1958 No. 1263

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

Made - - - - 30*th July,* 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the twenty-fourth day of May, nineteen hundred and fifty-eight, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia on social security (which Convention is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 40 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 Federal People's Republic of Yugoslavia and the instruments of ratification were exchanged on the 28th day of July, 1958, and accordingly the said Convention enters into force on the 1st day of September, 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 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 (Yugoslavia) 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 Federal People's Republic of Yugoslavia 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 THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

London, May 24, 1958

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia.

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

Have agreed as follows:

PART I.—DEFINITIONS AND SCOPE

ARTICLE 1

For the purpose of the present Convention, unless the context otherwise requires—

(*a*) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Yugoslavia, the territory of the Federal People's Republic;

(*b*) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Yugoslavia, a citizen of the Federal People's Republic;

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

(*c*) "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;

(*d*) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Minister of Health, the Secretary of State for Scotland, the Ministry of Labour and National Insurance for Northern Ireland, the Ministry of Health and Local Government for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Yugoslavia, the Secretariats of the Federal Executive Council responsible for the administration of the legislation specified in sub-paragraph (*b*) of paragraph (1) of Article 2;

(*e*) "social security authority" means, in relation to the United Kingdom, the competent authority of the United Kingdom, and, in relation to Yugoslavia, the Federal Institute for Social Security;

(*f*) "child" means, in relation to any person, a child, within the meaning of the legislation which is being applied, who is treated under that legislation as being a child of that person or included in his family;

(*g*) "parent" includes a person who is treated as a parent under the legislation which is being applied;

(*h*) "dependant" means a person who is treated as such under the legislation which is being applied;

(*i*) "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;

(*j*) "benefit" means any pension, allowance or other cash benefit payable under the legislation of one (or the other) Party and includes any additional allowance payable therewith and any increase payable for a dependant;

(*k*) "medical benefit" means, in relation to the United Kingdom, any benefit in kind provided under the legislation specified in sub-paragraph (*a*) (iii) of paragraph (1) of Article 2 of the Convention, and, in relation to Yugoslavia, any benefit in kind provided under the Yugoslav scheme of health insurance;

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

(*m*) "invalidity pension" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to an insured person—

(i) for 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 such benefit;

(ii) for a period immediately after he has ceased to be entitled to receive sickness benefit under the legislation of Yugoslavia; or

(iii) in accordance with the provisions of paragraph (3) or (4) of Article 14;

(*n*) "old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension, as defined in the legislation of the United Kingdom;

(*o*) "insurance period" means a period for which an insured person has paid contributions relevant to the benefit in question or has had such contributions paid in respect of him;

(*p*) "equivalent period" means a period for which an insured person has had contributions credited to him which are relevant to the benefit in question;

(*r*) "children's allowance" means, in relation to the United Kingdom, a family allowance payable under the legislation of the United Kingdom.

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 National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, the Health Services Act (Northern Ireland), 1948, and the National Health Service (Isle of Man) Act, 1948;

(iv) 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 Yugoslavia, to the legislation of Yugoslavia concerning

(i) the social insurance of employed persons and their families;
(ii) children's allowances;
(iii) allowances for employed persons who are temporarily unemployed.

(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 apply, only if the Contracting Parties so agree, to any law or regulation which amends or supplements the legislation specified in paragraphs (1) and (2) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with a third party.

(4) The Convention shall apply to any law or regulation of one (or the other) Party which extends insurance to a new class of persons or relates to a new branch of social security, unless either Party objects and gives notice to the other to that effect within three months of the official communication of the said law or regulation in accordance with paragraph (3) of Article 31 of the Convention.

PART II.—GENERAL PROVISIONS

ARTICLE 3

Subject to the provisions of the present Convention, a national of one Contracting Party shall be entitled to enjoy the advantages 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 Article 6, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall, and the legislation of the other Party shall not, apply to his employment.

(2) If a person, not ordinarily resident in the territory of one Party, is employed in that territory by an employer who is resident in the territory of the other Party or has his principal place of business there, then, during the first twelve months of his employment in the former territory—

(*a*) the legislation of the latter Party shall apply to his employment, as if he were employed in the territory of that Party;

(*b*) the legislation of the former Party shall not apply to his employment.

(3) When the employment specified in paragraph (2) of this Article lasts longer than twelve months, the provisions of that paragraph shall continue to apply to that employment, if the social security authority of the Party in whose territory he is employed agrees thereto before the end of the period of twelve months specified in that paragraph.

ARTICLE 5

(1) For the purpose of this Article, " vessel or aircraft " means—

(*a*) in relation to the United Kingdom—

(i) any ship or vessel, registered in the United Kingdom ;

(ii) any other ship or vessel, defined as British for the purpose of the legislation of the United Kingdom, of which the owner (or managing owner, if there is more than one owner) or manager is resident in, or has his principal place of business in, the territory of the United Kingdom ; or

(iii) any aircraft, registered in the United Kingdom, of which the owner (or managing owner, if there is more than one owner) is resident in, or has his principal place of business in, the territory of the United Kingdom ;

(*b*) in relation to Yugoslavia, any ship or aircraft registered in Yugoslavia.

(2) Subject to the provisions of paragraph (3) of this Article, where a person, ordinarily resident in the territory of one 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 person, ordinarily resident in the territory of one 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 purpose of such legislation.

(4) A sea-going ship or vessel, built in the territory of one Party for a person or undertaking whose principal place of business is in the territory of the other Party, shall be deemed to be a vessel of the latter Party during the period which elapses between the beginning of the operation of launching and the registration of such ship or vessel, and the provisions of paragraph (3) of this Article shall apply as if the said person or undertaking were the owner of the vessel.

ARTICLE 6

(1) Subject to the provisions of paragraph (1) of Article 8, the present Convention shall not apply to established members of the foreign service of the United Kingdom or to diplomatic and consular officers of Yugoslavia.

(2) Subject to the provisions of paragraph (1) of this Article, where a national of one Contracting Party is employed in the territory of the other Party in the government service of the former Party and is not permanently settled in that territory, or any person is employed in the private service of such a national so employed and is not so settled, the legislation of the former Party shall apply to his employment as if he were employed in the territory of that Party, and the legislation of the latter Party shall not apply to his employment.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, where a national of either Party is employed in the territory of one Party in a diplomatic or consular post of the other Party, or any person is in the private service of a national of either Party so employed, the legislation of the Party in whose territory he is employed shall apply to his employment.

ARTICLE 7

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

PART III.—BENEFIT

Medical Benefit

ARTICLE 8

(1) A person insured under the legislation of one Contracting Party or a dependant of such a person shall be entitled, while he is in the territory of the other Party, to receive the medical benefit of the latter Party under the same conditions as, respectively, a person who is insured under the legislation of the latter Party and ordinarily resident in the territory of that Party or a dependant of such a person.

(2) Any person who is following a course of study or training in the territory of one Party shall be treated, for the purpose of this Article, as if he were insured under the legislation of that Party while he is temporarily absent from that territory for the purpose of a visit to the territory of the other Party.

(3) The cost of any medical benefit provided under the legislation of one Party by virtue of paragraph (1) of this Article shall not be reimbursed out of any funds of the other Party.

(4) The social security authorities of the two Parties shall make such arrangements as may be necessary for giving effect to this Article.

Sickness, Maternity and Death Benefit

ARTICLE 9

A person who has completed an insurance period under the legislation of one Contracting Party shall be entitled, together with his dependants, to receive the benefit provided under the legislation of the other Party in respect of sickness, maternity, and death provided that—

(*a*) he has begun an insurance period under the legislation of the latter Party since his last arrival in the territory of that Party;

(*b*) he satisfies the conditions laid down by the legislation of the latter Party; and, for this purpose, any insurance period or equivalent period completed under the legislation of the former Party, shall be treated as if it had been completed under the legislation of the latter Party.

ARTICLE 10

Where a person insured under the legislation of one Contracting Party would be entitled to receive sickness benefit under that legislation if he were in the territory of that Party, he shall be entitled, subject to the approval of the social security authority of that Party, to receive that benefit for any period during which he is temporarily in the territory of the other Party.

ARTICLE 11

Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6 he shall be treated, for the purpose of any claim to receive sickness benefit under that legislation, as if he were in the territory of the latter Party.

ARTICLE 12

Where a woman is insured under the legislation of one 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 a maternity grant or maternity allowance 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.

ARTICLE 13

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

(2) Where a person who is in the territory of one 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.

Invalidity Pensions

ARTICLE 14

(1) Where a person has completed insurance periods or equivalent periods under the legislation of both Contracting Parties, those periods shall be added together for the purpose of determining his right to receive an invalidity pension.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, any invalidity pension shall be paid in accordance with the provisions of the legislation under which the person was insured in respect of his employment at the time when the disablement was first medically certified, or was last so insured before that time, and the cost of the pension shall be borne by the social security authority which is responsible under that legislation.

(3) If, at the time when the disablement is first medically certified, less than one year has elapsed since the person's last arrival in the territory of the Party under whose legislation he is insured in respect of his employment or was last so insured, and the disablement is not due to an accident, then any invalidity pension shall be paid in accordance with the provisions of the legislation of the other Party, and the cost of the pension shall be borne by the social security authority which is responsible under that legislation.

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

Industrial Accidents and Diseases

ARTICLE 15

Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6, he shall be treated, for the purpose of any claim to receive benefit under the legislation of the latter Party for an industrial accident occurring or an industrial disease contracted during his employment in the territory of the former Party, as if the accident had occurred or the disease had been contracted in the territory of the latter Party.

ARTICLE 16

Where a person has contracted an industrial disease and has been employed in the territories of both Contracting Parties in occupations involving the risk of that disease, he shall, subject to the provisions of Articles 15 and 18, be treated for the purpose of any claim to receive benefit for that disease under the legislation of the Party in whose territory he was last so employed as if he had been so employed only in that territory.

ARTICLE 17

In assessing, for the purpose of the legislation of one 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.

ARTICLE 18

Where a person, having received a benefit for an industrial disease under the legislation of one Party, submits a claim under the legislation of the other Party to receive a benefit for an industrial disease of the same kind, the social security authority of the latter Party shall be responsible for obtaining evidence as to the benefit previously paid in respect of the same disease, and shall treat that benefit as if it had been granted under its own legislation.

Old Age Pensions

ARTICLE 19

(1) Subject to the provisions of Article 21, where a person submits a claim to receive an old age pension by virtue of insurance periods and equivalent periods completed under the legislation of both 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 Party shall determine, in accordance with its own national legislation, whether the person 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 national 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 Party shall calculate—

(*a*) the pension which would have been due to the person under its own national legislation if all the insurance periods and equivalent periods completed by him under the legislation of both Parties 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 person 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 person from the social security authority concerned.

(4) Where the total of all the insurance periods and equivalent periods completed by a person under the legislation of one Party is less than six months, the appropriate social security authority of the other Party shall take into account all those periods as if they had been completed under its own national legislation, not only for the purpose of determining whether the person satisfies the conditions for receiving an old age pension under that legislation, but also for the purpose of determining the amount of that pension ; and no old age pension shall be paid under the legisation of the former Party.

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

ARTICLE 20

Where a person does not simultaneously satisfy the conditions laid down by the legislation of both 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 19.

ARTICLE 21

(1) A person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of Article 19. In that case

the old age pension which he is entitled to receive under the legislation of each Contracting Party shall be determined separately by its social security authority without regard to insurance periods and equivalent periods completed by him under the legislation of the other Party.

(2) Such person shall be entitled to make a fresh choice between taking advantage of the provisions of Article 19 and those of this Article, if it is in his interest to do so, either when the legislation of either 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 20 or otherwise, his right to a pension is established or extended under the legislation of either Party.

Widow's Benefit and Benefit for Surviving Dependants

ARTICLE 22

The provisions relating to old age pensions contained in Articles 19, 20 and 21 shall apply to widow's benefit and benefit for the children of widows, subject to such modifications in each case as the differing nature of the benefit shall require.

Children's Allowances

ARTICLE 23

(1) Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6, he shall be treated for the purpose of any claim to receive children's allowances under that legislation—

(*a*) as if he were in the territory of the latter Party and employed in that territory; and

(*b*) if his children are in the territory of the former Party, as if they were in the territory of the latter Party.

(2) Where a person is employed in, or ordinarily resident in, the territory of one Party and the provisions of paragraph (1) do not apply to him, he shall be treated, for the purpose of any claim to receive children's allowances under the legislation of that Party, as if—

(*a*) he had been born in the territory of that Party, if he was born in the territory of the other Party;

(*b*) he had been resident, present or employed in the territory of that Party during any period during which he was, respectively, resident, present or employed in the territory of the other Party.

Unemployment Benefit

ARTICLE 24

(1) For the purpose of any claim to receive unemployment benefit under the legislation of one Contracting Party, a person who is in the territory of that Party shall be treated as if any insurance period or equivalent period completed under the legislation of the other Party were, respectively, an insurance period or equivalent period completed under the legislation of the former Party, provided that—

(*a*) he has begun an insurance period under the legislation of the former Party since his last arrival in the territory of that Party; or

(*b*) he is a national of the former Party or is ordinarily resident in the territory of that Party.

(2) For the purpose of any claim to receive unemployment benefit under the legislation of the United Kingdom, a person shall be treated as if he had been resident in the territory of the United Kingdom during any period during which he was resident in the territory of Yugoslavia.

Other Provisions about Benefit

ARTICLE 25

(1) Where, under the legislation of one Contracting Party, a person would be entitled to receive benefit for an industrial accident or disease, an invalidity pension, an old age pension, widow's benefit or benefit for surviving dependants, if he were in or resident in the territory of that Party, he shall be entitled to receive that benefit while he is, respectively, in or resident in the territory of the other Party.

(2) In relation to Yugoslavia, the provisions of paragraph (1) of this Article shall apply, subject to the approval of the social security authority of Yugoslavia, to any national of Yugoslavia whose absence from the territory of Yugoslavia involves temporary suspension of the payment of social security benefits under the legislation of Yugoslavia.

ARTICLE 26

(1) Where a person is entitled to receive a benefit under the legislation of one Contracting Party, and would be entitled to receive an increase of that benefit for a dependant if the dependant were in the territory of that Party, he shall be entitled to receive that increase while the dependant is in the territory of the other Party.

(2) Where a person would be entitled, under the legislation of the United Kingdom, to receive widow's benefit or benefit in respect of a death due to an industrial injury or disease if a child were in the territory of the United Kingdom or had been in that territory at the time when one of his parents died or at any other specified time, he shall be entitled to receive that benefit if the child, as the case may be, is in the territory of Yugoslavia or was in that territory at that time.

ARTICLE 27

(1) In applying those provisions of the present Convention which concern 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 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 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 Party, coincides with an equivalent period, completed under the legislation of the other Party, only the insurance period shall be taken into account;

(*c*) where an equivalent period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, 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 28

Where, under the legislation of either Contracting Party, the amount of any cash 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.

ARTICLE 29

Where, under the provisions of this Part of the present Convention, any cash benefit is payable by the social security authority of one Contracting Party to a person who is resident in the territory of the other Party, the payment may, at the request of that authority, be made by the social security authority of the latter Party as agent for the authority of the former Party.

ARTICLE 30

Subject to the provisions of Articles 17 and 18, any person claiming a benefit under the legislation of either Contracting Party may choose to have his claim settled without regard to the provisions of this Part of the present Convention.

PART IV.—MISCELLANEOUS PROVISIONS

ARTICLE 31

The social security authorities—

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

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

(*c*) 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 or any laws or regulations which extend insurance to new classes of persons or relate to a new branch of social security.

ARTICLE 32

(1) The competent authorities and the social security authorities of the two 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 social security 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.

(3) Where a person, who is in the territory of one Party, claims any benefit under the legislation of the other Party, the social security authority of the former Party, at the request of the social security authority of the latter Party, shall arrange at its own expense for him to be medically examined.

ARTICLE 33

(1) Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one 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 purpose of the legislation of the other Party.

(2) Where any certificate or other document of one Party has to be produced to the competent authority or social security authority of the other 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 purpose of the legislation of one 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 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 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

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

(2) Where a payment is due to be made in pursuance of the present Convention by the social security authority of one Party to the social security authority of the other Party or to a person in the territory of the other Party, it shall be made in accordance with the provisions of any Payments Agreement which may be in force between the Parties at the time when the payment is due to be made.

(3) Where there are restrictions imposed by one or the other Party on the transfer of funds outside the territory of that Party, that Party shall endeavour to make arrangements as soon as possible to enable payment of benefit to be made, notwithstanding those restrictions, in accordance with the provisions of the Convention.

ARTICLE 37

(1) No provision of the present Convention shall confer any right to receive any payment of benefit 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 Party shall be determined and paid;

(ii) any benefit which has been suspended because the person concerned is absent from the territory of either 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 sub-paragraph (*a*) of this paragraph shall be paid or determined and paid, as the case may be, as from the date of the entry into force of the Convention, provided that the claim therefor is submitted within twelve months of that date.

(3) Any insurance period or equivalent period which a person has completed before the date of 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 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 Contracting Parties.

(3) The decision of the arbitral body shall be made in accordance with the principles and spirit of the 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 Belgrade 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 undersigned, duly authorised by their respective Governments, have signed the present Convention.

Done in duplicate at London this 24th day of May, 1958, in the English and Serbo-Croat languages, both texts being equally authoritative.

JOHN ARCHIBALD BOYD-CARPENTER.

ALLAN NOBLE.

Z. HAS.

IVO VEJVODA.

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 Governments of the United Kingdom and of the Federal People's Republic of Yugoslavia 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 persons affected by that Convention.