1958 No. 771

The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order, 1958

Made - - - - 7th May, 1958

At the Court at Buckingham Palace, the 7th day of May, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Brussels on the twentieth day of May, nineteen hundred and fifty-seven, a Convention on social security between Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of her other realms and territories, Head of the Commonwealth, and His Majesty the King of the Belgians (which Convention is set out in the Schedule hereto and is hereinafter referred to as " the Convention ") was signed on behalf of those High Contracting Parties :

And Whereas by Article 40 of the 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 Kingdom of Belgium and the instruments of ratification were exchanged on the 30th day of April, 1958, and accordingly the said Convention enters into force on the first day of June, 1958:

And Whereas by section 64 of the National Insurance Act, 1946(**a**), as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956(**b**), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(**c**), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the Family Allowances Act, 1945(**d**), and the said Acts of 1946 in their application to cases affected by agreements with other governments providing for reciprocity in the matters specified in those sections :

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, extended as aforesaid by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956, and the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Belgium) Order, 1958.

(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) 4 & 5 Eliz. 2. c. 50.
(**c**) 9 & 10 Geo. 6. c. 62.
(**d**) 8 & 9 Geo. 6. c. 41.

(2) The Interpretation Act, 1889(a), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

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 England, Wales and Scotland and provide by way of agreement with the Government of the Kingdom of Belgium for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946 (which subsections relate to reciprocal agreements with other governments), and the Family Allowances Acts, 1945 to 1956, the National Insurance Acts, 1946 to 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew.

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF HER OTHER REALMS AND TERRITORIES, HEAD OF THE COMMONWEALTH, AND HIS MAJESTY THE KING OF THE BELGIANS

Brussels, May 20, 1957

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and His Majesty the King of the Belgians.

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one High 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 High Contracting 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 High Contracting Parties to be added together for the purpose of determining the right to receive benefit,

Have resolved to conclude a Convention and for that purpose have appointed as their Plenipotentiaries:

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth:

For the United Kingdom of Great Britain and Northern Ireland:

Sir George Labouchere, K.C.M.G., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Brussels;

His Majesty the King of the Belgians:

M. Léon-Eli Troclet, Minister of Labour and Social Welfare;

(a) 52 & 53 Vict. c. 63.

Who, having exhibited their respective full powers, found in good and due form, 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 Belgium, the metropolitan territory only;

(2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Belgium, a person having Belgian nationality or a native of the Belgian Congo or of Ruanda-Urundi;

(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) High 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 Belgium, 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, or the statutory authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to Belgium, the appropriate administrative authority specified in the legislation of Belgium;

(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 Belgium, a person who comes within the definition of a dependant in the legislation of Belgium;

(8) "insurance period" means a period in respect of which contributions appropriate to the benefit in question have been paid under the legislation of one (or the other) High Contracting Party;

(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 Belgium, a period recognised under the legislation of Belgium as equivalent to an insurance period or period of employment appropriate to the benefit in question;

(10) the words "benefit" and "pension" include any increase in the benefit or pension and any additional allowances payable therewith, other than benefits in kind;

(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 as defined in paragraph 14 of this Article, and, in relation to Belgium, sickness benefit as defined in the legislation of Belgium relating to sickness and invalidity insurance;

(12) " maternity benefit " means, in relation to the United Kingdom, maternity allowance, maternity grant and home confinement grant as defined in the legislation of the United Kingdom, and, in relation to Belgium, maternity allowance as defined in the legislation of Belgium relating to sickness and invalidity insurance;

(13) " benefit in respect of death " means, in relation to the United Kingdom, a lump sum payment made in respect of a death, and in relation to Belgium, a funeral grant;

(14) " 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 Article 13;

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

(15) " old age pension " means, in relation to the United Kingdom, contributory old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to Belgium, an old age pension or retirement pension as defined in the legislation of Belgium;

(16) " widowhood benefits " means, in relation to the United Kingdom, widow's allowance, widowed mother's allowance, widow's pension, and widow's basic pension as defined in the legislation of the United Kingdom, and, in relation to Belgium, survivor's pension, widow's pension and widow's allowance as defined in the relevant legislation of Belgium concerning insurance for old age and early death;

(17) " orphan's benefit " means, in relation to the United Kingdom, guardian's allowance as defined in the legislation of the United Kingdom, and, in relation to Belgium, orphan's allowance as defined in the relevant legislation of Belgium concerning insurance for old age and early death;

(18) " family allowances " mean, in relation to the United Kingdom, family allowances as defined in the legislation of the United Kingdom, and, in relation to Belgium—

(*a*) family allowances payable in relation to days of employment or days treated as such;

(*b*) special family allowances payable for the children of employed persons who are disabled to the extent of at least sixty-six per cent.;

(*c*) family allowances for orphans payable for children who have lost one or both parents;

(*d*) birth allowances payable on the birth of a child; and

(*e*) allowances for mothers at home payable to mothers who remain at home, have no gainful occupation, and have the care of one or more children in respect of whom family allowances are payable.

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;

(iii) The Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946;

(*b*) in relation to Belgium, to

(i) the laws and regulations concerning sickness and invalidity insurance for wage earners, salaried employees, miners and persons treated as miners, and merchant seamen;

(ii) the laws and regulations concerning the insurance for old age and early death of wage earners, salaried employees and merchant seamen;

(iii) the laws and regulations concerning industrial injuries and industrial diseases, including the legislation relating to seafarers;

(iv) the laws and regulations concerning provision for unemployed persons, including the special arrangements for merchant seamen;

(v) the laws and regulations concerning the special scheme for the retirement of miners and persons treated as miners;

(vi) the laws and regulations concerning family allowances for employed persons and non-employed persons.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall apply also 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 if either High Contracting Party gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 31 of the Convention.

(4) The Convention shall apply, only if the High Contracting Parties so agree, 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 which one (or the other) High Contracting Party has made with a third country.

Part II.—General Provisions

Article 3

(1) A national of one High Contracting Party shall, together with his dependants, be entitled to receive the benefits of the legislation of the other High Contracting Party under the same conditions as if he were a national of the latter.

(2) Subject to the provisions of Article 6, a national of one High Contracting Party shall be subject to the obligations imposed by the legislation of the other High Contracting 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 High Contracting Party is employed in the territory of one High Contracting Party, he shall be insured as an employed person under the legislation of that High Contracting Party, 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, and compulsory contributions shall not be payable under the legislation of the latter Party.

(2)—(*a*) Where a national of either High Contracting Party, who is ordinarily resident in the territory of one High Contracting 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 twelve months. If his employment in the latter territory should for unforeseen reasons continue after such period of twelve months, the legislation of the former Party shall continue to apply to him for any further period of not more than twelve months, provided that the competent authority of the latter Party agrees thereto before the end of the first period of twelve months.

(*b*) Where a national of either High Contracting Party, who is ordinarily resident in the territory of one High Contracting Party, is employed by a transport undertaking whose principal place of business is in the territory of that Party, on road or rail vehicles in the territory of the other Party, the legislation of the former Party shall apply to him.

ARTICLE 5

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

(*a*) a sea-going ship or vessel, registered in the territory of the United Kingdom, or any other sea-going ship or vessel defined as British for the purposes of United Kingdom legislation of which the owner (or managing owner, if there is more than one owner) or manager resides or has his principal place of business in the territory of the United Kingdom, or an aircraft, registered in that territory, of which the owner (or managing owner, if there is more than one owner) resides or has his principal place of business in that territory, or

(*b*) a ship or aircraft registered in the territory of Belgium or any merchant ship or fishing vessel equipped under the Belgian flag for a voyage for commercial purposes.

(2) Subject to the provisions of paragraph (3) of this Article, where a national of either High Contracting Party who is ordinarily resident in the territory of one High Contracting Party, is employed on board any vessel or 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.

(3) Where a national of either High Contracting Party, ordinarily resident in the territory of one High Contracting Party and employed on board any vessel or aircraft of the other Party, is paid remuneration in respect of that employment by some person or undertaking having a place of business in the territory of the former Party and not the owner of the vessel or aircraft, the legislation of the former Party shall, in respect of that employment, apply to that national as if the vessel or aircraft were a vessel or aircraft of the former Party, and the person or undertaking paying the said remuneration shall be treated as the employer for the purposes of such legislation.

ARTICLE 6

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

(2) Subject to the provisions of paragraph (1) of this Article,

(*a*) Where a Belgian national in the Belgian Government service is employed in the territory of the United Kingdom, the legislation of the United Kingdom shall not apply him ;

(*b*) where a national of the United Kingdom who is employed in the Government service of any territory of the United Kingdom to which this Convention applies and who has completed an insurance period under the legislation

of the United Kingdom is employed in the territory of Belgium, the legislation of the United Kingdom shall apply to him as if he were employed in its territory;

(*c*) where a national of either High Contracting Party to whom subparagraphs (*a*) and (*b*) of this paragraph do not apply, is employed in a diplomatic or consular post of one High Contracting Party in the territory of the other, or is employed there by a diplomatic or consular official of the former Party in his personal capacity, the legislation of the Party in whose territory that person is employed shall apply to him.

ARTICLE 7

The competent authorities of the two High Contracting Parties may agree to modify the provisions of Articles 4, 5 and 6 in relation to particular cases.

ARTICLE 8

(1) Where a national of either High Contracting Party is employed in the territory of one High Contracting Party and the legislation of the other applies to him in accordance with the provisions of the present Convention he shall, for the purpose of any right to receive benefit for sickness, maternity, industrial accident or disease 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 occurring or an industrial disease contracted during his employment as if the accident had occurred or the disease had been contracted in the territory of the latter.

(2) Where a national of either High Contracting Party has been employed on board any vessel or aircraft of one High Contracting Party and the legislation of that Party has applied to him in accordance with the provisions of paragraph (2) of Article 5, he shall, while he is in the territory of the other Party, be treated for the purpose of any claim to receive benefit for sickness for a disease which was contracted, or a disablement which occurred during such employment, as if he were in the territory of the former Party. This provision shall have effect without prejudice to any right to which the national may be entitled under the legislation of the other Party.

Part III.—Special Provisions

SECTION 1.—BENEFITS IN RESPECT OF SICKNESS, MATERNITY, UNEMPLOYMENT AND DEATH

ARTICLE 9

(1) A national of either High Contracting Party who has completed an insurance period under the legislation of one High Contracting Party shall be entitled, together with his dependants, to receive the benefits provided under the legislation of the other Party in respect of sickness, maternity, unemployment and death, provided that—

(*a*) he has begun an insurance period under the legislation of the latter Party after he last entered the territory of that Party;

(*b*) he satisfies the conditions laid down by the legislation of the latter High Contracting Party; and for this purpose any insurance period or period of employment or equivalent period completed under the legislation of the former Party shall, where necessary, be treated, subject to the provisions of Article 25, as if it had been completed under the legislation of the latter Party;

(*c*) in the case of sickness benefit, the incapacity was first medically certified after he had begun an insurance period subsequent to his last entry into the territory of the latter Party;

(*d*) in the case of unemployment benefit, any insurance period or period of employment during which he was illegally employed in the territory of the latter Party shall be disregarded.

(2) For the purpose of the application of this Article in the case of unemployment benefit, a national of either High Contracting Party shall be treated as if he had been resident in the territory of one High Contracting Party during any period during which he was resident in the territory of the other Party.

ARTICLE 10

(1) Where a woman, being a national of either High Contracting Party, is insured under the legislation of one High Contracting Party or is the wife of a person so insured, and is in, or is confined in, the territory of the other Party, she shall, for the purpose of any claim to receive maternity benefit under the legislation of the former Party, be treated as if she were in, or had been confined in, the territory of the former Party.

(2) Where a woman would be entitled to receive under the legislation of one High Contracting Party by virtue of her own insurance, and under the legislation of the other High Contracting Party by virtue of her husband's insurance, she shall be entitled to receive benefit only under the legislation of the Party in whose territory she is confined, provided that, where maternity benefit has already been paid before the date of confinement under the legislation of the United Kingdom, no further benefit shall be payable under the legislation of Belgium.

(3) For the purpose of applying this Article "maternity benefit" means in relation to the United Kingdom, maternity benefit other than home confinement grant.

ARTICLE 11

A national of either High Contracting Party who goes from the territory of one High Contracting Party to the territory of the other for the specific purpose of being treated for an incapacity which began before he left the former territory, shall, while in the latter territory, remain entitled to receive sickness benefit from the social security authority of the former Party during such period as that authority may allow, provided that the said authority has agreed thereto before the date of his departure from the territory of that Party.

ARTICLE 12

(1) If a national of either High Contracting Party dies in the territory of one High Contracting Party, his death shall, for the purpose of any claim to receive benefit in respect of that death under the legislation of the other Party, be treated as if it had occurred in the territory of the latter Party.

(2) Where a national of either High Contracting Party who is in the territory of one High Contracting Party, claims benefit under the legislation of the other Party in respect of a death, he shall be treated as if he were in the territory of the latter Party.

SECTION 2.—INVALIDITY PENSIONS

ARTICLE 13

(1) Where a national of either High Contracting Party has completed insurance periods or equivalent periods under the legislation of both High Contracting Parties, such periods shall, where necessary, be added together in accordance with the provisions of Article 25 for the purpose of determining his right to receive an invalidity pension.

(2) Subject to the provisions of paragraphs (3), (5) and (6) of this Article, an invalidity pension shall be paid under the legislation which applied to the national in accordance with the provisions of the present Convention at the time when the incapacity was first medically certified, or last so applied before that time, and the cost of such pension shall be borne by the social security authority which is responsible under that legislation.

(3) Where a national of either High Contracting Party, having completed an insurance period under the legislation of one High Contracting Party, had begun an insurance period under the legislation of the other Party less than one year before the beginning of the civil quarter in which his incapacity was first medically certified, the invalidity pension shall be paid in accordance with the provisions of the legislation of the former Party, and the cost of such pension shall be borne by the social security authority which is responsible under that legislation. This provision shall not apply if the incapacity is due to an accident.

(4) For the purpose of paragraph (3) of this Article, "civil quarter" means a period of three calendar months beginning on the 1st January, the 1st April, the 1st July or the 1st October of any year.

(5) If, after suspension or discontinuance of an invalidity pension granted under the legislation of one (or the other) High Contracting Party, the national again becomes incapacitated within a period of three years, the social security authority which originally granted the pension shall be responsible for resuming, in accordance with the provisions of its own national legislation, the payment of such pension, provided that the incapacity is attributable to the disease or disablement in respect of which such pension was previously granted.

(6) Where a national of either High Contracting Party has been employed in the coal mines of each High Contracting Party for at least one year and would have been entitled to receive an invalidity pension under the Belgian special scheme for the retirement of coal miners, if all the periods of employment completed by him in the coal mines of both countries had been completed in the coal mines of Belgium, his right to an invalidity pension shall be determined in accordance with the provisions relating to old age pensions contained in Section 3 of the present Convention, subject to such modifications as the differing nature of the pensions shall require, and, for this purpose—

(*a*) where, under the legislation of Belgium, the amount of the invalidity pension is related to wages earned during periods of employment in the coal mines, the national shall be treated as if during his periods of employment in the coal mines of the United Kingdom he had earned the same wages as would have been earned during those periods in the coal mines of Belgium by a person employed in the same grade;

(*b*) the invalidity pension shall be paid under the legislation of both High Contracting Parties from the date on which an invalidity pension becomes payable under the legislation of the Party under whose legislation the national was receiving sickness benefit.

Article 14

Where, under the legislation of one High Contracting Party, a national of either High Contracting Party would be entitled to receive an invalidity pension if he were in the territory of that Party, he shall be entitled to receive that pension while he is in the territory of the other Party.

Section 3.—Old Age Pensions

Article 15

(1) Subject to the provisions of Article 17, where a national of either High Contracting Party submits a claim to receive an old age pension by virtue of insurance periods and equivalent periods completed under the legislation of both High Contracting Parties, his claim shall be determined in accordance with the provisions of the succeeding paragraphs of this Article.

(2) The appropriate social security authority of each High Contracting Party shall determine, in accordance with its own national legislation, whether the national satisfies the conditions for receiving a pension under that legislation and for this purpose shall take into account all the insurance periods and equivalent periods completed by him under the legislation of the two Parties as if they had been completed under its own legislation.

(3) Where the right to a pension is established in accordance with the provisions of paragraph (2) of this Article, the social security authority of each High Contracting Party shall calculate—

(*a*) the pension which would have been due to the national under its own national legislation if all the insurance periods and equivalent periods completed by him under the legislation of both Parties, calculated in accordance with the provisions of Article 25, had been completed under its own national legislation, and

(*b*) that part of such pension which bears the same relation to the whole as the total of all the insurance periods and equivalent periods completed by the national under its own national legislation bears to the total of all the insurance periods and equivalent periods completed by him under the legislation of both Parties.

The part thus calculated shall be the pension actually due to the national from the social security authority concerned.

(4) Where the total of all the insurance periods and equivalent periods completed by a national under the legislation of one (or the other) High Contracting Party is less than twelve months, no pension shall be paid under the legislation of that Party.

(5) For the purpose of applying this Article, in those cases where the national concerned is a woman claiming an old age pension by virtue of her husband's insurance, an insurance period or equivalent period completed by a national shall be deemed to mean an insurance period or equivalent period completed by the husband of a national.

(6) The Provisions of this Article shall not apply to the special pension (" pension anticipée ") provided for underground coal miners and persons treated as miners, under the legislation of Belgium.

(7) A pension which is payable under the Belgian special scheme for the retirement of miners and persons treated as miners shall not be paid to a person who is in receipt of wages unless he is employed in the Belgian coal mines.

ARTICLE 16

Where a national of either High Contracting Party does not simultaneously satisfy the conditions laid down by the legislation of both High Contracting Parties, his right to receive a pension under the legislation of each Party shall be established and extended as and when he satisfies the conditions laid down by the legislation of that Party, account being taken of the provisions of Article 15.

ARTICLE 17

(1) A national of either High Contracting Party may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of Article 15 of the present Convention. In that case the old age pension which he is entitled to receive under the legislation of each High Contracting Party shall be paid to him separately by its social security authority without regard to insurance periods completed by him under the legislation of the other Party.

(2) Such national shall be entitled to make a fresh choice between taking advantage of the provisions of Article 15 and those of this Article, if it is in his interest to do so, either when the legislation of either High Contracting Party is amended, or when he goes from the territory of one Party to that of the other, or when, in accordance with the provisions of Article 16 or otherwise, his right to a pension is established or varied under the legislation of either Party.

ARTICLE 18

(1) Subject to the provisions of paragraph (2) of this Article where, under the legislation of one High Contracting Party, a national of either High Contracting

Party would be entitled to receive an old age pension if he were in the territory of that Party, he shall be entitled to receive that pension while he is in the territory of the other Party.

(2) In any case where a national of either High Contracting Party left the territory of the United Kingdom before the 30th September, 1946, the rate of pension which he is entitled to receive under the legislation of the United Kingdom by virtue of the foregoing provisions of this Article shall be determined as follows:—

(*a*) if the pension was paid before the national left the territory of the United Kingdom, the rate shall be the rate applicable in that territory at the time when the pension was last paid;

(*b*) if the pension was not paid before the national left the said territory by reason of delay in making, or failure to make, a claim the rate shall be the rate of pension which the national would have been entitled to receive immediately before leaving the said territory if a claim had been made at that time;

(*c*) if the pension was not paid before the national left the said territory because the national (or her husband, as the case may be) had not then attained pensionable age, the rate shall be the rate at which the pension would have been paid at that age had the national remained in the said territory until the national (or her husband, as the case may be) attained that age and made a claim.

(3) If at any time the rates of old age pensions awarded under the legislation of the United Kingdom before the 1st October, 1946, and payable to pensioners resident outside the United Kingdom are generally increased, similar increases shall be applied from the same date to such pensioners resident in the territory of Belgium.

ARTICLE 19

If the legislation of one High Contracting Party allows a person, subject to certain conditions, to maintain, for the purpose of establishing his right to an old age pension, his status as an employed person or as a person employed in a particular occupation, at a time when he is unable to follow his employment, any of those conditions which concern contributions shall be deemed to be satisfied if contributions have been credited to him under the legislation of the other High Contracting Party.

ARTICLE 20

(1) Where a special scheme established under the legislation of one High Contracting Party provides that old age pensions shall be dependent on the completion of insurance periods in an occupation to which the special scheme applies, periods completed under the legislation of the other High Contracting Party shall be treated as insurance periods for the purpose of determining the right to receive an old age pension under the said special scheme only if they were completed under a corresponding special scheme of the latter Party.

(2) If, under the legislation of the latter Party, there is no special scheme for the occupation in question, any insurance period or equivalent period, completed under the special scheme of the former Party, shall nevertheless be treated as an insurance period or equivalent period under the general insurance scheme of the latter Party for the purpose of determining the right to receive an old age pension under that scheme.

(3) Where a national of either High Contracting Party has been employed for at least twelve months in the territory of one High Contracting Party in an occupation for which, in the territory of the other Party there is a special scheme, any insurance period completed by him under the legislation of the former Party during such employment, shall, for the purpose of determining his right to receive an old age pension under the said special scheme, be treated as an insurance period completed under that scheme.

SECTION 4.—BENEFITS IN RESPECT OF WIDOWHOOD AND ORPHANHOOD

ARTICLE 21

(1) The provisions relating to old age pensions contained in Section 3 shall apply, subject to such modifications as the differing nature of the benefits may require, to widowhood benefits provided under the legislation of the two High Contracting Parties other than benefits or increases of benefit for children.

(2) Where under the legislation of one High Contracting Party a national of either High Contracting Party would be entitled to receive an orphan's benefit or an increase of widowhood benefit in respect of a child, if he were in the territory of that Party, he shall be entitled to receive such benefit while he is in the territory of the other Party provided that he is not entitled to receive any corresponding benefit under the legislation of that other Party.

(3) For the purpose of applying this Article, a widowed mother's allowance payable under the legislation of the United Kingdom shall be treated as if it included an increase of benefit at the appropriate rate in respect of the first or only child in her family and as if the provisions of that legislation conferred a right to that increase.

SECTION 5.—INDUSTRIAL ACCIDENTS AND DISEASES

ARTICLE 22

Where, under the legislation of one High Contracting Party relating to industrial accidents and diseases, a national of either High Contracting Party would be entitled to receive a benefit if he were in the territory of that Party, he shall be entitled to receive that benefit while he is in the territory of the other Party.

ARTICLE 23

In assessing, for the purpose of the legislation of one High Contracting Party, the degree of disablement due to an industrial accident, any previous industrial accident for which benefit is payable under the legislation of the other Party shall be treated as if it were an industrial accident covered by the legislation of the former Party.

SECTION 6.—FAMILY ALLOWANCES

ARTICLE 24

(1) For the purposes of any claim to receive family allowances under the legislation of one High Contracting Party,

(*a*) a national of either High Contracting Party shall be treated, where necessary, as if his place of birth were in the territory of the first-mentioned Party, if it is in the territory of the other Party;

(*b*) a national of either High Contracting Party, who is ordinarily resident in, or is employed in the territory of the first-mentioned Party, shall be treated as if he had been resident or employed in the territory of that Party during any period during which he was respectively resident or employed in the territory of the other Party.

(2) Where, for any period, family allowances would be payable in respect of a child under the legislation of both High Contracting Parties, they shall be payable for that period under the legislation of one Party only and the claimant shall be entitled to choose which allowances he shall receive, provided that where such allowances would be payable to different persons, the competent authorities of the two High Contracting Parties shall determine by agreement which allowance shall be payable.

SECTION 7.—GENERAL PROVISIONS

ARTICLE 25

(1) In applying the provisions contained in Articles 9, 13, 15 and 24 (1) (*b*) relating to the adding together of insurance periods and equivalent periods for the purpose of establishing the right to receive benefit, the social security authority of each High Contracting Party, having regard to the relevant provisions of its own national legislation, shall add to any insurance periods and equivalent periods completed under that legislation any insurance periods and equivalent periods completed under the legislation of the other Party, except to the extent that the latter coincide with the former.

(2) The provisions of paragraph (1) of this Article shall be applied in accordance with the following rules :—

(*a*) where a period of compulsory insurance completed under the legislation of one High Contracting Party coincides with a period of voluntary insurance completed under the legislation of the other, only the period of compulsory insurance shall be taken into account ;

(*b*) where an insurance period completed under the legislation of one High Contracting Party coincides with an equivalent period completed under the legislation of the other, only the insurance period shall be taken into account ;

(*c*) where an equivalent period completed under the legislation of one High Contracting Party coincides with an equivalent period completed under the legislation of the other, account shall be taken only of the equivalent period completed under the legislation of the Party in whose territory the national concerned was last employed before the beginning of such period or, if he was not so employed, only of the equivalent period completed under the legislation of the Party in whose territory he is first employed after the end of such period.

ARTICLE 26

When, under the legislation of either High Contracting Party, the amount of any benefit is related to the average wage earned during insurance periods, the average wage to be taken into account for the calculation of the benefit due to be paid under that legislation shall be calculated on the basis of the wages earned during the insurance periods actually completed under that legislation. This provision shall not apply to periods for which that legislation prescribes a national wage, nor to the periods referred to in paragraph (6) of Article 13.

ARTICLE 27

Where, under the provisions of this Part of the present Convention, any benefit is payable by the social security authority of one High Contracting Party to a person who is resident in the territory of the other, the payment may, by agreement between the social security authorities of the two High Contracting Parties, be made by the social security authority of the latter Party as agent for the authority of the former Party.

ARTICLE 28

Where payment of any benefit is made by the social security authority of Belgium as agent for the social security authority of the United Kingdom in accordance with the provisions of Article 27, payment shall be made, except in the case of a lump sum, in arrear at monthly intervals.

ARTICLE 29

Subject to the provisions of Article 21, in all cases where under the legislation of one High Contracting Party, any benefit *other than a family allowance* would have been paid in respect of a dependant if the dependant had been in the territory of that Party, such benefit shall be paid if the dependant is in the territory of the other.

ARTICLE 30

(1) Where a person who is receiving a benefit under the legislation of one High Contracting Party, claims a benefit under the legislation of the other High Contracting Party, any provision of the legislation of the latter Party which restricts the right to receive one benefit by reason of the receipt of another benefit shall apply to that person as if the benefit payable under the legislation of the former Party were a corresponding benefit payable under the legislation of the latter Party.

(2) The provisions of paragraph (1) of this Article shall not prevent the payment of two benefits of the same kind in accordance with the provisions of Section 2, Section 3 or Section 4 of this Part of the present Convention.

(3) Any provision of the legislation of one High Contracting Party which restricts the right to receive a benefit on account of earnings shall apply to earnings received in the territory of the other High Contracting Party.

Part IV.—Miscellaneous Provisions

ARTICLE 31

The competent authorities—

(1) shall make such administrative arrangements as may be required for the application of the present Convention ;

(2) shall communicate to each other information regarding any measure taken by them for the application of the Convention ;

(3) shall communicate to each other, as soon as possible, information regarding any changes made under their national legislation which affect the application of the Convention.

ARTICLE 32

(1) The competent authorities and the social security authorities of the two High Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of the present Convention as if the matter were one affecting the application of their own national legislation.

(2) The competent authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of the present Convention.

ARTICLE 33

(1) Any exemption from, or reduction of, legal dues, charges and fees provided for in the legislation of one High Contracting Party in connexion with the issue of any certificate or document required to be produced for the purpose of that legislation, shall be extended to certificates and documents required to be produced for the purposes of the legislation of the other High Contracting Party.

(2) Where any certificate or other document has to be produced to the competent authority or social security authority of one (or the other) High Contracting Party for the purpose of applying the present Convention, that authority shall not require the certificate or other document to be legalised or authenticated.

ARTICLE 34

Any claim, notice or appeal which should, for the purposes of the legislation of one High Contracting Party, have been presented within a prescribed period to the social security authority of that Party, but which is in fact presented within the same period to the social security authority of the other High Contracting Party, shall be treated as if it had been presented to the social security authority of the former Party. In such cases, the social security authority of the latter Party shall, as soon as possible, transmit the claim, notice or appeal to the social security authority of the former Party.

ARTICLE 35

The social security authorities of the High Contracting Parties may, for the purpose of applying the present Convention, correspond directly with one another, or with any person entitled to receive any benefit by virtue of the present Convention, or with his legal representative.

ARTICLE 36

The amount of any benefit due in accordance with the provisions of the present Convention shall be calculated in the currency of the High Contracting Party whose social security authority is responsible for such benefit.

ARTICLE 37

(1) No provision of the present Convention shall confer any right to receive any payment of benefit—

(*a*) in respect of old age, widowhood or orphanhood, for a period before the date on which the Convention is signed ; or

(*b*) in any other case, for a period before the date of the entry into force of the Convention.

(2)—(*a*) Subject to the provisions of paragraph (1) of this Article, benefit, other than lump sum payments, shall be payable in accordance with the provisions of the Convention in respect of events which happened before the date of its entry into force, and for this purpose—

(i) any benefit which has not been awarded because the person concerned has not made a claim or is absent from the territory of either High Contracting Party shall be determined and paid ;

(ii) any benefit which has been suspended because the person concerned is absent from the territory of either Contracting Party shall be paid ;

(iii) any benefit which has been determined shall, where necessary, be determined afresh provided that its capital value has not been liquidated.

(*b*) Any benefit which is payable in accordance with the provisions of subparagraph (*a*) of this paragraph shall be paid, or determined and paid, as from the date of signature, or the date of entry into force, of the Convention, as the case may be, provided that the claim therefor is submitted within twelve months of the latter date.

(3) Any insurance period or equivalent period which a national of either High Contracting Party has completed before the date of the entry into force of the Convention shall be taken into account for the purpose of determining the right to receive benefit in accordance with the provisions of the Convention.

ARTICLE 38

(1) The competent authorities of the High Contracting Parties shall endeavour to resolve by negotiation any disagreement relating to the interpretation or application of the present Convention.

(2) If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the High Contracting Parties, or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of either High Contracting Party by the President of the International Court of Justice.

(3) The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of the present Convention and shall be final and binding.

ARTICLE 39

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 40

The present Convention shall be ratified and the instruments of ratification shall be exchanged in London 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 41

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 above-mentioned Plenipotentiaries have signed the present Convention and fixed thereto their seals.

Done in duplicate at Brussels this 20th day of May, 1957, in the English and French languages, both texts being equally authoritative.

For the United Kingdom of Great Britain and Northern Ireland:
George P. Labouchere.

For Belgium:
Léon-Eli Troclet.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order gives effect in England, Wales and Scotland to the Convention (set out in the Schedule) made between the United Kingdom and Belgium, and modifies the Family Allowances Acts, 1945 to 1956, the National Insurance Acts, 1946 to 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, in their application to cases affected by the provisions of the Convention.

1958 No. 423

The Family Allowances, National Insurance and Industrial Injuries (Norway) Order, 1958

Made - - - - 14*th March,* 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the twenty-fifth day of July, nineteen hundred and fifty-seven, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on social security (which Convention is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 38 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 Kingdom of Norway and the instruments of ratification were exchanged on the 25th day of February, 1958, and accordingly the said Convention enters into force on the 1st day of April, 1958: