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 Agreement (set out in the Schedule) made between the Governments of the United Kingdom and of Cyprus, and modifies the National Insurance Acts, 1946 to 1956, in their application to persons affected by that Agreement.

1957 No. 1879

The National Insurance and Industrial Injuries (Israel) Order, 1957

Made - - - - 31*st October*, 1957
Coming into Operation 1*st November*, 1957

At the Court at Buckingham Palace, the 31st day of October, 1957

Present,

The Queen's Most Excellent Majesty in Council

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

And Whereas by Article 30 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 Israel and the instruments of ratification were exchanged on the 25th day of September, 1957, and accordingly the said Convention enters into force on the 1st day of November, 1957:

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

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, 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 National Insurance and Industrial Injuries (Israel) Order, 1957, and shall come into operation on the 1st day of November, 1957.

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

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62. (c) 52 & 53 Vict. c. 63.

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 Israel for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946, and 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 the said provisions.

W. G. Agnew.

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND ISRAEL

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

Being resolved to co-operate in the social field,

Affirming the principle, already accepted by both Contracting Parties, that the nationals of one Party should receive under the social security legislation of the other Party equal treatment with the nationals of the latter Party,

Desirous of making arrangements enabling persons who go from the territory of one Party to the territory of the other either to keep the rights which they have acquired under the legislation of the former Party or to enjoy corresponding rights under the legislation of the latter,

Desirous also of making arrangements for insurance periods completed under the legislation of the two Parties to be added together for the purpose of determining the right to receive benefit,

Have agreed as follows:

PART I.—DEFINITIONS AND SCOPE

ARTICLE 1

For the purpose of the present Convention—

(1) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Israel, the territory of Israel, which, for the purpose of this Convention, shall mean the territory administered by the Government of Israel on the 19th of July, 1956;

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

(3) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;

(4) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Israel, the Minister of Labour;

(5) "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;

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

(7) "dependant" means a person for whom an increase of benefit is payable under the legislation which is being applied;

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

(9) the words "benefit" and "pension" include any increase in the benefit or pension and any additional allowances payable therewith;

(10) "old age pension" means, in relation to the United Kingdom, a contributory old age pension or retirement pension payable under the legislation of the United Kingdom, and, in relation to Israel, an old age pension payable under the legislation of Israel;

(11) "orphan's benefit" means, in relation to the United Kingdom, a guardian's allowance payable under the legislation of the United Kingdom, and, in relation to Israel, "orphan's benefit" payable under the legislation of Israel;

(12) "death benefit" means, in relation to the United Kingdom, death benefit payable under the legislation of the United Kingdom, and, in relation to Israel, a pension or grant payable under the legislation of Israel to the dependant of an insured person whose death was due to an industrial injury;

(13) any reference to "industrial injury" includes a reference to industrial disease within the meaning of the legislation which is being applied.

ARTICLE 2

(1) The provisions of the present Convention shall apply—

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

(i) the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts;

(ii) the National Insurance (Industrial Injuries) Act, 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948;

(*b*) in relation to Israel, to the National Insurance Act, 1953.

(2) Subject to the provisions of paragraph (3) 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 paragraph (1) 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.

PART II.—GENERAL PROVISIONS

ARTICLE 3

Subject to the provisions of the present Convention, a national of one Contracting Party shall be subject to the obligations, and entitled to enjoy the advantages, of the legislation of the other Party under the same conditions as a national of the latter Party.

ARTICLE 4

If a person is temporarily employed in the territory of one Contracting Party and is not ordinarily resident there, and if his employer is resident in the territory of the other Party, or has his principal place of business there, then—

(*a*) those provisions of the legislation of the latter Party which concern the payment of contributions shall apply to him as if he were employed in the territory of that Party;

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

ARTICLE 5

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

(2) Subject to the provisions of paragraph (1) of this Article, where a national of one Party is employed in the Government service of that Party in the territory of the other Party and is not ordinarily resident in that territory, or a person is employed in the private service of such a national and is not ordinarily resident in that territory—

(*a*) those provisions of the legislation of the former Party which concern the payment of contributions shall apply to him as if he were employed in the territory of that Party;

(*b*) the legislation of the latter Party shall not apply to him.

(3) Where a person to whom paragraphs (1) and (2) of this Article do not apply is employed in a diplomatic or consular post of one Party in the territory of the other, or is employed there in the private service of a diplomatic or consular official of the former Party, the legislation of the Party in whose territory he is employed shall apply to him.

ARTICLE 6

Where a person is employed in the territory of one Contracting Party and those provisions of the legislation of the other Party which concern the payment of contributions apply to him in accordance with the provisions of Article 4 or Article 5, he shall be treated, under that legislation, for the purpose of any claim to receive benefit for an industrial accident occurring, or an industrial disease contracted, during his employment in the territory of the former Party, as if that employment were insurable, and as if the accident had occurred or the disease had been contracted in the territory of the latter Party; and, if the latter Party is the United Kingdom, he shall be treated for the purpose of any claim to receive sickness benefit under the legislation of the United Kingdom as if he were in the territory of the United Kingdom.

ARTICLE 7

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

PART III.—BENEFIT

BENEFIT OF ONE PARTY PAYABLE IN THE TERRITORY OF THE OTHER

ARTICLE 8

(1) Where, under the legislation of one Contracting Party, a person would be entitled to receive an old age pension, widow's benefit, benefit in respect of an industrial injury, or death 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.

(2) So long as there are restrictions imposed by one Contracting Party on the transfer of funds to persons outside the territory of that Party, and these restrictions prevent persons in the territory of the other Party from receiving any benefit under the legislation of the former Party in accordance with the provisions of paragraph (1) of this Article, arrangements shall be made to enable any such person to appoint a person or bank in the territory of the former Party to receive that benefit on his behalf or to enable him to receive that benefit on his return to that territory.

BENEFICIARY OF ONE PARTY WITH DEPENDANT IN THE TERRITORY OF THE OTHER

ARTICLE 9

Where a person is entitled to receive an old age pension, widow's benefit or benefit in respect of an industrial injury 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.

BENEFIT OF ONE PARTY IN RESPECT OF A CHILD IN THE TERRITORY OF THE OTHER

ARTICLE 10

(1) Where, under the legislation of one Contracting Party, a woman would be entitled to receive widow's benefit or death benefit if a child had been in the territory of that Party at the time when one of his parents died, she shall be entitled to receive that benefit if the child was in the territory of the other Party at that time.

(2) Where, under the legislation of one Party, a woman would be entitled to receive widow's benefit or death benefit if a child were in the territory of that Party, she shall be entitled to receive that benefit while the child is in the territory of the other Party.

OLD AGE PENSIONS

ARTICLE 11

(1) If a person has been insured under the legislation of both Parties, then—

(*a*) for the purpose of determining whether he is entitled to receive an old age pension under the legislation of either Party, any insurance period completed by him under the legislation of the other Party shall be treated as if it were an insurance period completed by him under the legislation of the former Party ; and

(*b*) if he is entitled to receive an old age pension under the legislation of the former Party, the rate of that pension shall be a part of the rate of the pension which would have been payable to him under that legislation if every insurance period completed by him under the legislation of the latter Party had been an insurance period completed by him under the legislation of the former Party, namely, that part which bears the same relation to the whole as the total of all the insurance periods completed by him under the legislation of the former Party bears to the total of all the insurance periods completed by him under the legislation of both Parties.

(2) If a woman claims an old age pension under the legislation of the United Kingdom, wholly or partly by virtue of her husband's contributions, the provisions of paragraph (1) of this Article shall apply to her, subject to the modification that any reference in those paragraphs to an insurance period completed by her shall be construed as including a reference to an insurance period completed by her husband.

WIDOW'S BENEFIT

ARTICLE 12

If a man has been insured under the legislation of both Parties, then—

(*a*) for the purpose of determining whether his widow is entitled to receive widow's benefit under the legislation of either Party, any insurance period completed by him under the legislation of the other Party shall be treated as if it were an insurance period completed by him under the legislation of the former Party ; and

(*b*) if the widow is entitled to receive widow's benefit under the legislation of the former Party, the rate of that benefit shall be a part of the rate of the benefit which would have been payable to her under that legislation if every insurance period completed by her husband under the legislation of the latter Party had been an insurance period completed by him under the legislation of the former Party, namely, that part which bears the same relation to the whole as the total of all the insurance periods completed by him under the legislation of the former Party bears to the total of all the insurance periods completed by him under the legislation of both Parties.

ORPHAN'S BENEFIT

ARTICLE 13

For the purpose of any claim to receive orphan's benefit under the legislation of one Contracting Party in respect of a child who is resident in the territory of that Party, any insurance period completed by a parent of the child under the legislation of the other Party shall be treated as if it were an insurance period completed under the legislation of the former Party.

INSURANCE PERIODS TO BE IGNORED

ARTICLE 14

(1) For the purpose of determining, in accordance with the provisions of Articles 11, 12 and 13, whether a person is entitled to receive benefit under the legislation of Israel, and for the purpose of determining, in accordance with the provisions of Articles 11 and 12, what benefit would have been payable under that legislation if insurance periods completed under the legislation of the United Kingdom had been completed under the legislation of Israel, no account shall be taken of any insurance period completed under the legislation of the United Kingdom before the 1st April, 1954.

(2) For the purpose of applying the provisions of paragraph (2) of Article 11 and paragraph (*b*) of Article 12, no account shall be taken of any insurance period which a person completed under the legislation of the United Kingdom if, in the calculation of the yearly average of contributions paid by him or credited to him under that legislation, no account is taken of contributions paid in respect of that period.

INDUSTRIAL INJURIES

ARTICLE 15

Where a person has contracted an industrial disease and has been employed in the territory of both Contracting Parties in occupations involving the risk of that disease, he shall, subject to the provisions of Articles 6 and 16, 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 16

Where a person is receiving or has received any benefit for an industrial injury under the legislation of one Contracting Party, and claims benefit for an industrial injury under the legislation of the other Party, account shall be taken of the former benefit as if it were or had been paid under the legislation of the latter Party.

ARTICLE 17

(1) If the person is in the territory of Israel and is entitled to receive benefit under the legislation of the United Kingdom in respect of an industrial injury, he shall be entitled to receive also under the legislation of Israel such medical treatment as he would have been entitled to receive if the injury had been an industrial injury as defined by the legislation of Israel.

(2) If a person is in the territory of the United Kingdom and is entitled to receive benefit under the legislation of Israel in respect of an industrial injury, he shall be entitled to receive the benefits in kind provided under the National Health Services of the United Kingdom.

MATERNITY BENEFIT

ARTICLE 18

(1) Where a woman would have been entitled to receive a maternity grant under the legislation of one Contracting Party if she had been confined in the territory of that Party, she shall be entitled to receive that grant if she is confined in the territory of the other Party.

(2) A woman who is confined in the territory of the United Kingdom shall not be disqualified for receiving a maternity grant under the legislation of Israel on the ground that her confinement did not take place in a hospital.

(3) Where a woman is entitled to receive a maternity grant under the legislation of the United Kingdom, and is confined in the territory of Israel, she shall be entitled to receive medical treatment in a public hospital in that territory at the same charge as a woman who is entitled to receive a maternity grant under the legislation of Israel.

ARTICLE 19

For the purpose of any claim to receive a maternity allowance under the legislation of one Contracting Party, a woman who is in the territory of that Party and has completed an insurance period under that legislation since her last arrival in that territory shall be treated as if any insurance period completed by her under the legislation of the other Party were an insurance period completed by her under the legislation of the former Party.

CLAIMS MADE INDEPENDENTLY OF THE CONVENTION

ARTICLE 20

Subject to the provisions of Article 16, any person claiming benefit under the legislation of either Contracting Party may choose to have his claim determined without regard to the provisions of this Part of the Convention.

PART IV.—MISCELLANEOUS PROVISIONS

ARTICLE 21

The competent authorities—

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

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

(iii) 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;

(iv) shall furnish assistance to one another with regard to any matter relating to the application of the Convention.

ARTICLE 22

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

ARTICLE 23

No benefit paid under the legislation of one Contracting Party by virtue of the present Convention shall be reimbursed out of the funds of the other Party.

ARTICLE 24

Where, for the purpose of a claim to receive benefit under the legislation of one Contracting Party, it is necessary for a person in the territory of the other Party to be medically examined, the competent authority of the latter Party, at the request of the competent authority of the former Party, shall arrange for him to be examined at its own expense.

ARTICLE 25

(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 purposes of the legislation of the other Party.

(2) Where any certificate or other document has to be produced to the competent authority of one (or 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 by a diplomatic or consular authority.

ARTICLE 26

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

ARTICLE 27

(1) The competent authorities of the two 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 two Parties.

(3) The decision of the arbitral body shall be made in accordance with the principles and spirit of the present Convention and shall be final and binding.

ARTICLE 28

(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) No provision of Part II of the Convention shall apply to any period during which a person was employed before the date of the entry into force of the Convention.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, any benefit, other than a maternity grant, 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 such benefit shall be paid as from that date, if the claim therefor is submitted within six months of that date.

(4) Any period during which a person was insured under the legislation of one (or the other) Contracting Party before the date of entry into force of the Convention shall be taken into account for the purpose of determining any right to benefit in accordance with the provisions of the Convention.

ARTICLE 29

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 30

The present Convention shall be ratified and the instruments of ratification shall be exchanged 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 31

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 by notice in writing given by either Contracting Party to the other 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 and affixed thereto their seals.

Done in duplicate at London, this 29th day of April, 1957, in the English and Hebrew languages, both texts being equally authoritative.

(L.S.) ALLAN NOBLE.

(L.S.) ELIAHU ELATH.

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 Israel and modifies 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.