1952 No. 461

The National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order, 1952

Made - - - - 10*th March*, 1952
Coming into Operation 17*th March*, 1952

At the Court at Clarence House, the 10th day of March, 1952

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 64 of the National Insurance Act, 1946(a), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(b), 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 (Reciprocal Agreement with France) Order, 1952, and shall come into operation on the 17th March, 1952.

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

Modification of Acts

2. The provisions contained in the Agreement on Social Security 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 1951, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the provisions contained in the said Agreement.

F. J. Fernau.

SCHEDULE

THE SECOND AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC SUPPLEMENTARY TO THE AGREEMENT ON SOCIAL SECURITY OF THE 11TH JUNE 1948.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic,
have, in accordance with Article 28 of the Agreement between the United Kingdom and France on Social Security of the 11th June 1948, agreed as follows:

Article 1

For the purpose of the present Agreement, of the Agreement on Social Security of the 11th June 1948 (hereinafter referred to as the "main Agreement") and of the Agreement supplementary thereto of the 25th October 1949 (hereinafter referred to as the "first supplementary Agreement"), the expressions "British subject" and "British national" both mean a citizen of the United

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

Kingdom and Colonies, and the expression " French national " means any person of French nationality, and any national of the French Union, other than nationals of its Associated States, and any French protected person.

Article 2

The French legislation concerning prevention of, and compensation for, industrial accidents and occupational diseases set out in paragraph 1 of Article 2 of the main Agreement, shall include, in addition to law No. 46-2426 of the 30th October 1946 concerning prevention of, and compensation for, industrial accidents and occupational diseases:

(*a*) the law of the 9th April 1898, concerning liabilities in respect of industrial accidents,

(*b*) the laws of the 3rd April 1942, and the 16th March 1943, granting increases in the rates of benefits or allowances payable to persons who have suffered industrial injuries, or to their dependants,

(*c*) the laws and regulations extending, completing or modifying the above mentioned laws.

Article 3

(1) For the purposes of this Article " ship or aircraft of one (or the other) country " means, according to the context,

(*a*) a ship or vessel whose port of registry is in Great Britain (other than a ship or vessel of which the owner, or managing owner if there is more than one owner, has his principal place of business in the Irish Republic) or an aircraft registered in the United Kingdom, of which the owner (or managing owner if there is more than one owner) has his principal place of business in Great Britain,

(*b*) a ship or vessel whose port of registry is in France or an aircraft registered in France (including transport, general purposes, prototype test and production test aircraft, as defined in French legislation).

(2) Subject to the provisions of paragraph (3) of this Article, where a British or French national, ordinarily resident in one country, is employed on board any ship or aircraft of the other country, the legislation of the latter country shall apply to him as if any condition relating to nationality, residence or domicile were satisfied in his case.

(3) Where a British or French national, ordinarily resident in one country and employed on board any ship or aircraft of the other country, is paid remuneration in respect of that employment by some person who has a place of business in the former country, and who is not the owner of the ship or aircraft, the legislation of the former country shall, in respect of that employment, apply to that national as if the ship or aircraft were a ship or aircraft of the former country and the person by whom the remuneration is paid shall be treated as the employer for the purposes of such legislation.

(4) A British or French national who is, or has been, employed on board any ship or aircraft of one country and who, in accordance with the provisions of paragraph (3) of this Article, remains subject to the legislation of the other country, shall, for the purpose of any title to, or payment of, benefit under such legislation, be treated as if he were, or had been, employed on board a ship or aircraft of the latter country.

(5) A ship or vessel, built in one country for a person having his principal place of business in the other country, shall be deemed to be a ship of the latter country during the period which elapses between the beginning of the operation of launching and the registration of the ship, and the provisions of paragraph (3) of this Article shall apply as if the said person were the owner of the ship.

(6) The competent authorities may agree that the provisions of the foregoing paragraphs shall not be applied to particular persons or classes of persons.

Article 4

(1) Students and apprentices who, having been insured in France, are temporarily employed in Great Britain shall, subject to the provisions of paragraph 2 of Article 3 of the main Agreement, be insured under the legislation of Great Britain in respect of that employment. In the case of such students and apprentices, the provisions of that legislation which except students and apprentices ordinarily resident outside the United Kingdom from insurance in respect of employment shall not apply.

(2) The provisions of French social security legislation shall apply to students and apprentices who are British nationals and who are in France, under the same conditions as they apply there to students and apprentices who are French nationals.

Article 5

The provisions of sub-paragraph (*a*) of paragraph 2 of Article 3 of the main Agreement shall be applied to civil servants of France or the United Kingdom who are of the nationality of the country employing them and who are posted temporarily in the other country, notwithstanding that they are expected to remain in that country for more than six months.

Article 6

(1) Where a British or French national is employed in one country, and the legislation of the other country applies to him in accordance with the provisions of paragraph 2 of Article 3 of the main Agreement he shall, for the purpose of any title to, or payment of, cash benefit for sickness, maternity, industrial accident or occupational disease or injury under such legislation, be treated:

(*a*) in respect of such sickness and maternity benefit, as if he were in the latter country, and

(*b*) in respect of such benefit for an industrial accident occurring or an occupational disease or injury contracted or received during such employment, as if the accident had occurred, or the disease had been contracted or the injury had been received, in the latter country.

(2) If a British or French national and his wife are in France, and the legislation of Great Britain applies to him in accordance with the exceptions provided for in paragraph 2 of Article 3 of the main Agreement, his wife shall, for the purpose of any title to, or payment of, cash benefit to her in respect of maternity under such legislation, be treated as if she were in Great Britain.

Article 7

The provisions of Article 6 of the first supplementary Agreement are hereby abrogated and shall be replaced by the following provision:

In all cases where under the legislation of one country any benefit, or increase of benefit (other than family allowances) would be paid in respect of a dependant if the dependant were in that country, such benefit or increase thereof shall be paid in cases where the dependant is in the other country.

Article 8

The provisions of Article 5 of the first supplementary Agreement are hereby abrogated and shall be replaced by the following provisions:

(1) For the purpose of establishing the right to benefit in accordance with the provisions of Articles 6 and 11 of the main Agreement, the insurance authorities of each country shall add, having regard to the relevant provisions of their own national legislation, the insurance periods completed, or the periods recognised as equivalent to such periods, under the legislation of the

other country, to the insurance periods completed, or the periods recognised as equivalent to such periods, under their own national legislation, except to the extent that the periods completed or recognised under the legislation of the latter country coincide with the periods completed or recognised under their own national legislation.

(2) The provisions of paragraph (1) of this Article shall be applied in accordance with the following rules:

(*a*) When a period of compulsory insurance completed under the legislation of one country coincides with a period of voluntary insurance completed under the legislation of the other country, only the period of compulsory insurance shall be taken into account.

(*b*) When an insurance period completed under the legislation of one country coincides with a period recognised as equivalent to an insurance period under the legislation of the other country, only the insurance period shall be taken into account.

(*c*) In cases where a period is recognised by the legislation of both countries as equivalent to an insurance period, it shall be taken into account, for the purpose of the payment of benefit, by the insurance authorities of the country where the national concerned was last previously employed or, if he was not previously employed, by the insurance authorities of the country where he was first subsequently employed.

Article 9

(1) The provisions of Article 5 of the main Agreement shall, notwithstanding the exception made in Article 1 of the first supplementary Agreement in respect of death grants under the legislation of Great Britain, henceforth apply to death grants under that legislation.

(2) A person who dies in one country shall, for the purpose of any title to a death grant under the legislation of the other country, be treated as if he had died in the other country.

(3) A person in one country, who claims a death grant under the legislation of the other country, shall be treated as if he were in the latter country for the purpose of his claim and of any payment in respect of a death grant under the legislation of the latter country.

(4)

(*a*) Benefits shall not be payable under the legislation of both countries in respect of the same death unless the rights to such benefits exist under the legislation of both countries independently of the provisions of this Article and of Article 5 of the main Agreement.

(*b*) In cases where a double payment in respect of the same death is excluded by virtue of sub-paragraph (*a*) of this paragraph,

(i) if the person dies in France or Great Britain, the right under the legislation of the country in which he died shall be preserved and the right under the legislation of the other country shall be extinguished,

(ii) if the person dies elsewhere than in France or Great Britain, the right under the legislation of that one of the two countries under whose legislation contributions were last paid in respect of him before his death shall be preserved, and the right under the legislation of the other country shall be extinguished.

Article 10

Negotiations shall take place as soon as possible for the purpose of concluding a new Social Security Agreement which shall replace the main Agreement, the first supplementary Agreement and the present Agreement.

Article 11

(1) The present Agreement shall enter into force on the 1st January, 1952, for a period of one year.

(2) Thereafter it shall continue in force from year to year unless a notice of termination is given by either Contracting Government three months before the expiry of any such yearly period, or unless the main Agreement is terminated.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done at Paris in duplicate, the 7th February, 1952, in the English and French languages, both texts being equally authoritative.

OLIVER HARVEY. L.S. P. BACON. L.S.
J. SERRES. L.S.

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 supplementary reciprocal agreement on social security (set out in the Schedule) made between the Governments of the United Kingdom and France, and modifies the National Insurance Acts, 1946 to 1951, in their application to persons affected by that agreement.

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

1952 No. 1633

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1952

Made - - - -	*4th September,* 1952
Laid before Parliament	*5th September,* 1952
Coming into Operation	*10th September,* 1952

The Minister of National Insurance, in exercise of powers conferred by subsection (2A) of section 14 of the National Insurance (Industrial Injuries) Act, 1946(a), as amended by the National Insurance (Industrial Injuries) Act, 1948(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1952, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(c) as amended(d), hereinafter referred to as "the principal regulations", and shall come into operation on the 10th September, 1952.

(a) 9 & 10 Geo. 6. c. 62. (b) 11 & 12 Geo. 6. c. 42.
(c) S.I. 1948/1372; Rev. XVI, p. 441; 1948 I, p. 2918.
(d) S.I. 1948/1532; Rev. XVI, p. 441; 1948 I, p. 2940; S.I. 1949/691; 1951/833, 1233, 1606: 1949 I, p. 2672; 1951 I, pp. 1499–1502.