

No. 1349

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FRANCE**

Agreement regarding the reciprocal application of the social security schemes of France and Northern Ireland (with Protocol respecting old-age pensions, Special Protocol respecting health services and Special Protocol respecting allowances to retired workers as provided for by French legislation and assistance provided for by Northern Ireland legislation). Signed at Paris, on 28 January 1950

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 2 August 1951.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
FRANCE**

Convention relative aux régimes de sécurité sociale applicables en France et en Irlande du Nord (avec Protocole relatif aux pensions de vieillesse, Protocole spécial relatif aux services de santé et Protocole spécial relatif à l'allocation aux vieux travailleurs salariés prévue par la législation française et aux allocations d'assistance prévues par la législation de l'Irlande du Nord). Signée à Paris, le 28 janvier 1950

Textes officiels anglais et français.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 2 août 1951.

No. 1349. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC REGARDING THE RECIPROCAL APPLICATION OF THE SOCIAL SECURITY SCHEMES OF FRANCE AND NORTHERN IRELAND. SIGNED AT PARIS, ON 28 JANUARY 1950

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

and

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

PART I.—GENERAL PRINCIPLES

Article 1

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

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

Article 2

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

¹ Came into force on 1 April 1951, the instruments of ratification having been exchanged at London on 7 March 1951, in accordance with article 30.

(1) *In Northern Ireland—*

- (a) the legislation relating to the system of national insurance and concerning insurance against sickness, old age and death (including widowhood, orphanhood and death grant) and payments in respect of the confinement of women;
- (b) the legislation relating to the system of national insurance and concerning insurance against personal injury by accident, and against prescribed diseases and injuries, due to employment.

(2) *In France—*

- (a) the general legislation governing the social insurance system applicable to insured persons in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and the covering of maternity expenses;
- (b) the social insurance legislation applicable to employed persons and persons treated as employed persons, in agricultural employment and concerning the covering of the same risks and charges;
- (c) the legislative measures concerning the prevention of, and compensation for, industrial accidents and occupational diseases;
- (d) special social security schemes, in so far as they deal with the risk or benefits covered by the legislative measures referred to in the foregoing paragraphs, and, in particular, the system of social security in the mining industry.

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

Nevertheless the present Agreement shall not apply—

- (a) to laws or regulations covering a new branch of social security unless an arrangement to that effect be agreed upon between the contracting Governments;
- (b) to laws or regulations extending existing schemes to new classes of beneficiaries, if the Government concerned lodges an objection with the other Government within a period of three months after the official publication of the said laws or regulations.

Article 3

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

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

- (a) employed persons, or persons treated as employed persons, who are employed in a country other than that of their normal residence by an undertaking having in such country of residence an establishment to which the persons concerned normally belong, shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country is not expected to exceed six months;
- (b) persons connected with transport undertakings in either country who are employed in the mobile sections (travelling personnel) of these undertakings shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office.

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

Article 4

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

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

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

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

PART II.—SPECIAL PROVISIONS

SECTION 1.—INSURANCE AGAINST SICKNESS, MATERNITY, DEATH

Article 5

French or British nationals registered under the compulsory insurance scheme in France or Northern Ireland who change their place of residence from one country to the other and who, in the latter country, become subject

to compulsory insurance from the time of their arrival, shall together with the legally entitled members of their household, enter into benefit in respect of the sickness, maternity and death insurance schemes of that country as soon as they fulfil the conditions required for eligibility for benefit under the legislation of that country, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the insurance periods completed consecutively in the two countries.

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

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

A.—Establishment of the Right to Benefit and its award and payment

Article 6

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

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

Article 7

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

B.—*Maintenance of Acquired Rights*

Article 8

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

Article 9

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

Article 10

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

SECTION 3.—OLD-AGE INSURANCE

A.—*Establishment of the Right to and Payment of Benefit*

Article 11

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

2. The amount of benefit to which an insured person may become entitled from each of the social security authorities concerned shall be determined by reducing the amount of the benefit to which he would have been so entitled if the total number of periods referred to in paragraph 1 above had been completed under the appropriate scheme, the reduction being effected on a *pro rata* basis having regard to the periods actually completed under that scheme.

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

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

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

Article 12

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

Article 13

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

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

B.—*Maintenance of Rights Acquired*

Article 14

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

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

SECTION 4.—INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 15

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

Article 16

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

SECTION 5.—PROVISIONS COMMON TO INVALIDITY, LONG-TERM SICKNESS, OLD AGE AND INDUSTRIAL ACCIDENT INSURANCE, PAYMENT OF BENEFITS

Article 17

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

Long-term sickness benefit in respect of Northern Ireland insurance the right to which is acquired in France under the conditions laid down in Article 8, retirement pensions and pensions for industrial accidents, which have been finally assessed, and the right to which is acquired in Northern Ireland under the law in force there, shall be paid, in France, by the French funds for the account of Northern Ireland social security organisation.

Article 18

The expenses incurred by the French and Northern Ireland social security authorities under Article 17 shall be repaid through the agency, in France, of the National Social Security Fund, acting on behalf of all French social security authorities; and in Northern Ireland by the Northern Ireland National Insurance Fund or Industrial Injuries Fund, as the case may be.

PART III.—GENERAL AND MISCELLANEOUS PROVISIONS

SECTION 1.—ADMINISTRATIVE CO-OPERATION

Article 19

The administrative and social security authorities of the two countries shall furnish mutual assistance in the same degree as if the matter in question were one affecting the application of their own social security scheme.

Article 20

1. The privilege of exemption from liability to pay legal dues in respect of registration, stamp charges and consular fees provided by the laws of either country in respect of documents to be produced before the administrative

authorities or social security authorities of the one country shall be extended to the corresponding documents to be produced, for the purposes of the application of the present Agreement, before the administrative authorities or social security authorities of the other country.

2. The requirement of legalisation by the diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers to be produced for the purposes of the operation of the present Agreement.

Article 21

Communications relating to the application of the present Agreement, sent by beneficiaries under the Agreement to the social security authorities and other administrative or judicial authorities having powers in relation to social security in either country, shall be drawn up in the official language of the one or the other of the two countries.

Article 22

Appeals that are required to be lodged within a prescribed period with an authority competent to accept appeals relating to social security in one or other of the two countries shall be deemed admissible if they are lodged within the same period, with a corresponding authority in the other country. In such cases, the latter authority shall transmit the appeals without delay to the competent authority.

Article 23

1. The responsible administrative authorities of the two countries shall determine between themselves the detailed measures for the implementation of the present Agreement, or of the supplementary Agreements provided for in the Agreement, in so far as those measures call for joint action by those authorities.

The same administrative authority shall communicate to each other in due course information about the details of changes that have taken place in the laws or regulations in their respective countries concerning the schemes enumerated in Article 2.

2. The competent authorities in each of the countries shall communicate to each other information about the other arrangements made, within their respective countries, for the implementation of the present Agreement.

Article 24

The Ministers or Ministries having among their functions the administration of the schemes enumerated in Article 2 shall be deemed, in each country, to be the responsible administrative authorities, within the meaning of the present Agreement, to the extent to which those schemes fall within their competence.

SECTION 2.—MISCELLANEOUS PROVISIONS

Article 25

The authorities responsible, by virtue of the present Agreement, for the administration of social security benefits, shall be held to discharge their responsibility validly by payments in the currency of their country.

In the event of the issue of regulations, in one or other of the two countries, with a view to imposing restrictions upon the free exchange of currency, measures are to be taken forthwith, by agreement between the two Governments, to ensure, in accordance with the provisions of the present Agreement, the reciprocal transfer of sums due.

Article 26

Nothing in this Agreement shall be held to invalidate in any way the rules laid down in the schemes referred to in Article 2 respecting the conditions under which insured persons may take part in the elections in connexion with the functioning of the social security system.

Article 27

The formalities that may be laid down by the legal provisions or regulations of one or other of the two countries in respect of the payment, outside the limits of their territory, of the benefits distributed by its social security authorities, shall also apply, under the same conditions as those applicable to nationals, to persons entitled to receive such benefits by virtue of the present Agreement.

Article 28

The provisions necessary for the application of the present Agreement as regards the several branches of social security included in the schemes referred to in Article 2 will form the subject matter of one or more supplementary agreements.

Article 29

1. All difficulties relating to the carrying out of the present Agreement shall be resolved by agreement between the responsible administrative authorities of the two countries.

2. In cases where it may have been impossible to arrive at a solution by this means, the disagreement is to be submitted to arbitration, in accordance with a procedure to be arranged between the two Governments. The arbitral body shall settle the dispute according to the fundamental principles and in the spirit of the present Agreement.

Article 30

1. The present Agreement shall be ratified, and the instruments of ratification shall be exchanged in London as soon as possible.

2. It shall come into force on the first day of the month following that in which the instruments of ratification are exchanged.

3. The date on which the supplementary agreements, referred to in Article 28 (including provision for giving effect to any rights acquired before the date of the operation of the present Agreement by nationals of one of the two countries to benefits under the scheme in force in the other country), become applicable will be fixed in the said Agreements.

4. French or British nationals insured for British old-age pensions whose title to pension matured before 5th July, 1948, and who left Northern Ireland before that date and transferred their place of residence to France shall retain their pensions rights subject to the following conditions:—

- (a) where a pension was being paid in Northern Ireland subject to satisfactory evidence as to right;
- (b) where a person was paying contributions in Northern Ireland after 1st July, 1940, and title to pension would have matured between that date and 5th July, 1948, if he had remained in Northern Ireland.

The rate of such pension shall be the rate applicable in Northern Ireland, in the case referred to in sub-paragraph (a), at the time when the pension was last paid, and in the case referred to in sub-paragraph (b) at the time when it would have been paid had the pensioner remained in Northern Ireland until he attained pensionable age.

5. French or British nationals insured under the Northern Ireland scheme who left Northern Ireland before 5th July, 1948, and attain pension age after that date shall only be eligible to have their Northern Ireland contribution periods taken into account if after their departure from Northern Ireland they became insured and continued to be insured until 5th July, 1948, under the relevant French Security legislation. In that case such contribution periods shall be taken into account for the purpose of eligibility for pension either under British law or under the present Agreement in so far as such periods have occurred after 1st July, 1940.

6. The rights of British nationals who, prior to the coming into force of this Agreement, have had awarded to them an old-age pension or allowance under the decrees of 28th and 30th October, 1935, as amended, may be reviewed upon the application of the persons concerned.

The review shall ensure that the same rights are granted to the beneficiaries as if the present Agreement had been in operation at the time of the award of the pension allowance.

Article 31

1. The present Agreement is concluded for the duration of one year from the date of its coming into force in accordance with the provisions of Article 30. It will continue in force from year to year unless notice of termination is given three months before the expiration of the period.

2. In the event of such termination the provisions of the present Agreement and of the supplementary agreements referred to in Article 28 shall remain applicable to acquired rights, notwithstanding any restrictive provisions that the schemes concerned may have laid down for cases of residence in a foreign country on the part of insured persons.

3. Any rights that are in process of acquisition in respect of insurance periods completed prior to the date on which the present Agreement ceases to have effect shall be determined in conformity with conditions to be laid down by supplementary agreements.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorised by their respective Governments, have signed the present Agreement and affixed their seals thereto.

DONE in duplicate at Paris, the 28th day of January, 1950, in English and French, both texts being equally authoritative.

Oliver HARVEY

P. SEGELLE
Philippe PÉRIER

PROTOCOL RESPECTING OLD-AGE PENSIONS

On signing this day the General Agreement between the Governments of the French Republic and of the United Kingdom of Great Britain and Northern Ireland relating to the social security schemes of France and Northern Ireland the respective plenipotentiaries agree that, as persons in receipt of old-age pensions under the French legislation receive those pensions in Northern Ireland at the same rate as if they had remained in France, if at any time the rates of old-age pensions awarded before 1st October, 1946, under the Northern Ireland insurance scheme which are payable to pensioners resident in parts of His Majesty's dominions outside the United Kingdom are generally increased, similar increases will be applied from the same date to such pensioners resident in France.

DONE in duplicate at Paris, the 28th day of January, 1950, in English and French, both texts being equally authoritative.

Oliver HARVEY

P. SEGELLE
Philippe PÉRIER

SPECIAL PROTOCOL RESPECTING HEALTH SERVICES

On signing this day the Agreement on Social Security between the Governments of the United Kingdom of Great Britain and Northern Ireland and the French Republic, the respective plenipotentiaries agree that, as British nationals to whom the agreement applies and their dependants will be entitled to reimbursement of the cost of medical treatment in France under the same conditions as French insured persons and their dependants, French nationals to whom the agreement applies and their dependants will be entitled, while in Northern Ireland, to the benefit free of charge of the Health Services provided under the laws in force in Northern Ireland, as though they were ordinarily resident there.

DONE in duplicate at Paris, the 28th day of January, 1950, in English and French, both texts being equally authoritative.

Oliver HARVEY

P. SEGELLE
Philippe PÉRIER

SPECIAL PROTOCOL RESPECTING ALLOWANCES TO RETIRED WORKERS AS PROVIDED FOR BY FRENCH LEGISLATION AND ASSISTANCE PROVIDED FOR BY NORTHERN IRELAND LEGISLATION

In consideration of the fact that the laws in force in Northern Ireland relating to National Assistance grant, as from 5th July, 1948, to all persons in Northern Ireland of whatever nationality who have been resident in the United Kingdom for a period of five years preceding the date on which the application for assistance is made, an allowance according to need substantially equivalent to the provision made for non-contributory old-age pensioners, on signing this day the Agreement on Social Security between the Governments of the United Kingdom of Great Britain and Northern Ireland and the French Republic relating to the schemes of Social Security in Northern Ireland and France, the respective plenipotentiaries agree that the allowances to old-age wage earners provided by French legislation shall as from 1st March 1950, and under the same conditions as those for French workers, be granted to British nationals who have been employed persons in Northern Ireland, have the necessary qualifications as to age, are without adequate means and have been resident in France for a period of five years preceding the date on which the application for the allowance is made.

In consideration moreover of the fact that the laws in force in Northern Ireland provide that right to the allowance is preserved even if the person concerned should be absent from the United Kingdom in the course of the five years preceding the date on which he can become entitled to the allowance,

provided the person has been absent for any cause which in the opinion of the National Assistance Board for Northern Ireland is reasonable, it is agreed that persons from Northern Ireland shall not be disqualified for the receipt of the allowance to old-age wage earners in France by reason of the fact that their period of five years residence has not been uninterrupted, provided it has been interrupted for any cause which in the opinion of the French social security authorities is reasonable.

The allowance to old-age wage earners shall cease to be made when the beneficiaries leave French territory.

DONE in duplicate at Paris, the 28th day of January, 1950, in English and French, both texts being equally authoritative.

Oliver HARVEY

P. SEGELLE
Philippe PÉRIER