

No. 5669

BELGIUM
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

Agreement relating to compensation for disablement and death due to war injury suffered by civilians in the 1939-1945 war. Signed at Brussels, on 3 October 1957

Official texts: English and French.

Registered by Belgium on 13 April 1961.

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

Convention relative aux pensions d'invalidité et de décès des victimes civiles de la guerre 1939-1945. Signée à Bruxelles, le 3 octobre 1957

Textes officiels anglais et français.

Enregistrée par la Belgique le 13 avril 1961.

No. 5669. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO COMPENSATION FOR DISABLEMENT AND DEATH DUE TO WAR INJURY SUFFERED BY CIVILIANS IN THE 1939-1945 WAR. SIGNED AT BRUSSELS, ON 3 OCTOBER 1957

The Government of the Kingdom of Belgium, and the Government of the United Kingdom of Great Britain and Northern Ireland, having decided to overcome, by mutual agreement, the difficulties which have arisen in the compensation of their nationals, civilian war victims of the 1939-1945 war and their dependants, who are not at present beneficiaries under the legislation regarding this matter of one or other of the two Contracting Parties,

Have agreed as follows :

Article 1

For the purposes of the present Agreement :

- (a) The term "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man.
- (b) The term "Belgium" means the territory of Metropolitan Belgium.
- (c) The term "British nationals" means all citizens of the United Kingdom and Colonies and all British protected persons belonging to territories for whose international relations the Government of the United Kingdom are responsible.
- (d) The term "Belgian nationals" means all Belgian citizens.
- (e) The term "Pension" means not only the pension properly so called but also all the other advantages which derive from it.
- (f) The terms "war injury", "civilian war victims", "dependants" and "ordinarily resident" shall have the meanings assigned to them by the legislation relating to civilian war victims of the Contracting Party from which compensation is claimed.

¹ Came into force on 9 March 1961, upon the exchange of the instruments of ratification at London, in accordance with article 8 (a).

Article 2

The Belgian Government will recognise the right to pension, in accordance with Belgian legislation regarding this matter, of the undermentioned civilian victims of the 1939-1945 war and of their dependants, when the war injury causing disablement or death occurred in Belgium and when at that date, the war victim was not ordinarily resident in the United Kingdom :

- (a) civilian war victims who were British nationals at the date of the war injury ;
- (b) civilian war victims who were Belgian nationals at the date of the war injury and British nationals at the date on which their right to pension was recognised or at the date of death when the death occurred before their right to pension was recognised ;
- (c) dependants of civilian war victims covered by (a) and (b) of the present Article who were Belgian or British nationals at the date of the war victim's death ;
- (d) dependants who were British nationals at the date of the war victim's death when the latter was a Belgian national at the date of the war injury and at the date on which his right to pension was recognised or at the date of his death when the death occurred before his right to pension was recognised.

Article 3

The Government of the United Kingdom will recognise the right to pension, in accordance with United Kingdom legislation regarding this matter, of the undermentioned civilian victims of the 1939-1945 war and of their dependants, when the war injury causing disablement or death occurred in the United Kingdom :

- (a) civilian war victims who were Belgian nationals at the date of the war injury and British nationals at the date on which their right to pension was recognised or at the date of death when the death occurred before their right to pension was recognised ;
- (b) dependants of civilian war victims covered by (a) of the present Article who were Belgian or British nationals at the date of the war victim's death.

Article 4

(a) Payment of the pension shall be made by the Contracting Party in whose territory the beneficiary under the present Agreement is ordinarily resident, for the duration of such residence and in conformity with the legislation of that Party.

(b) The amount of the pension shall be that which is payable under the legislation of the Contracting Party which is paying the pension.

(c) In the case of a disabled person, this amount shall be determined in accordance with the degree of disablement, assessed in conformity with the legislation of the Contracting Party which is paying the pension.

Article 5

(a) Claims shall be made in the form and within the time limits prescribed by the legislation of the Contracting Party which has undertaken to recognise the right to pension, and they shall be dealt with in conformity with such legislation.

(b) Claims made by persons mentioned in Articles 2 and 3 of the present Agreement to one of the Parties on which no decision has been made before the entry into force of this Agreement shall be regarded as valid if made to the Government which has undertaken to recognise the right to pension, provided the persons concerned confirm their application to that Government.

(c) Decisions recognising the right to pension, given before the date of the entry into force of the present Agreement by either of the two Contracting Parties, shall be regarded as having been given pursuant to Articles 2 and 3 of this Agreement.

(d) Decisions made before that date, refusing entitlement to pension on the grounds of the nationality or residence of the persons referred to in Articles 2 and 3 of the present Agreement are annulled ; a period of two years with effect from the entry into force of the present Agreement will be granted within which such persons may prefer a claim for a pension to the appropriate Government under Articles 2 and 3 of the present Agreement ; the pension will be paid with effect from the date of the claim which had been rejected.

Article 6

(a) Where, in accordance with the present Agreement, the responsibility for the payment of a pension is transferred from the Government of the United Kingdom to the Belgian Government, payment of the pension by the former Government shall be terminated at the end of the pension week in which the beneficiary leaves the United Kingdom to take up ordinary residence in Belgium and responsibility for the payment of the pension shall be assumed by the latter Government from the day following that date.

(b) Where, in accordance with the present Agreement, the responsibility for the payment of a pension is transferred from the Belgian Government to the Government of the United Kingdom, payment of the pension by the former Government shall be terminated at the end of the civil quarter following that during which the beneficiary leaves Belgium to take up ordinary residence in the United Kingdom and responsibility for the payment of the pension shall be assumed by the latter Government from the day following that date.

Article 7

The Contracting Parties undertake to supply to each other all necessary information regarding the application of their respective pensions legislation concerning civilian war victims.

Article 8

(a) The present Agreement shall be ratified. It shall enter into force upon the exchange of instruments of ratification which shall take place in London as soon as possible.

(b) It shall remain in force until such time as the two Contracting Parties shall terminate it by mutual agreement but it may be denounced at any time by either Contracting Party giving one year's notice in writing to the other.

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

DONE in duplicate, at Brussels the 3rd day of October 1957, in the French and English languages, both texts being equally authoritative.

Pour le Royaume-Uni :
For the United Kingdom :
George P. LABOUCHERE
