has now ratified the Convention) in relation to the National Insurance Acts, 1946 to 1954, and the National Insurance (Industrial Injuries) Acts, 1946 to 1954, and also to the Convention (set out in the Second Schedule) made between the Governments of the United Kingdom and Luxembourg.

The Order modifies the National Insurance Acts, 1946 to 1954, and the National Insurance (Industrial Injuries) Acts, 1946 to 1954, in their application to persons affected by the said provisions of those Conventions.

1955 No. 874

The National Insurance and Industrial Injuries (Netherlands) Order, 1955

Made - - - - 21*st June*, 1955
Coming into Operation 21*st June*, 1955

At the Court at Buckingham Palace, the 21st day of June, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas at The Hague on the eleventh day of August, nineteen hundred and fifty four a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands on social security (which Convention is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 49 of the said Convention it was provided that the Convention should enter into force on the first day of the 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 the Netherlands, and the instruments of ratification were exchanged on the 23rd day of May, 1955, and accordingly the said Convention enters into force on the 1st June, 1955:

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 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 (Netherlands) Order, 1955, and shall come into operation on the twenty-first day of June, 1955.

(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 the National Insurance Acts, 1946 to 1955, and the National Insurance (Industrial Injuries) Acts, 1946 to 1954, 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 AND THE KINGDOM OF THE NETHERLANDS

The Hague, August 11, 1954

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

Being resolved to co-operate in the social field,

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

Desirous of giving effect to this principle and of making arrangements enabling their nationals who go from the territory of one Party to the territory of the other either to keep the rights which they have acquired under the legislation of the former Party or to enjoy corresponding rights under the legislation of the latter,

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

Have agreed as follows:—

PART I

Definitions and Scope

ARTICLE 1

For the purpose of the present Convention—

(1) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to the Kingdom of the Netherlands, the territory in Europe;

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

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

(4) "competent authority" means, in relation to the United Kingdom, the Minister, Ministry or Board responsible for the administration of the legislation specified in Article 2, and, in relation to the Kingdom of the Netherlands, the Minister responsible for the administration of that legislation;

(5) "social security authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to the Kingdom of the Netherlands, the appropriate administrative authority specified in the legislation of the Kingdom of the Netherlands;

(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 a person who would be treated as such for the purpose of any claim to receive a dependant's allowance under the legislation which is being applied;

(8) "insurance period" means, in relation to the United Kingdom, a period in respect of which contributions, appropriate to the benefit in question, have been paid under the legislation of the United Kingdom, and, in relation to the Kingdom of the Netherlands, an insurance period completed under the legislation of the Kingdom of the Netherlands;

(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 the Kingdom of the Netherlands, a period recognised under the legislation of the Kingdom of the Netherlands as equivalent to an insurance period;

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

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

(12)—(*a*) "invalidity pension" means, 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 paragraph (3) or (5) of Article 16;

(*b*) "invalidity pension" means, in relation to the Kingdom of the Netherlands, an invalidity pension as defined in the legislation of the Kingdom of the Netherlands;

(13) "old age pension" means, in relation to the United Kingdom, an old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to the Kingdom of the Netherlands, an old age pension as defined in the legislation of the Kingdom of the Netherlands.

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 the Kingdom of the Netherlands, to—

(i) the laws and regulations concerning sickness insurance, including maternity benefits in cash, but excluding all benefits in kind,

(ii) the laws and regulations concerning insurance providing compensation for old age, invalidity and early death,

(iii) the laws and regulations concerning industrial accidents and industrial diseases,

(iv) the laws and regulations concerning unemployment insurance,

(v) the regulation concerning the system of invalidity and old age insurance for workers in the mining industry and other workers who are treated as such.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall also apply to any law or regulation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Convention shall not apply to laws or regulations which extend insurance to new classes of persons or relate to a new branch of social security, if either Contracting Party so decides and gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 38 of the Convention.

(4) The Convention shall apply to laws and regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement on social security only if the Contracting Parties so decide.

PART II

General Provisions

ARTICLE 3

A national of one Contracting Party shall be entitled to receive the benefits of the legislation of the other Party under the same conditions as if he were a national of the latter Party.

ARTICLE 4

(1) Subject to the provisions of paragraph (2) of this Article and of Articles 5 and 8, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall apply to him, even if he is ordinarily resident in the territory of the other Party, and even if his employer or the registered office or principal place of business of the undertaking which employs him is in the latter territory.

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

(*b*) Where a national of either Party is employed by a transport undertaking on road or rail vehicles in the territory of one (or the other) Party, the legislation of the Party in whose territory the transport undertaking has its registered office or principal place of business shall apply to him as if he were employed in that territory and as if any conditions relating to residence or domicile were satisfied in his case.

ARTICLE 5

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

(*a*) a sea-going ship or vessel, or an aircraft, registered in the territory of the United Kingdom, or

(*b*) a sea-going ship or vessel, or an aircraft, registered in the territory of the Kingdom of the Netherlands.

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

(3) Where a national of either Party, ordinarily resident in the territory of one Party and employed temporarily 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.

(4) A sea-going ship or vessel, built in the territory of one Party for a person or undertaking whose registered office or 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

Where a national of either Contracting Party is ordinarily engaged on his own account in an occupation in the territory of one Party, the legislation of that Party shall apply to him even if he is ordinarily resident in the territory of the other Party.

ARTICLE 7

Where a national of either Contracting Party, who is not gainfully occupied, is ordinarily resident in the territory of one Party, the legislation of that Party shall apply to him even if he is temporarily in the territory of the other Party.

ARTICLE 8

(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,

(*a*) where a national of one Party, who is employed in its government service and has completed an insurance period under its legislation, is employed in the territory of the other Party, the legislation of the former Party shall apply to him as if he were employed in its territory;

(*b*) where a national of either Party, to whom sub-paragraph (*a*) of this paragraph does not apply, is employed in a diplomatic or consular post of one 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.

(3) The competent authorities may provide by agreement that the legislation of the Kingdom of the Netherlands shall apply to persons employed in its territory by the armed forces of the United Kingdom or by official bodies of the United Kingdom.

ARTICLE 9

Where a national of either Contracting Party is in the territory of one Party and the legislation of the other applies to him in accordance with the provisions of paragraph (2) of Article 4 or of sub-paragraph (*a*) of paragraph (2) of Article 8, he shall, for the purpose of any right to receive cash benefits for sickness, maternity, industrial accident or disease under such legislation, be treated

(1) in respect of sickness and maternity benefit as if he were resident in the territory of the latter Party, and

(2) in respect of benefit for an industrial accident occurring or an industrial disease contracted during such employment as if the accident had occurred or the disease had been contracted in the territory of the latter Party.

ARTICLE 10

The competent authorities of the two Contracting Parties may agree that the provisions of Articles 4, 5, 6, 7 and 8 shall not apply in particular cases.

ARTICLE 11

Where a national of either Contracting Party, who is ordinarily resident in the territory of one Party but is not compulsorily insured under its legislation, claims the right to be voluntarily insured under that legislation, any insurance period completed under the legislation of the other Party shall be treated for the purpose of such claim as if it had been completed under the legislation of the former Party.

PART III

Special Provisions

SECTION 1

Benefits in respect of Sickness, Maternity and Unemployment

ARTICLE 12

A national of either Contracting Party who has completed an insurance period under the legislation of one 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 and unemployment, provided that—

(1) he has begun an insurance period under the legislation of the latter Party;

(2) 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, subject to the provisions of Article 31, as if it had been completed under the legislation of the latter Party;

(3) in the case of sickness benefit claimed in respect of the national himself, the illness has become apparent after the beginning of the insurance period following the date on which he last entered the territory of the latter Party;

(4) in the case of maternity, the benefit shall be provided under the legislation which applies to the woman or, if it is claimed by virtue of her husband's insurance, to her husband at the time when the claim is made;

(5) in the case of unemployment benefit, the unemployment occurs after the beginning of the insurance period following the date on which the national last entered the territory of the Party under whose legislation the benefit is claimed.

ARTICLE 13

Where a woman, being a national of either Party, is insured under the legislation of one 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 in cash 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 14

Where a national of either Contracting Party goes from the territory of one Party to the territory of the other, after having fallen ill in the territory of the former Party, he shall remain entitled to receive sickness benefit under the legislation of the former Party as if he were in its territory, provided that, before his departure, the social security authority of the former Party has so agreed.

ARTICLE 15

Where a national of either Contracting Party, ordinarily resident in the territory of one Party, becomes unemployed in the territory of the other at a time when the legislation of the latter Party applies to him and returns to the territory of the former Party, he shall receive unemployment benefit in accordance with the provisions of the legislation of the former Party; and for this purpose any insurance period or equivalent period completed by him under the legislation of the latter Party shall be treated, subject to the provisions of Article 31, as if it had been completed under the legislation of the former.

SECTION 2

Invalidity Pensions

ARTICLE 16

(1) Where a national of either Contracting Party has completed insurance periods or equivalent periods under the legislation of both Parties, such periods shall be added together in accordance with the provisions of Article 31 for the purpose of determining his right to receive an invalidity pension.

(2) Subject to the provisions of paragraphs (3) and (5) of this Article, an invalidity pension shall be paid in accordance with the provisions of the legislation under which the national was insured in respect of his employment at the time when the disease or disablement was first medically certified, or was last so insured 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 Party, having completed an insurance period under the legislation of one 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 disease or disablement 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 invalidity 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) Party, the national again becomes an invalid 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 invalidity is attributable to the disease or disablement in respect of which such pension was previously granted.

ARTICLE 17

If a national of either Contracting Party has been insured in respect of sickness under the legislation of the United Kingdom before the age of thirty-five and becomes an employed person in the territory of the Kingdom of the Netherlands after having reached that age, then he shall not be excluded from insurance in respect of invalidity under the legislation of the Kingdom of the Netherlands, provided that he has not reached the age of sixty-five, is not earning a wage which would entitle him to claim exemption from that insurance and is not exempted from that insurance on any other ground.

ARTICLE 18

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

SECTION 3

Old Age Pensions

ARTICLE 19

(1) Subject to the provisions of Article 22, where a national of either 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 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 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 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 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 31, 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) Party is less than six months, no pension shall be paid under the legislation of that Party.

(5) For the purpose of applying this Article 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 in those cases where the national concerned is a woman claiming an old age pension by virtue of her husband's insurance.

ARTICLE 20

If a national of either Contracting Party has been insured in respect of an old age pension under the legislation of the United Kingdom before the age of thirty-five and becomes an employed person in the territory of the Kingdom of the Netherlands after having reached that age, then

(1) he shall not be excluded from insurance in respect of invalidity under the legislation of the Kingdom of the Netherlands, provided that he has not reached the age of sixty-five, is not earning a wage which would entitle him to claim exemption from that insurance and is not exempted from that insurance on any other ground; and

(2) for the purpose of determining and calculating the old age pension under the legislation of the Kingdom of the Netherlands, he shall be treated as having become insured at the age of thirty-five, or at the age at which he became insured under the legislation of the United Kingdom, whichever is the more favourable.

ARTICLE 21

Where a national of either Contracting Party 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 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 22

(1) A national of either 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 19 of the present Convention. In that case the old age pension which he is entitled to receive under the legislation of each 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 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 21 or otherwise, his right to a pension is established or extended under the legislation of either Party.

ARTICLE 23

(1) Where, under the legislation of one Contracting Party, a national of either Party would be entitled to receive an old age pension if he were resident in the territory of that Party, he shall be entitled to receive that pension while he is resident in the territory of the other Party.

(2) For the purpose of applying this Article, effect shall be given to the provisions of Article 44.

ARTICLE 24

Where a special scheme established under the legislation of one 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, the only periods completed under the legislation of the other Party which shall be treated as insurance periods for the purpose of determining the right to receive an old age pension under the said special scheme shall be those completed under a corresponding special scheme of the latter Party. 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.

SECTION 4

Benefits in respect of Widowhood and Orphanhood

ARTICLE 25

The provisions relating to old age pensions, contained in Section 3, shall apply to benefits in respect of widowhood provided under the legislation of the two Contracting Parties, subject to such modifications as the differing nature of the benefits shall require.

ARTICLE 26

The provisions relating to old age pensions, contained in Articles 19, 23 and 24, shall apply to benefits in respect of orphanhood provided under the legislation of the two Contracting Parties, subject to such modifications as the differing nature of the benefits shall require.

ARTICLE 27

Where a national of either Contracting Party is entitled to receive benefits in respect of orphanhood under the legislation of the two Parties in accordance with the provisions of Article 26, he shall be entitled to receive also from the social security authority of the Party in whose territory he is resident the amount, if any, by which the total of these two benefits is less than the benefit which he would be entitled to receive under the legislation of that Party if the provisions of Article 26 were not applied in his case.

SECTION 5

Industrial Accidents and Diseases

ARTICLE 28

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

ARTICLE 29

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 30

Where a national of either Contracting Party, 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.

SECTION 6

General Provisions

ARTICLE 31

(1) In applying the provisions contained in Articles 12, 15, 16 and 19 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 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.

(3) Where, for the purpose of a claim to receive an invalidity pension or old age pension under the legislation of the Kingdom of the Netherlands, an insurance period completed under the legislation of the United Kingdom is treated as if it had been completed under the legislation of the Kingdom of the Netherlands, the contributions paid in respect of that period shall be treated as if they had been paid under the legislation of the Kingdom of the Netherlands in the class applicable to the national concerned.

ARTICLE 32

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 33

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 34

Where payment of any benefit is made by the social security authority of the Kingdom of the Netherlands as agent for the social security authority of the United Kingdom in accordance with the provisions of Article 33,

(1) payment shall be made, except in the case of a lump sum, in arrear at monthly intervals;

(2) any question about earnings shall be determined in accordance with the legal procedure of the Netherlands Emergency Old Age Pensions Act.

ARTICLE 35

In all cases where, under the legislation of one Contracting Party, any cash benefit 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 Party.

ARTICLE 36

Subject to the provisions of Articles 22 and 37, 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 the present Convention.

ARTICLE 37

(1) Where a national of either Contracting Party, who is entitled to receive a cash benefit under the legislation of one Party, claims a cash benefit under the legislation of the other 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 national 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 apply to two benefits of the same kind paid in accordance with the provisions of Section 2, Section 3 or Section 4 of this Part of the present Convention.

PART IV

Miscellaneous Provisions

ARTICLE 38

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 39

(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 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 40

(1) Any exemption from, or reduction of, legal dues 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 purposes 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 or social security 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.

ARTICLE 41

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 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 42

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 43

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.

ARTICLE 44

(1) In any case where a person left the territory of the United Kingdom before the 5th July, 1948, and had previously received one or more payments of old age pension under the legislation of the United Kingdom, he shall be entitled, if he is in the territory of the Kingdom of the Netherlands, to receive such a pension at the rate prescribed in paragraph (3) of this Article appropriate to him, and on the same conditions as if he were in the former territory; and the wife of that person, if she is in the territory of the Kingdom of the

Netherlands, shall be entitled to receive such a pension at the rate prescribed in the said paragraph (3) appropriate to her, and on the same conditions as if she were in the former territory.

(2) In any case where a person left the territory of the United Kingdom before the 5th July, 1948, and would have been able, but for his absence from that territory, to receive, before that date, payments of old age pension under the said legislation, he shall be entitled to receive such a pension on the conditions set out in paragraph (1) of this Article.

(3) The rate of pension payable under the provisions of paragraphs (1) and (2) of this Article shall be determined as follows:—

(*a*) if the pension was paid before the person 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 person 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 person 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 person left the said territory because the person (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 person remained in the said territory until the person (or her husband, as the case may be) attained that age, and made a claim;

provided that in any case where the person left the said territory on or after the 30th September, 1946, the rate shall be the rate at which the pension would be payable had he remained in the said territory.

(4) 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 will be applied from the same date to such pensioners resident in the territory of the Kingdom of the Netherlands.

ARTICLE 45

(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 national of either 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 46

(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, or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of either 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 47

The two Contracting Parties shall conclude, if necessary, one or more supplementary agreements based on the principles of the present Convention.

ARTICLE 48

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 49

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 month following the month in which the instruments of ratification are exchanged.

ARTICLE 50

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 and affixed thereto their seals.

Done in duplicate at The Hague, this 11th day of August, 1954, in the English and Netherlands languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(L.S.) A. C. STEWART.

For the Government of the Kingdom of the Netherlands:

(L.S.) J. W. BEYEN.

(L.S.) J. LUNS.

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 Netherlands and modifies the National Insurance Acts, 1946 to 1955, and the National Insurance (Industrial Injuries) Acts, 1946 to 1954, in their application to persons affected by that Convention.