



Jersey

**SOCIAL SECURITY (RECIPROCAL  
AGREEMENT WITH FRANCE)  
(JERSEY) ACT 1980**

**Revised Edition**

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This is a revised edition of the law





Jersey

## **SOCIAL SECURITY (RECIPROCAL AGREEMENT WITH FRANCE) (JERSEY) ACT 1980**

**THE STATES**, in pursuance of Article 34 of the Health Insurance (Jersey) Law 1967,<sup>1</sup> Article 22 of the Family Allowances (Jersey) Law 1972<sup>2</sup> and Article 48 of the Social Security (Jersey) Law 1974<sup>3</sup> and of all other powers enabling them in that behalf, have made the following Act –

Commencement [[see endnotes](#)]

### **1**

The provisions contained in the Exchange of Notes and Annex constituting an Agreement on Social Security set out in Schedule 1 to this Act (which extends to Jersey, with certain modifications, the provisions contained in the Convention on Social Security between the United Kingdom and France set out in Schedule 2 to this Act) shall have full force and effect and the Health Insurance (Jersey) Law 1967, the Family Allowances (Jersey) Law 1972, and the Social Security (Jersey) Law 1974 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 Convention.

### **2**

This Act may be cited as the Social Security (Reciprocal Agreement with France) (Jersey) Act 1980.

**SCHEDULE 1****EXCHANGE OF NOTES BETWEEN THE FRENCH MINISTER FOR  
FOREIGN AFFAIRS AND THE BRITISH AMBASSADOR AT PARIS**

Paris, 29 May 1979

**The French Minister for Foreign Affairs to Her Majesty's Ambassador at Paris  
(Translation)**

Your Excellency,

1. I have the honour to refer to the Exchange of Notes of 19th May 1959 between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on the application to the Island of Jersey of the Convention on Social Security between France and the United Kingdom signed on 10th July, 1956.
2. I also refer to the Exchange of Notes of 25th February, 1965 between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on payment of family allowances to seasonal agricultural workers going from France to Jersey or from Jersey to France.
3. The introduction in Jersey of new legislation on health insurance and the wish of each of the interested parties to improve the social security of their nationals working in the other country as well as their families remaining in their country of origin has led the competent authorities of the two parties to propose the amendment of the Exchange of Notes of 19th May, 1959. This amendment has also to take into account the changes which have become necessary as a result of the special arrangements for Jersey on the accession of the United Kingdom of Great Britain and Northern Ireland to the European Economic Community.
4. In addition, the denunciation on 1st March, 1973 (which took effect from 8th May, 1973) by the Government of the United Kingdom of the Exchange of Notes of 25th February, 1965 following the amendments to the Jersey legislation on Family Allowances which came into force on 8th May, 1973 has led the authorities of both parties to consider new provisions on Family Allowances.
5. Accordingly, I have the honour to propose that the new provisions regulating social security arrangements between France and Jersey should be included in a single document annexed to this Letter. This Agreement would replace both the Exchange of Notes of 19th May, 1959, which would be terminated, and the Exchange of Notes of 25th February, 1965, which has already been terminated.
6. If the foregoing proposals are acceptable to the Government of the United Kingdom I have the honour to suggest that the present Note together with Your Excellency's reply to that effect, shall constitute an Agreement between the two Governments on this matter. The Government of the French Republic and the Government of the United Kingdom shall

inform each other as soon as the necessary procedures for the implementation of the present Agreement in their respective countries have been completed. The Agreement shall enter into force on the date of the last of these notifications.

7. This Agreement shall remain in force for a period of one year and thereafter shall continue in force from year to year unless notice of termination is given in writing by either party at least three months before the expiry of such yearly period or until the convention of 1956 is terminated, whichever is the earlier.

I avail myself of this opportunity to renew to you, Mons. L'Ambassadeur, the assurance of my highest consideration.

**CLAUDE CHAYET**

*Minister for Foreign Affairs*

**Her Majesty's Ambassador at Paris to the French Minister for Foreign Affairs**

*British Embassy,*

*Paris,*

*29 May 1979.*

*Your Excellency,*

1. I have the honour to acknowledge receipt of Your Excellency's Note of 29 May 1979 of which in translation reads as follows: –

“1. I have the honour to refer to the Exchange of Notes of 19th May 1959 between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on the application to the Island of Jersey of the Convention on Social Security between France and the United Kingdom signed on 10th July, 1956.

2. I also refer to the Exchange of Notes of 25th February, 1965 between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on payment of family allowances to seasonal agricultural workers going from France to Jersey or from Jersey to France.

3. The introduction in Jersey of new legislation on health insurance and the wish of each of the interested parties to improve the social security of their nationals working in the other country as well as their families remaining in their country of origin has led the competent authorities of the two parties to propose the amendment of the Exchange of Notes of 19th May, 1959. This amendment has also to take into account the changes which have become necessary as a result of the special arrangements for Jersey on the accession of the United Kingdom of Great Britain and Northern Ireland to the European Economic Community.

4. In addition, the denunciation on 1st March, 1973 (which took effect from 8th May, 1973) by the Government of the United Kingdom of the Exchange of Notes of 25th February, 1965 following the amendments to the Jersey legislation on Family Allowances which came into force on 8th May, 1973 has led the authorities of both parties to consider new provisions on Family Allowances.
5. Accordingly, I have the honour to propose that the new provisions regulating social security arrangements between France and Jersey should be included in a single document annexed to this Letter. This Agreement would replace both the Exchange of Notes of 19th May, 1959, which would be terminated, and the Exchange of Notes of 25th February, 1965, which has already been terminated.
6. If the foregoing proposals are acceptable to the Government of the United Kingdom I have the honour to suggest that the present Note together with Your Excellency's reply to that effect, shall constitute an Agreement between the two Governments on this matter. The Government of the French Republic and the Government of the United Kingdom shall inform each other as soon as the necessary procedures for the implementation of the present Agreement in their respective countries have been completed. The Agreement shall enter into force on the date of the last of these notifications.
7. This Agreement shall remain in force for a period of one year and thereafter shall continue in force from year to year unless notice of termination is given in writing by either party as least three months before the expiry of such yearly period or until the convention of 1956 is terminated, whichever is the earlier."
2. I have the honour to confirm that the foregoing proposals are acceptable to the Government of the United Kingdom and that your Note, together with this reply shall constitute an agreement between the two governments on this matter.
3. The Government of the French Republic and the Government of the United Kingdom shall inform each other as soon as the necessary procedures for the implementation of the present Agreement in their respective countries have been completed. The Agreement shall enter into force on the date of the last of these notifications.
4. This Agreement shall remain in force for a period of one year and thereafter shall continue in force from year to year unless notice of termination is given in writing by either party at least three months before the expiry of such yearly period or until the convention of 1956 is terminated, whichever is the earlier.

I avail myself of this opportunity to renew to your Excellency the assurance of my highest consideration.

**REGINALD HIBBERT**

*H.M. Ambassador, Paris.*

**ANNEX**

**PART I**

**GENERAL PROVISIONS**

**ARTICLE 1**

Subject to the provisions of this Annex, the provisions of the Convention of Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic of 10th July, 1956, excluding the Protocols, (hereinafter referred to as “the Convention”) shall apply to the Island of Jersey.

**ARTICLE 2**

- (1) For the purpose of applying the Convention to Jersey:
  - (a) the Island of Jersey shall be deemed to be included in the territory specified in relation to the United Kingdom in paragraph (1) of Article 1 of the Convention;
  - (b) the States of Jersey Social Security Committee and the Public Health Committee, as appropriate, shall be deemed to be included among the authorities specified in relation to the United Kingdom in paragraphs (4) and (5) of Article 1 of the Convention;
  - (c) the Social Security (Jersey) Law, 1974, the Health Insurance (Jersey) Law, 1967, the Family Allowances (Jersey) Law, 1972, shall be deemed to be included in the United Kingdom legislation specified in sub-paragraph (a) of paragraph (1) of Article 2 of the Convention;
  - (d) the French legislation on Family Allowances shall be deemed to be included in the French legislation specified in sub-paragraph (b) of paragraph (1) of Article 2 of the Convention, in as much as it concerns the employed persons referred to in the legislation mentioned in (ii), (iii), and (vi) of the said sub-paragraph (b).
- (2) For the purpose of applying the present Annex:
  - (a) the term “country” means France or the Island of Jersey, as the case may be;
  - (b) the term “nationals” means, in the case of France, persons of French nationality, and in the case of Jersey, persons who, by virtue of a connection with Jersey, are Channel Islanders as defined in Article 6 of the Protocol No. 3 signed on the accession of the United Kingdom of Great Britain and Northern Ireland to the European Economic Community;
  - (c) the term “seasonal worker” means a worker who, ordinarily residing in France or Jersey, proceeds to the other territory, i.e. Jersey or France, in order to carry out for a firm or an employer of

that country a job of a seasonal character, the duration of which cannot in any case exceed eight months, and who remains in the territory of the said country for the duration of his employment; “job of a seasonal character” means an employment which depends on the rhythm of the seasons and recurs automatically each year.

### ARTICLE 3

The nationals of one or the other country normally resident in the territory of one of them employed in the territory of the other by a firm which is established in the territory of the first country from which they are paid, or by an employer who is normally resident in that territory, are subject to the legislation of that country (referred to in Article 2(1)(c) and (d) of this Annex), as if they had been employed on their own territory, as long as the probable duration of their employment in the territory of the second country does not exceed 12 months. If this employment is to continue for a period exceeding 12 months, they may continue to remain subject to the legislation of the first country for a period agreed upon between the competent authorities.

## PART II

### SICKNESS AND MATERNITY BENEFITS

#### ARTICLE 4

- (1) Where a seasonal worker is entitled to cash sickness benefit and maternity allowance by virtue of the provisions of Article 13 of the Convention at the date of his departure from the Island of Jersey, he shall be entitled to continue to receive such benefits in the territory of France for a period of not more than thirteen weeks from the date of his departure from the Island.
- (2) Where a worker is entitled to Medical Benefits in kind (prestations maladie ou maternité en nature) at the time of his departure from the Island of Jersey, he shall continue to be entitled, for a period not exceeding thirteen weeks from the date of his departure from the Island, to these benefits in kind in accordance with the provisions of the French Social Security, which will be chargeable to the competent Jersey authority. The reimbursement of such benefits shall be determined by administrative arrangement.

#### ARTICLE 5

- (1)
  - (a) Where a national of one or other of the countries and the members of his family ordinarily resident in Jersey, who have been present in France for less than three months and who have not been affiliated to the French Social Security authorities, fall ill, meet with an accident, or for any other reason are in urgent need of medical treatment, they shall receive hospital in-patient treatment under the same conditions as though they were subject to the Sickness Insurance legislation mentioned in sub-paragraph (b) (ii) of paragraph (1) of Article 2 of the Convention, subject to their



providing such evidence of eligibility as may be determined by agreement between the competent authorities of the two countries.

- (b) That part of the cost which would be borne by the person receiving such hospital treatment, if he or she were insured in France, shall be paid directly by that person to the hospital and that part of the cost which would be borne by the Social Security authority, in application of the legislation referred to in sub-paragraph (b) (ii) of paragraph (1) of Article 2 of the Convention, shall be borne by the institution designated by the competent authorities.
- (2) Where a national of one or other of the two countries and the members of his family ordinarily resident in France and insured under French legislation on Social Security, who have been present in the territory of Jersey for less than three months, fall ill, meet with an accident, or for any other reason are in urgent need of medical treatment they shall receive hospital in-patient treatment under the same conditions as a national of the United Kingdom ordinarily resident in Jersey, as provided for by Jersey legislation, subject to their providing such evidence of eligibility as may be determined by agreement between the competent authorities of the two countries.
- (3) The provisions of the aforementioned paragraphs (1) and (2) shall not apply to persons who go from one country to the other in order to receive there medical treatment.

#### **ARTICLE 6**

- (1) Where a national of one or other of the two countries takes paid employment in the territory of one country and the members of his family reside in the territory of the other country. Medical Benefits in Kind (prestations maladie ou maternité en nature) or sickness and maternity benefits in kind as the case may be, of the country of residence of the members of the family shall be paid in accordance with the legislation of the country of residence and be chargeable to the country where that person is employed.
- (2) The reimbursement of the benefits provided according to paragraph (1) shall be to such an extent and by such methods as may be determined by administrative arrangement between the competent authorities of the two countries.

### **PART III**

#### **FAMILY ALLOWANCES**

#### **ARTICLE 7**

- (1) Where a national of one or the other of the two countries takes paid employment in the territory of one country and the members of his family reside in the territory of the other country, family allowances of the country of residence of the members of the family shall be paid in

accordance with the legislation of the country of residence and be chargeable to the country where that person is employed.

- (2) The reimbursement of the benefits provided according to paragraph (1) shall be to such extent and by such methods as may be determined by administrative arrangement between the competent authorities of the two countries.

#### **PART IV**

#### **COMMON PROVISIONS**

#### **ARTICLE 8**

The conversion of the factors applicable to the insurance periods and equivalent periods under French legislation into insurance periods and equivalent periods under the legislation mentioned in Article 2(1) (a) of the Convention shall be determined by administrative arrangement.

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**SUPPLEMENTARY ADMINISTRATIVE ARRANGEMENT FOR APPLYING  
THE CONVENTION ON SOCIAL SECURITY BETWEEN THE  
GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT  
OF THE FRENCH REPUBLIC IN RESPECT OF THE EXCHANGE OF  
LETTERS AND ANNEX DATED 29TH MAY 1979 EXTENDING THE  
CONVENTION TO THE ISLAND OF JERSEY.**

*Application of Article 3.*

Article 1 In the case referred to in Article 3, cash benefits are paid directly by the affiliated institution.  
Benefits in kind are dispensed by the institution of the host country in conformity with the applicable legislation and the cost must be borne by the said institution.

*Application of Article 4(1) of the Annex.*

Article 2 The payments of benefits in cash (daily rates) is the sole responsibility of the Jersey authority.

*Application of Article 4(2) of the Annex.*

Article 3 The provision of the benefits in kind is the sole responsibility of the French institution in accordance with the provisions of its legislation as far as the extent of the said benefits and the methods by which they are provided is concerned. The worker must produce to the French institution a certificate by which the Jersey authority permits him to continue to receive benefit for a period not exceeding thirteen weeks.  
The reimbursement of benefits provided by the French institutions on behalf of the Jersey authority will be calculated each quarter on the production of individual accounts sent by the French liaison institution to the competent Jersey authorities. The latter will refund the required amount to the French liaison institution.

*Application of Article 5(1a) of the Annex.*

Article 4 If a national of one or the other of the countries ordinarily resident in Jersey has need of hospital in-patient treatment in France, under the terms of this Article the claimant must produce a certificate which will conform to the specifications laid down by mutual agreement.

*Application of Article 5(2) of the Annex.*

Article 5 If a national of one or other of the countries ordinarily resident in France has need of hospital in-patient treatment in Jersey, under the terms of this Article evidence of eligibility will be as follows: -

- (a) In the case of the French national, his passport or his National Identity Card.
- (b) In the case of the national of the United Kingdom, who could otherwise have been ordinarily resident in Jersey, his Passport.

*Application of Article 6 of the Annex.*

- Article 6
- (i) The expenses relating to the medical benefits in kind paid to the members of the family of the worker remaining in the country of origin are calculated on a lump sum basis for each calendar year.
  - (ii) The lump sum is calculated by multiplying the annual average cost of the benefits per family in the country of residence by the number of families of those workers employed in the other country, applying to the resulting figure an abatement of twenty per cent.
  - (iii) These two factors are determined by the following methods: -
    - (a) The average annual cost of the benefits per family in the country of residence is determined by dividing the cost of the medical and maternity benefits in kind paid by the institutions of the appropriate country to only those having an entitlement as insured persons of the said country by the average number of workers having dependent families during the course of the year.
    - (b) The number of families to be taken into consideration is determined by means of a register kept for this purpose by the liaison authority of their country of residence based on the supporting documents and the entitlement of the parties, supplied by the competent institution.

- Article 7
- The extent of settlement of the lump sum payments provided by Article 6 are as follows: -
- (i) The amount of the lump sum payments due by the institutions of the affiliated country to the country of residence is calculated at the end of each year.
  - (ii) The settlement of accounts between the institutions of the two countries is effected as soon as the various factors involved in the determination of the lump sum for the relevant year are taken into account.
  - (iii) The payment of the sums due must be made through the intermediary of the liaison authorities of the two countries.
  - (iv) The competent authorities of each country shall designate the institution or institutions who will bear the charge of the benefits to be reimbursed on a lump sum basis.

*Application of **Article 7** of the Annex.*

- Article 8
- (a) The appropriate institution in France shall on request of the French insured persons gainfully occupied in Jersey, provide a certificate giving details about his children. The French insured person shall provide this certificate to the competent Authority in Jersey. Each year at the beginning of May, the competent authority in Jersey shall calculate the amount of family allowance that would have been payable in Jersey had the children been resident in Jersey, based on the following formula, and pay the resulting sum to the French liaison organisation (the Social Security Centre for the Migrant Workers).  
The formula for computing the amount of family allowance due is as follows: –  
It will result from the calculation of the weekly average per child of the Jersey Family Allowances, which are payable to all Jersey families who are eligible for family allowances in the relevant year. For every family, this average will be multiplied by the number of eligible children remaining with the family, and by the number of weeks the worker has been resident in Jersey in the relevant year.
- (b) The competent authority in Jersey shall at the request of a Jersey insured person gainfully occupied in France provide a certificate showing details of his children. The Jersey insured person shall forward this certificate to the French liaison authority. Each year at the beginning of May, the competent authority in Jersey shall calculate the amount of family allowance which would have been payable in Jersey during the relevant year and submit it to the liaison authority in France for reimbursement.

*Application of Article 8 of the Annex.*

- Article 9
- (1) For the purpose of calculating a contribution coefficient to establish entitlement under the legislation specified in Article 2(a) of the Convention in relation to Jersey, every person shall be considered by the relevant Jersey authorities only: –
- (a) If they have paid for each week included in a completed contribution period under French legislation (provided that it relates to a week which begins during the relevant quarter) contributions which correspond to a quarterly contribution coefficient of 0.077 for that quarter.
- (b) If they have paid for each week included in a completed contribution period under French legislation (provided that it relates to a week which begins during the relevant year) contributions which correspond to an annual contribution coefficient of 0.0192 for that year.

- (c) If they can be proved to have been credited with weekly contributions under Jersey legislation of which the duration is a period similar to that in the framework of the French legislation, in the same way that a period of contributions is taken into consideration under the provisions of subparagraphs (a) and (b) of this paragraph.
- (2) For the purpose of converting a contribution coefficient into an insurance period under the legislation of Jersey specified in Article 2(i)(b) of the Convention the competent authority of Jersey shall –
  - (a) in the case of a quarterly contribution coefficient multiply the coefficient achieved by a person in a quarter by thirteen; and
  - (b) in the case of an annual contribution coefficient, multiply the factor achieved by a person in a year by fifty-two.

The result shall be expressed by a whole number, any remaining fraction being ignored. The figure so calculated subject to a maximum of the number of weeks during which the person was subject to that legislation in a year, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

- (3) Where it is not possible to determine accurately the periods of time in which certain periods of insurance were completed under the legislation of France or Jersey such periods shall be presumed not to overlap with insurance periods completed under the legislation of France or Jersey but they shall be taken into account to the best advantage of the beneficiary.

Article 10 Payments shall be effected in the currency of the creditor country.

Article 11 In relation to the implementation of the present arrangement, the following liaison bodies are stipulated –

- With regard to France: “Le Centre de Sécurité Sociale des Travailleurs Migrants”.
- With regard to Jersey: The Social Security Department.

Article 12 The present agreement will come into force on the same date as the Exchange of diplomatic letters.

Signed in Paris on the 28th September, 1978, with two copies, in English and French, each one of which having equal authority.

**STATES OF JERSEY  
SOCIAL SECURITY  
DEPARTMENT**

**MINISTERE DE LA SANTE ET DE LA  
FAMILLE**

**FORMULAIRE  
ST.**

Cachet de  
l'Institution jersiaise

atteste que:

L'Assuré ci-après  
désigné

Mr. Mme ou Mlle<sup>1</sup>

ressortissant: Français –  
Jersiais<sup>1</sup> et les membres  
de famille énumérés ci-  
dessous:

demeurant à Jersey:  
relèvent de l'accord  
franco-jersiais du  
sur la sécurité

sociale

Fait à Saint Helier. Le

**ATTESTATION**

Droit aux soins de santé sur le territoire français en application de  
l'accord franco-jersiais du

(à présenter en cas d'hospitalisation en urgence)

L'assuré et (ou) les membres de famille peuvent s'ils se trouvent  
en France depuis moins de 3 mois,<sup>2</sup> et lorsque leur état requiert une  
hospitalisation d'urgence à la suite d'un accident ou pour toute  
autre raison, prétendre au service des prestations en nature de  
l'assurance maladie, dans les mêmes conditions qu'un assuré de  
régime général français de sécurité sociale.

La demande de prise en charge doit être adressée par  
l'établissement hospitalier, à la Caisse Primaire Centrale de la  
Région Parisienne.

L'intéressé acquitte, s'il y a lieu, la part des frais normalement  
mise à la charge des assurés (en principe 20%) et le montant du  
supplément pour chambre particulière, le cas échéant.

La présente attestation est valable pour une durée d'une année à  
compter de la date de sa délivrance ou de sa reconduction dans la  
limite de 5 années (voir au verso).

Prolongation pour une année à compter du:


<sup>1</sup> Rayer la ou mentions inutiles.

<sup>2</sup> La durée du séjour est appréciée en fonction de la date d'entrée indiquée sur le passeport.

**SCHEDULE 2****CONVENTION ON SOCIAL SECURITY BETWEEN THE UNITED  
KINGDOM AND FRANCE**

Paris, July 10, 1956

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

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****ARTICLE 1**

For the purposes 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 France,  
Metropolitan France, its overseas Departments (Guadeloupe, French  
Guiana, Martinique and Reunion) and Algeria;
- (2) “national” means, in relation to the United Kingdom, a citizen of the  
United Kingdom and Colonies, and, in relation to France, a person having  
French nationality and any French protected person belonging to French  
Togoland or the French Cameroons;
- (3) “legislation” means, according to the context, the laws, orders and  
regulations specified under 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 of Pensions and National Insurance, of 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 France, the Ministers responsible for the legislation specified in Article 2;

- (5) “social security authority” means, in relation to the United Kingdom, the Ministry of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, or the Statutory Authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to France, the appropriate administrative authority specified in the legislation of France;
- (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) “dependent” means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim to receive benefit in respect of a dependent under the legislation of the United Kingdom, and in relation to France, a person who comes within the definition of a dependant in the legislation of France;
- (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 France, an insurance period or contribution period recognised under the legislation of France;
- (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 France, a period recognised under the legislation of France 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 France, sickness benefit as defined in the legislation of France;
- (12) “invalidity pension” means –
  - (a) 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 (4) of Article 19;

- (b) in relation to France, invalidity pension as defined in the legislation of France;
- (13) “old age pension” means, in relation to the United Kingdom, a contributory old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to France, an old age pension, or annuity or allowance as defined in the legislation of France which is payable by virtue of the payment of contributions to a sufficient amount;
- (14) “benefit in respect of death” means a lump sum payment made in respect of death.

## **PART II**

### **SCOPE**

#### **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 Industries) (Isle of Man) Act, 1948;
  - (b) in relation to France, to –
    - (i) the legislation relating to the organisation of the social security schemes;
    - (ii) the social insurance legislation applicable to persons employed in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and benefits in respect of maternity expenses;
    - (iii) the social insurance legislation applicable to persons employed and persons treated as employed in agricultural employment, and concerning the same insurance and benefits;
    - (iv) the legislation relating to the contributory scheme for old age allowances for non-employed persons;
    - (v) the legislation on the prevention of, and compensation for, industrial accidents and occupational diseases;
    - (vi) special social security schemes, in so far as they deal with the insurance or benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the scheme of social security in the mining industry.

- 
- (2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall also apply to any law, order or regulation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.
  - (3) The Convention shall apply to laws, orders or regulations which extend insurance to new classes of persons or relate to a new branch of social security, unless either Contracting Party decides that it shall not apply and gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 37 of the Convention.
  - (4) The Convention shall apply to laws, orders 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 III**

#### **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, 9 and 10 where a national of either Contracting Party is employed in the territory of one Party he shall be insured as an employed person under the legislation of that Party, and even if he is ordinarily resident in the territory of the other Party, and even if his employer or the 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 is ordinarily resident in the territory of that Party or 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.

- (b) Where a national of either Party, who is ordinarily resident in the territory of one Party, is employed by a transport undertaking whose principal place of business is in the territory of that Party, on road or rail vehicles in the territory of the other Party, the legislation of the former Party shall apply to him.

## 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 ship or vessel, registered in the territory of the United Kingdom, or any other ship or vessel defined as British for the purposes of United Kingdom legislation of which the owner (or managing owner, if there is more than one owner) or manager resides or has his principal place of business in the territory of the United Kingdom, or an aircraft, registered in that territory, of which the owner (or managing owner, if there is more than one owner) resides or has his principal place of business in that territory, or
  - (b) a ship or vessel registered in the territory of France, or an aircraft registered in the territory of France, including transport, general purposes, prototype test and production test aircraft, as defined in the French legislation concerning civil aviation.
- (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 nationality, 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 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 ship or vessel, built in the territory of one Party for a person or undertaking whose principal place or 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 a 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

- (1) Students and apprentices who, having been insured under the legislation of France, are temporarily employed in the territory of the United Kingdom shall, subject to the provisions of paragraph (2) of Article 4 of this Convention, be insured under the legislation of the United Kingdom in respect of that employment and, in the case of such students and apprentices, the provisions of that legislation which except students and

apprentices ordinarily resident outside the territory of the United Kingdom from insurance in respect of employment shall not apply.

- (2) The provisions of the legislation of France shall apply to students and apprentices who are nationals of the United Kingdom and who are in the territory of France, under the same conditions as they apply there to students and apprentices who are nationals of France.

#### **ARTICLE 7**

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 8**

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

#### **ARTICLE 9**

- (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)
    - (i) French civil servants (fonctionnaires) employed in the territory of the United Kingdom shall be insured under the legislation of France;
    - (ii) where a national of France, to whom the foregoing provisions of this sub-paragraph do not apply, is employed in a public service of France in the territory of the United Kingdom, or is employed there by a diplomatic or consular official of France in his personal capacity, the legislation of the United Kingdom shall apply to him.
  - (b)
    - (i) Where an established member of the Government service of the United Kingdom, or an established civil servant of Northern Ireland, is employed in the territory of France, the legislation of the United Kingdom shall apply to him as if he were employed in the territory of the United Kingdom;
    - (ii) where a national of the United Kingdom to whom the foregoing provisions of this sub-paragraph do not apply, is employed in the Government service of the United Kingdom in the territory of France, or is employed there by a diplomatic or consular official of the United Kingdom in his personal capacity, the legislation of France shall apply to him.
- (3) The competent authorities of the two Contracting Parties may agree on the modification or extension of the provisions of this Article in relation to particular cases.

**ARTICLE 10**

- (1) Where a national of either Contracting Party is employed 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 paragraph (2) of Article 9, he shall, for the purpose of any claim to receive cash benefits for sickness, maternity, industrial accident or disease, under such legislation, be treated –
  - (a) in respect of sickness and maternity benefit as if he were in the territory of the latter Party, and
  - (b) 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.
- (2) Where a national of either Party has been employed on board any vessel or aircraft of one Party and the legislation of that Party applied to him, in accordance with the provisions of paragraph (2) of Article 5, he shall, while he is in the territory of the other Party, be treated for the purpose of any claim to receive cash benefit for sickness for a disease which was contracted, or a disablement which occurred during such employment, as if he were in the territory of the former Party.

**ARTICLE 11**

Where a national of either Contracting Party is ordinarily resident in the territory of the United Kingdom and is employed in the territory of France by an employer who is ordinarily resident in the former territory or has a place of business there, he shall be treated, for the purpose of any claim to receive unemployment benefit under the legislation of the United Kingdom, as if a contribution had been credited to him as an employed person under that legislation for each week during which he was so employed and for which a contribution has not been paid in accordance with the provisions of paragraph (2) of Article 4.

**ARTICLE 12**

Where a national of either Contracting Party, who is ordinarily resident in the territory of France and has been compulsorily insured under the legislation of the United Kingdom, claims the right to be voluntarily insured under the legislation of France, he shall be entitled, subject to conditions which shall be prescribed in an administrative arrangement made in accordance with the provisions of Article 37, to become insured if he had ceased to be subject to compulsory insurance under the legislation of France, and for this purpose, any period of compulsory insurance completed under the legislation of the United Kingdom shall be treated as if it had been a period of compulsory insurance completed under the legislation of France.

**PART IV****SPECIAL PROVISIONS**

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**SECTION I – BENEFITS IN RESPECT OF SICKNESS, MATERNITY AND  
DEATH**

**ARTICLE 13**

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 death, provided that –

- (1) he has begun a period of compulsory insurance under the legislation of the latter Party after the date on which he entered the territory of that 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 30, as if it had been completed under the legislation of the latter Party, provided that, where, at the date on which he entered the territory of the latter Party, he satisfied the conditions relating to insurance, contributions or employment for benefit under the legislation of the former Party, he may, at the discretion of the social security authority of the latter Party, be treated during the six months following that date as if he satisfied the corresponding conditions for benefit under the legislation of that Party;
- (3) in the case of maternity, where a woman would be entitled to receive benefit under the legislation of one Party by virtue of her own insurance, and under the legislation of the other Party by virtue of her husband's insurance, she shall be entitled to receive benefit only under the legislation of the Party in whose territory she is confined, provided that, where maternity benefit has already been paid before the date of the confinement under the legislation of the United Kingdom, no further benefit shall be payable under the legislation of France.

**ARTICLE 14**

- (1) Where a woman, being a national of either Contracting 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.
- (2) For the purpose of applying this Article “maternity benefit” means, in relation to the United Kingdom, maternity benefit other than home confinement grant.

**ARTICLE 15**

- (1) A national of either Contracting Party, who goes from the territory of one Party to the territory of the other for the specific purpose of being treated for a disease which was contracted, or a disablement which occurred, before he left the former territory, shall, while in the latter territory, remain entitled to receive sickness benefit in cash from the social security

authority of the former Party provided that the said authority has agreed thereto and for such period as that authority may allow.

- (2) This Article shall not apply to nationals of either Party who would not be qualified for sickness benefit apart from the provisions of Article 13 of the present Convention.

#### **ARTICLE 16**

- (1) Where a national of either Contracting Party, who is ordinarily resident in the territory of one Party and has completed an insurance period under the legislation of that Party, becomes incapable of work by reason of a disease contracted or a disablement occurring 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 sickness benefit for that disease or disablement 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 30, as if it had been completed under the legislation of the former Party.
- (2) The provisions of the present Article shall not apply unless the disease was contracted or the disablement occurred within six months after the date on which the said national entered the territory of the latter Party.

#### **ARTICLE 17**

- (1) Where a national of either Contracting Party is entitled to receive a pension under the legislation of both Parties by virtue of the provisions of Article 22 of the present convention, he shall be entitled, while he is resident in the territory of France, to receive medical benefit in accordance with the provisions of the legislation of France, relating to sickness and maternity benefit, and the cost of such benefit shall be borne by the appropriate social security authority of France.
- (2) Where a national of either Contracting Party is entitled to receive a pension under the legislation of the United Kingdom relating to old age or industrial injuries insurance, or is entitled to receive an invalidity pension under the legislation of the United Kingdom, he shall be entitled, while he is resident in the territory of France, to receive medical benefit in accordance with the provisions of the legislation of France provided that the contributions for that purpose have been paid in accordance with rules made by the appropriate authorities of France.

#### **ARTICLE 18**

- (1) If a national of either Contracting Party dies in the territory of one Party he shall, for the purpose of any claim to receive benefit in respect of his death under the legislation of the other Party, be treated as if he had died in the territory of the latter Party.
- (2) Where a national of either Party, who is in the territory of one Party, claims benefit under the legislation of the other Party in respect of a death, he shall be treated as if he were in the territory of the latter party.
- (3) Benefit shall not be payable under the legislation of both Parties in respect of the same death, unless the right to receive such benefit under



the legislation of both Parties exists independently of the provisions of the present Convention.

- (4) In cases where the preceding paragraph of this Article prevents a double payment, the following provisions shall apply –
  - (a) if the death occurs in the territory of one Party, the right under the legislation of that Party shall be preserved and the right under the legislation of the other Party shall be extinguished;
  - (b) if the death does not occur in the territory of either Party, the right under the legislation under which the deceased last completed an insurance period before his death shall be preserved and the right under the other legislation shall be extinguished.

## **SECTION 2 – INVALIDITY PENSIONS**

### **ARTICLE 19**

- (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 30 for the purpose of determining his right to receive an invalidity pension.
- (2) Subject to the provisions of paragraphs (3) and (4) of this Article, any invalidity pension shall be paid in accordance with the provisions of the legislation under which the national was last insured in respect of his employment before he became incapable of work, 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 who has completed a period of insurance under the legislation of one Party, becomes incapable of work in the territory of the other Party, having been insured under the legislation of that Party for less than one year after the date on which he last entered that territory, any invalidity pension shall be paid in accordance with the provisions of the legislation of the former Party, and the cost of such pensions shall be borne by the social security authority which is responsible under that legislation, provided that this legislation shall not apply if the invalidity is due to an accident.
- (4) If, after suspension of an invalidity pension granted under the legislation of one (or the other) Party, the national again becomes an invalid within a period of one year, the social security authority which originally granted the pension shall be responsible for resuming the payment of such pension, in accordance with the provisions of its own national legislation, provided that the national has not become entitled to receive any cash benefit under the legislation of the other Party; where, however, the amount of such benefit is less than the amount of the invalidity pension, the payment of which would otherwise be resumed by the authority of the former Party, that authority shall pay to the national concerned the amount by which the invalidity pension exceeds the said benefit.

- (5) If, after payment of an invalidity pension has ceased, the national again becomes an invalid, his right to an invalidity pension shall be determined in accordance with the provisions of paragraphs (1), (2) and (3) of this Article.

**ARTICLE 20**

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

**ARTICLE 21**

An invalidity pension shall be converted where appropriate into an old age pension under the conditions of the legislation by virtue of which it was granted.

**SECTION 3 – BENEFITS IN RESPECT OF OLD AGE AND WIDOWHOOD****ARTICLE 22**

- (1) Subject to the provisions of Article 24, 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 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 30, 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 the insurance periods and equivalent periods completed by the national under its own 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) In calculating the amount of pension payable under the legislation of France by virtue of the provisions of this Section of the present Convention, insurance periods and equivalent periods completed under

the legislation of the United Kingdom shall be treated as insurance periods or equivalent periods completed under the general social security schemes of France.

- (5) Where the total of all insurance periods and equivalent periods completed by a national under the legislation of one (or the other) Party is less than six months, no pensions shall be paid under the legislation of that Party.
- (6) 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 23**

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 that 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 22.

#### **ARTICLE 24**

- (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 22 of the present Convention. In that case any 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 22 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 23, his right to a pension is established or extended under the legislation of either Party.

#### **ARTICLE 25**

- (1) Subject to the provisions of paragraph (2) of this Article 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 in the territory of that Party, he shall be entitled to receive that pension while he is in the territory of the other Party.
- (2) In any case where a person left the territory of the United Kingdom before the 30th September, 1946, the rate of pension he is entitled to receive under the legislation of the United Kingdom by virtue of the foregoing provisions of this Article shall be determined as follows: –
  - (a) if the pension was paid before the national 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 national 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 national would have been entitled to receive immediately before leaving the said territory if a claim had been made at that time;
  - (c) if the said pension was not paid before the national left the said territory because the national (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 national remained in the said territory until the national (or her husband, as the case may be) attained that age and made a claim.
- (3) If at any time the rates of the old age pensions awarded under the legislation of the United Kingdom before 1st October, 1946, and payable to pensioners resident outside the United Kingdom are generally increased, similar increases shall be applied from the same date to such pensioners resident in the territory of France.

**ARTICLE 26**

Subject to such modifications as the differing nature of the pensions shall require, the provisions of this Section of the present Convention shall apply to benefits in respect of widowhood provided under the legislation of the United Kingdom and to reversionary provisions for widows under the legislation of France.

**SECTION 4 – INDUSTRIAL ACCIDENTS AND DISEASES****ARTICLE 27**

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 in the territory of that Party, he shall be entitled to receive that benefit while he is in the territory of the other Party.

**ARTICLE 28**

In assessing, for the purposes 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 29**

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.

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## **SECTION 5 – GENERAL PROVISIONS**

### **ARTICLE 30**

- (1) In applying the provisions contained in Articles 13, 19 and 22 relating to the adding together of insurance periods and equivalent periods for the purposes 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.

### **ARTICLE 31**

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 32**

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 33**

Where payment of any benefit is made by the social security authority of France as agent for the social security authority of the United Kingdom in accordance with the provisions of Article 32,

- (1) payment shall be made, except in the case of a lump sum, in arrear at intervals of three months;
- (2) the provisions of the legislation of the United Kingdom relating to the reduction or suspension of benefit on account of earnings shall be applied by the social security of France;
- (3) any question arising out of a decision given by the social security authority of France in accordance with the provisions of paragraph (2) of this Article shall be determined under the procedure for settling disputes laid down by the legislation of France.

**ARTICLE 34**

- (1) In all cases where, under the legislation of one Contracting Party, any cash benefit would be paid in respect of a dependant if the dependant were in the territory of that Party, such benefit shall be paid if the dependant is in the territory of the other Party.
- (2) The provisions of paragraph (1) of this Article shall not apply to the guardian's allowances or family allowances payable under the legislation of either Party.

**ARTICLE 35**

Subject to the provisions of Articles 24 and 36, 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 36**

- (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 or of earnings 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 Article 18 or Section 3 of this Part of the present Convention.

**PART V****MISCELLANEOUS PROVISIONS****ARTICLE 37**

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 38**

- (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 39**

- (1) Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one Contracting Party in connection 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 authenticated by the diplomatic or consular authorities.

**ARTICLE 40**

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 a social security authority of that Party, but which is in fact presented within the same period to a 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 appropriate social security authority of the former Party.

**ARTICLE 41**

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 representative.

**ARTICLE 42**

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 43**

- (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) 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 –
  - (a) 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;
  - (b) any benefit which has been suspended because the person concerned is absent from the territory of either Party shall be paid;
  - (c) any benefit which has been determined shall, where necessary, be determined afresh provided that its capital value has not been liquidated.
- (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 44**

The provisions of Article 3 shall not be deemed to modify any restrictions imposed by the legislation of either Contracting Party which affect the right of aliens to take part in elections held in connection with the management of any social security authority.

**ARTICLE 45**

- (1) The competent authorities of the Contracting Parties shall endeavor 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 46**

The Two Contracting Parties shall conclude a supplementary agreement applying the provisions of the present Convention to Algeria.

**ARTICLE 47**

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 48**

Upon the entry into force of the present Convention the Agreement and Protocols of the 11th June, 1948, the Agreements supplementary thereto of the 25th October, 1949, and the 7th February, 1952, the Agreements and Protocols of the 28th January, 1950, regarding the Reciprocal Application of the Social Security schemes of France and Northern Ireland, and the Agreement of the 9th May, 1952, supplementary thereto, shall be terminated and shall be replaced by the Convention and the Protocols thereto.

- (2) Any right acquired by a person in accordance with the provisions of the Agreements and Protocols specified in paragraph (1) of this Article shall be maintained, and any rights in the course of acquisition under those agreements at the date of the entry into force of the present Convention shall be settled in accordance with the provisions of the Convention and the Protocols thereto.

**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 second 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 Paris this 10th day of July, 1956, in the English and French languages, both texts being equally authoritative.

(L.S.) GLADWYN JEBB.      (L.S.) R. MASSIGLI.

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**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Social Security (Reciprocal Agreement with France) (Jersey) Act 1980	R&O.6798	25 March 1980

**Table of Endnote References**

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<sup>1</sup>	<i>chapter 26.500</i>
<sup>2</sup>	<i>chapter 26.400</i>
<sup>3</sup>	<i>chapter 26.900</i>