13. RECIPROCAL AGREEMENTS

(1) *France.*
(2) *Isle of Man*, p. 3027.
(3) *Northern Ireland*, p. 3030.

(1) FRANCE

The National Insurance (Industrial Injuries) (Reciprocal Agreement with France) Order, 1948

1948 No. 1342

Made - - - - 22*nd June*, 1948
Coming into Operation 5*th July*, 1948

At the Court at Buckingham Palace, the 22nd day of June, 1948

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:— 9 & 10 Geo. 6. c. 62.

1.—(1) This Order may be cited as the National Insurance (Industrial Injuries) (Reciprocal Agreement with France) Order, 1948, and shall come into operation on the 5th day of July, 1948.

(2) In this Order, unless the context otherwise requires—

" the Act " means the National Insurance (Industrial Injuries) Act, 1946;

" the Minister " means the Minister of National Insurance;

and other expressions have the same meanings as in the Act.

(3) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. For the purpose of giving effect to Article 3 and Articles 15 and 16 of the General Agreement on Social Security between the government of the French Republic and the government of the United Kingdom dated the 11th day of June, 1948 (which Articles relate to the application to employed persons of Social Security legislation in force in France and in the United Kingdom respectively and to the payment of pensions and allowances in respect of industrial accidents and occupational diseases), the Act, and the orders and regulations made thereunder, shall have effect subject to the modifications contained in the following provisions of this Order.

3. The employment of a British subject in France shall be treated as being insurable employment under the Act in any case in which—

(*a*) the employer has a place of business in Great Britain; and

(*b*) the person so employed is ordinarily resident in Great Britain; and

(*c*) such employment would have been insurable employment if it had been employment in Great Britain; and

(*d*) the duration of such employment in France is not intended to exceed a period of six months from the commencement thereof or such further period as the Minister may allow.

4. Benefit shall be payable in accordance with the Act in respect of any accident which arises out of or in the course of any employment which is treated by virtue of the last foregoing Article as being insurable employment or in respect of any disease prescribed for the purposes of Part IV of the Act which is due to the nature of that employment notwithstanding that such accident happened whilst the insured person was in France or in the case of such disease that such employment was in an occupation in which the insured person was only engaged in France.

5. The employment of a French national in Great Britain shall be treated as being excepted employment under the Act in any case in which—

(*a*) the employer has a place of business in France; and

(*b*) the person so employed is ordinarily resident in France; and

(*c*) the duration of such employment in Great Britain is not intended to exceed a period of six months from the commencement thereof or such further period as the Minister may in any special case allow.

6. A French national, being a beneficiary entitled to benefit under the Act in respect of any accident or disease, shall not by reason only of the provisions of sub-section (1) of section 32 of the Act (which sub-section provides for disqualification for the receipt of benefit for periods of absence from Great Britain) be disqualified for receiving any benefit for any period during which such beneficiary or his or her wife or husband is residing in France.

7. Nothing in this Order shall confer a right to double benefit.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order gives effect in Great Britain to the reciprocal agreement with France dated 11th day of June, 1948, made between the government of the French Republic and the government of the United Kingdom so far as that agreement relates to industrial injuries, and modifies the provisions of the National Insurance (Industrial Injuries) Act, 1946, by providing that, in relation to persons who are British subjects, the temporary employment in France of such persons in the conditions specified in the Order shall be treated as insurable employment and benefit may be paid under that Act for an accident or disease in respect of that employment, and that in relation to persons who are French nationals, the temporary employment of such persons in Great Britain in the conditions specified in the Order shall be treated as excepted employment and that such persons shall not be disqualified for receiving benefit under the Act by reason only of their residence in France.