which he may be entitled by virtue of the legislation of either country shall then be paid separately by the social security authorities concerned, independently of the insurance periods, or their recognised equivalents, completed in the other country.

2. The insured person shall be entitled to make a fresh choice between the provisions of Article 11 and those of the present Article when it becomes in his interest to do so either as the result of an amendment to the legislation of either country or of the transfer of his place of residence from one country to the other, or, in the case referred to in Article 12, at the time when he establishes a new pension right under one of the legislations applicable to him.

B — Maintenance of Rights Acquired

Article 14

Persons who are entitled to an old-age or retirement pension acquired in France or in Northern Ireland shall receive such pensions at the appropriate rate so long as they reside in one of the contracting countries.

For this purpose, the laws in force in Northern Ireland respecting retirement from employment and the earnings of the beneficiary and his wife shall be applied in France by the French authorities under conditions to be laid down in one of the supplementary agreements provided for in Article 28 below.

Section 4 — Industrial Accidents and Occupational Diseases

Article 15

British or French nationals shall not be subject to the provisions incorporated in legislation concerning industrial accidents and occupational diseases which restrict the rights of foreigners, or which impose loss of rights, by reason only of their place of residence being in either country.

Article 16

Increased rates or supplementary allowances granted in addition to industrial accident pensions, under the legislation in force in each of the two countries, shall be paid to the persons to whom Article 15 above applies who change their place of residence from one country to the other.

Section 5 — Provisions Common to Invalidity, Long-Term Sickness, Old Age and Industrial Accident Insurance, Payment of Benefits

Article 17

Pensions in respect of invalidity, old age and industrial accidents acquired under French laws by an employed person, or person treated as an employed person, who transfers his residence to Northern Ireland shall be paid in Northern Ireland by the