

N.I. (EUROPEAN INTERIM AGREEMENT) ORDER, 1959

1959 No. 293**NATIONAL INSURANCE****The National Insurance (European Interim Agreement) Order, 1959***Made - - - - 20th February 1959*

[Under S.I. 1977/425 (arts. 2 and 3), references in the following Order to provisions of the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1965 to 1974 have effect as references to the corresponding or most nearly corresponding provisions of the Social Security Act 1975 (c.14); and (art. 4 *ibid.*), Part I of the Child Benefit Act 1975 (c.61) and regulations made under it are modified, in cases affected by this Order, so as to give effect to the provisions in this Order relating to payments made for purposes similar or comparable to the purposes of child benefit under that Part.]

At the Court at Buckingham Palace, the 20th day of February, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Paris on the eleventh day of December, nineteen hundred and fifty-three, an interim Agreement between Governments, being members of the Council of Europe, on social security schemes relating to old age, invalidity and survivors (which Agreement is set out in the First Schedule hereto and is hereinafter referred to as "the Protocol") were signed on behalf of those Governments:

And Whereas by Article 13 and Article 14 of the Agreement and by Article 3 of the Protocol it was provided that the Agreement and the Protocol, respectively, should come into force on the first day of the month following the date of deposit with the Secretary-General of the Council of Europe of the second instrument of ratification, and that as regards any subsequent ratification or accession, the Agreement or Protocol should come into force on the first day of the month following the date of the deposit of the instrument of ratification or accession:

And Whereas subject as hereinafter appears, the Agreement and the Protocol have been ratified or acceded to, as the case may be, by the Governments specified in the first column of the Third Schedule hereto on the dates respectively specified opposite to those governments in the second column of that Schedule, and the Agreement and Protocol have accordingly come into operation as regards those governments on the dates respectively specified opposite to those Governments in the third column of that Schedule:

And Whereas by section 64 of the National Insurance Act 1946(a), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting that Act in its application to cases affected by agreements with other Governments providing for reciprocity in the matters specified in that section:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, 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 and interpretation

1.—(1) This Order may be cited as the National Insurance (European Interim Agreement) Order, 1959.

(2) The Interpretation Act, 1989(b) applies to the interpretation of this Order as it applies to interpretation of an Act of Parliament.

Modification of Act

2. The provisions contained in the Agreement set out in the First Schedule hereto and the provisions contained in the Protocol set out in the Second Schedule hereto shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Governments specified in the Third Schedule hereto for reciprocity in any matters specified in subsection (1) of section 64 of the National Insurance Act, 1946 (which subsection relates to reciprocal agreements with other governments), and the National Insurance Acts, 1946 to 1957 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew.

(a) 9 & 10 Geo. 6. c.67.

(b) 52 & 53 Vict. c.63.

FIRST SCHEDULE**EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY SCHEMES RELATING TO OLD AGE, INVALIDITY AND SURVIVORS**

Paris, December 11, 1953

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose, among others, of facilitating their social progress;

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive under the laws and regulations of any other Contracting Party relating to benefits payable in respect of old age, invalidity or survivors, equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation;

Affirming also the principal that the nationals of any one of the Contracting Parties should receive the benefits of agreements relating to old age, invalidity and survivors concluded by any two or more of the other Contracting Parties;

Desirous of giving effect to these principles by means of an Interim Agreement pending the conclusion of a general convention based on a network of bilateral agreements,

Have agreed as follows:–

Article 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to:

- (a) benefits in respect of old age;
- (b) benefits in respect of invalidity, other than those awarded under an employment injury scheme;
- (c) benefits payable to survivors, other than death grants or benefits awarded under an employment injury scheme.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits. It shall not apply to public assistance, special schemes for civil servants or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purpose of this Agreement the word “benefit” shall include any increase in or supplement to the benefit.

4. The terms “nationals” and “territory” of a Contracting Party shall have the meaning assigned to them by such a Party in a declaration addressed to the Secretary-General of the Council of Europe for communication to all other Contracting Parties.

Article 2

1. Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter, provided that–

- (a) in the case of invalidity benefit under either a contributory or non-contributory scheme, he had become ordinarily resident in the territory

of the latter Contracting Party before the first medical certification of the sickness responsible for such invalidity.

- (b) in the case of benefit payable under a non-contributory scheme, he has been resident in that territory for a period in the aggregate of not less than fifteen years after the age of twenty, has been ordinarily resident without interruption in that territory for at least five years immediately preceding the claim for benefit and continues to be ordinarily resident in that territory.
- (c) in the case of benefit payable under a contributory scheme, he is resident in the territory of any one of the Contracting Parties.

2. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

Article 3

1. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties in so far as it provides, in relation to those laws and regulations:—

- (a) for determining under which laws and regulations a person should be insured;
- (b) for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;
- (c) for paying benefit to persons residing in the territory of any one of the Parties to such agreement;
- (d) for supplementing and administering the provisions of such agreement referred to in this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to any provision of the said agreement which concerns benefits provided under a non-contributory scheme, unless the national concerned has been resident in the territory of the Contracting Party under whose laws and regulations he claims benefit for a period in the aggregate of not less than fifteen years after the age of twenty and has been ordinarily resident without interruption in that territory for a period of at least five years immediately preceding the claim for benefit.

Article 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which in the absence of this Agreement have not been awarded, or have been suspended, shall be awarded or reinstated from the date of entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter Contracting Party.

Article 5

The provisions of this Agreement shall not limit the provision of any national

laws or regulations, international conventions, or bilateral or multilateral agreements which are more favourable for the beneficiary.

Article 6

This Agreement shall not effect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons concerned, in the management of social security.

Article 7

1. Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notification shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

Article 8

1. Annex II to this Agreement sets out in relation to each Contracting Party the agreements concluded by it to which Article 3 applies which are in force at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months of the date of coming into force of the agreement, or if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

Article 9

1. Annex III of this Agreement sets out the reservations hereto made at the Date of signature.

2. Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of the present Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

3. Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received, and this Agreement shall apply accordingly.

Article 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

Article 11

1. Arrangements, where necessary, between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

2. The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any dispute relating to the interpretation or application of this Agreement.

3. If any such dispute has not been resolved by negotiation within a period of three months, the dispute shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute, the task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.

4. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

Article 12

In the event of the denunciation of this Agreement by any of the Contracting Parties,

- (a) any right acquired by a person in accordance with its provisions shall be maintained and, in particular, if he has, in accordance with its provisions, acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;
- (b) subject to any conditions which may be laid down by supplementary agreements concluded by the Contracting Parties concerned for the settlement of any rights then in course of acquisition, the provisions of this Agreement shall continue to apply to insurance period and equivalent period completed before the date when the denunciation becomes effective.

Article 13

1. This Agreement shall be open to the signature of the members of the Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

2. This Agreement shall come into force(a) on the first day of the month following the date of deposit of the second instrument of ratification.

3. As regards any signatory ratifying subsequently, the Agreement shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

Article 14

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Agreement.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.

3. Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in the Annexes I and II to this Agreement if the Government of the State concerned were, on the date of accession, a Signatory hereto.

(a) July 1, 1954.

4. For the purposes of this Agreement any information notified in accordance with paragraph 3 of this Article shall be deemed to be part of the annex in which it would have been recorded if the Government of the State concerned were a Signatory hereto.

Article 15

The Secretary-General of the council of Europe shall notify–

- (a) the Members of the Council and the Director-General of the International Labour Office–
 - (i) of the date of entry into force of this Agreement and the names of any Members who ratify it,
 - (ii) of the deposit of any instrument or accession in accordance with Article 14 and of such notifications as are received with it,
 - (iii) of any notification received in accordance with Article 16 and its effective date;
- (b) the Contracting Parties and the Director-General of the International Labour Office–
 - (i) of any notifications received in accordance with Articles 7 and 8,
 - (ii) of any reservation made in accordance with paragraph 2 of Article 9,
 - (iii) of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

Article 16

This Agreement shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph 2 of Article 13. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of the Council of Europe at least six months before the expiry either of the preliminary two-year period, or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour office.

For the Government of the Kingdom of Belgium:

P. VAN ZEELAND.

For the Government of the Kingdom of Denmark:

E. WAERUM.

For the Government of the French Republic:

BIDAULT.

For the Government of the Federal Republic of Germany:

ADENAUER.

For the Government of the Kingdom of Greece:

STEPHANOPOULOS.

For the Government of the Icelandic Republic:

KRISTINN GUDMUNDSSON.

EUR. INT. AGT. (PENSION)

N.I. (EUROPEAN INTERIM AGREEMENT) ORDER, 1959

For the Government of Ireland:

PRÓINSIAS MAC AOGÁIN.

For the Government of the Italian Republic:

LUDOVICO BENVENUTI.

For the Government of the Grand Duchy of Luxembourg:

BECH.

For the Government of the Kingdom of the Netherlands:

HALVARD LANGE.

For the Government of the Saar:

(in application of resolution (53) 30 of the Committee of Ministers)

P. VAN ZEELAND.

For the Government of the Kingdom of Sweden:

ÖSTEN UNDÉN.

For the Government of the Turkish Republic:

F. KÖPRÜLÜ.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ANTHONY NUTTING.

ANNEX I

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL
SECURITY SCHEMES RELATING TO OLD AGE,
INVALIDITY AND SURVIVORS

Social Security Schemes to which the Agreement Applies

Belgium:

Laws and regulations relating to:

- (a) Insurance against old age and premature death for manual workers and self-employed workers.
- (b) Insurance against old age and premature death of salaried employees.
- (c) Pensions for mines and other workers treated as miners.
- (d) Social security for employees (supplementary old-age and survivors' pensions).
- (e) Social security for employees, respecting the organisation of compulsory insurance against sickness or invalidity.
- (f) Special allowances to cripples, the disabled, to congenital invalids and the deaf and dumb.

The scheme listed under (f) is of a non-contributory nature, all the others are contributory.

Denmark:

Laws and regulations relating to:

- (a) Old-age pensions.
- (b) Invalidity pensions including pensions awarded according to sections 247-249 of the Social Welfare Act.
- (c) Benefits to widows' and widowers' children and to orphans (Chapter XVI of the Social Welfare Act).

All these schemes are of a non-contributory nature.

France:

Laws and regulations relating to:

- (a) The organisation of social security.
- (b) General provisions governing the social insurance system applicable to insured persons in non-agricultural employment.
- (c) Social insurance provisions applicable to employed persons, and persons treated as employed persons, in agricultural employment.
- (d) Allowances granted to aged employees.
- (e) Allowances granted to aged persons other than employees.
- (f) Special social security schemes.
- (g) Laws on special allowances.
- (h) Allowances for compensation to the blind and to seriously disabled workers.

The schemes listed under (a), (b), (c) and (f) above are of a contributory nature.

The schemes listed under (d), (g) and (h) are non-contributory.

The laws relating to (e) provide, first, for a permanent scheme of a contributory nature, and, secondly, for a temporary scheme of a non-contributory nature applied to persons who do not fulfil the conditions governing payment of contributions prescribed under the contributory scheme.

Federal Republic of Germany:

Laws and Regulations relating to:

- (a) Pension insurance for manual workers.
- (b) Pension insurance for salaried employees and artisans.
- (c) Pension insurance for miners.

All these schemes are of a contributory nature.

Greece:

Laws and regulations relating to:

- (a) Social insurance.
- (b) Special pension schemes for certain categories of workers, including certain liberal professions (lawyers, doctors, civil engineers, &c.).

These schemes are of a contributory nature.

Iceland:

Laws and regulations relating to:

- (a) Old-age pensions.
- (b) Invalidity pensions.
- (c) (i) Children's annuities.
- (ii) Widows' annuities.

For the purposes of this Agreement these schemes are accepted as non-contributory.

Ireland:

Laws and regulations relating to:

- (a) Old-age pensions.
- (b) (i) Blind persons' pensions, and
- (ii) National health insurance.
- (c) Widows' and orphans' pensions.

The scheme listed under (a) above is non-contributory. The scheme listed under (b) (i) is non-contributory, that under (b) (ii) is contributory, and the scheme listed under (c) is partly contributory and partly non-contributory.

Italy:

Laws and regulations relating to:

- (a) General compulsory insurance in case of invalidity, old age and death.
- (b) Special compulsory insurance schemes for certain categories of employees.

These schemes are of a contributory character.

Luxembourg:

Laws and regulations relating to:

- (a) General systems of insurance against old age, invalidity and premature death.
- (b) Pensions insurance for salaried employees in private employment.
- (c) Additional insurance for mine workers and for manual workers in the metallurgical industries.
- (d) Pensions insurance for artisans.

These schemes are all contributory except the provisional pensions for artisans.

Netherlands:

Laws and regulations relating to:

- (a) Insurance against old age, invalidity and premature death, including provisions for pension increments.
- (b) Temporary old-age allowances.
- (c) Pension scheme for miners.

The scheme listed under (b) is non-contributory. The other schemes are contributory.

Norway:

Laws and regulations relating to:

- (a) Old-age pensions.
- (b) Aid to blind and crippled persons.
- (c) Pension insurance for mariners.
- (d) Pension insurance for forestry workers.
- (e) Old-age, invalidity and survivors' pensions for workers employed by the State.

The schemes listed under (a) and (b) above are non-contributory. The other schemes are contributory.

Saar:

Laws and regulations relating to:

- (a) Pensions insurance for manual workers.
- (b) Pensions insurance for salaried employees and artisans.
- (c) Pensions insurance for miners.
- (d) Pensions insurance in the metal industry.

All these schemes are contributory.

Sweden:

Laws and regulations relating to:

- (a) National pensions.
- (b) Special family allowances to children of widows and invalids, &c.
- (c) Allowances to widows and widowers with children.

All these schemes are non-contributory.

Turkey:

Laws and regulations relating to:

- (a) Old-age insurance.
- (b) Special pension schemes for certain categories of workers.

These schemes are contributory.

United Kingdom:

Laws and regulations concerning Great Britain, Northern Ireland and the Isle of Man:—

- (a) Establishing insurance schemes in respect of sickness, widowhood, orphanhood and old age.
- (b) Relating to non-contributory old age and blind persons' pensions.

The schemes mentioned under (a) are contributory. the schemes mentioned under (b) are non-contributory

ANNEX II

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL
SECURITY SCHEMES RELATING TO OLD AGE,
INVALIDITY AND SURVIVORS

**Bilateral and Multilateral Agreements to which the Agreement
applies(a)**

Belgium:

- (a) Convention between Belgium and the Netherlands respecting the application of the legislation of the two countries as regards social insurance, dated August 19, 1947.
- (b) General Convention between Belgium and France on social security, dated January 17, 1948.
- (c) General Convention between Belgium and Italy on social insurance, dated 30th April, 1948.
- (d) General Convention between Belgium and the Grand Duchy of Luxembourg on social security, dated December 3, 1949.
- (e) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949(b).

Denmark:

General Convention between Denmark and France on social security, dated June 30, 1951.

(a) It is understood that the Agreement applies equally to all the complementary agreements, supplements, protocols and arrangements which have completed or amended the said agreements.

(b) "Treaty Series No. 30 (1951)," Cmd. 8218.

France:

- (a) General Convention between France and Belgium on social security, dated January 17, 1948.
- (b) General Convention between France and Italy to co-ordinate the application of French social security legislation and of Italian social insurance and family benefits legislation to the nationals of the two countries, dated March 31, 1948.
- (c) General Convention between France and the United Kingdom, in respect of Great Britain, on social security, dated June 11, 1948.
- (d) General Convention between France and the Saar on social security, dated February 25, 1949.
- (e) General Convention between France and the Grand Duchy of Luxembourg on social security, dated November 12, 1949.
- (f) General Convention between France and the Netherlands on social security, dated January 7, 1950.
- (g) General Convention between France and the United Kingdom, in respect of Northern Ireland, on social security, dated January 28, 1950.
- (h) General Convention between France and the Federal Republic of Germany on social security, dated July 10, 1950.
- (i) General Convention between France and Denmark on social security, dated June 30, 1951.
- (j) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949(a).

Federal Republic of Germany:

- (a) General Convention between the Federal Republic of Germany and France on social security, dated July 10, 1950.
- (b) Convention between the Federal Republic of Germany and the Netherlands on social insurance, dated March 29, 1951.

Ireland:

Agreement between Ireland and the United Kingdom, in respect of Great Britain, relating to insurance for sickness benefit and maternity benefit, dated September 13, 1948.

Italy:

- (a) General Convention between Italy and France to co-ordinate the application of French social security legislation and of Italian social insurance and family benefits legislation to the nationals of the two countries, dated March 31, 1948.
- (b) General Convention between Italy and Belgium on social insurance, dated April 30, 1948.

Luxembourg:

- (a) General Convention between the Grand Duchy of Luxembourg and France on social security, dated November 12, 1949.
- (b) General Convention between the Grand Duchy of Luxembourg and Belgium on social security, dated December 3, 1949.

(a) "Treaty series No. 30 (1951)," Cmd. 8218.

- (c) General Convention between the Grand Duchy of Luxembourg and the Netherlands on social security, dated July 8, 1950.
- (d) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949.

Netherlands:

- (a) Convention between the Netherlands and Belgium respecting the application of the legislation of the two countries as regards social insurance, dated August 29, 1947.
- (b) General Convention between the Netherlands and France on social security, dated January 7, 1950.
- (c) General Convention between the Netherlands and the Grand Duchy of Luxembourg on social security, dated July 8, 1950.
- (d) Convention between the Netherlands and the Federal Republic of Germany on social insurance, dated March 29, 1951.
- (e) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949.

Saar:

General Convention between the Saar and France on social security, dated February 25, 1949.

United Kingdom:

- (a) General Convention on social security between the United Kingdom, in respect of Great Britain, and France, dated June 11, 1948.
- (b) Agreement between the United Kingdom, in respect of Great Britain, and Ireland, relating to insurance for sickness benefit and maternity benefit, dated September 13, 1948.
- (c) General Convention on social security between the United Kingdom, in respect of Northern Ireland, and France, dated January 28, 1950(a).
- (d) Multilateral Convention on social security concluded by the Brussels Treaty Powers, dated November 7, 1949(b).

ANNEX III

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL
SECURITY SCHEMES RELATING TO OLD AGE,
INVALIDITY AND SURVIVORS

Reservations to the Agreement Formulated by the Contracting Parties

1. *The Government of Denmark* has formulated the following reservation:—

The Danish law respecting old-age and invalidity pensions shall not apply to the nationals of a Contracting Party which has repealed its legal provisions relating to old-age and invalidity pensions.

2. *The Government of Luxembourg* has formulated the following reservation:—

(a) "Treaty Series No. 19 (1949)," Cmd. 7651.

(b) "Treaty Series No. 30 (1951), Cmd. 8218.

Non-contributory, temporary pensions, subject to a needs test, provided for under Luxembourg legislation relating to artisans shall be granted only to nationals of those States whose legislation awards similar pensions to Luxembourg nationals.

3. *The Government of the United Kingdom* has formulated the following reservation:—

The provisions of the Agreement shall not apply to the obsolescent schemes for non-contributory old-age pensions in Great Britain, Northern Ireland and the Isle of Man, it being understood that equivalent benefits are available to the nationals of the contracting countries on the same conditions as to British nationals under the schemes of National Assistance in Great Britain, Northern Ireland and the Isle of Man.

SECOND SCHEDULE

**PROTOCOL TO THE EUROPEAN INTERIM
AGREEMENT ON SOCIAL SECURITY SCHEMES
RELATING TO OLD AGE, INVALIDITY AND SURVIVORS**

Paris, December 11, 1953

The Governments signatory hereto, being Members of the Council of Europe, Having regard to the provisions of the European Interim Agreement of Social Security Schemes relating to Old Age, Invalidity and Survivors, signed at Paris, on the 11th day of December, 1953 (hereinafter referred to as “the principal Agreement”);

Having regard to the provisions of the Convention relating to the Status of Refugees signed at Geneva on 28th July, 1951^(a) (hereinafter referred to as “the Convention”);

Being desirous of extending the provisions of the principal Agreement so as to apply to refugees as defined in the Convention,

Have agreed as follows:–

Article 1

For the purposes of this Protocol the term “refugee” shall have the meanings ascribed to it in Article 1 of the Convention, provided that each Contracting Party shall make a declaration at the time of signature or ratification hereof or accession hereto, specifying which of the meanings set out in paragraph B of Article 1 of the Convention it applies for the purpose of its obligations under this Protocol, unless such Party has already made such a declaration at the time of its signature or ratification of the Convention.

Article 2

The provisions of the principal Agreement shall apply to refugees under the same conditions as they apply to the nationals of the Contracting Parties thereto, provided that Article 3 of that Agreement shall apply to refugees only in cases where the Contracting Parties to the agreements to which that Article refers have ratified this Protocol or acceded thereto.

Article 3

1. This Protocol shall be open to the signature of the members of the Council of Europe who have signed the principal Agreement. It shall be ratified.

2. Any State which has acceded to the principal Agreement may accede to this Protocol.

3. This Protocol shall come into force^(b) on the first day of the month following the date of deposit of the second instrument or ratification.

4. As regards any Signatory ratifying subsequently, or any acceding State, the Protocol shall come into force on the first day of the month following the date of the deposit of its instrument of ratification or accession.

5. Instruments of ratification and accession shall be deposited with the Secretary-General of the Council of Europe, who shall notify the Members of the

^(a) “Treaty Series No. 39 (1954),” Cmd. 9171.

^(b) October 1, 1954.

Council, acceding States and the Director-General of the International Labour Office of the names of those who have ratified or acceded.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office.

For the Government of the Kingdom of Belgium:

P. VAN ZEELAND.

For the Government of the Kingdom of Denmark:

For the Government of the French Republic:

BIDAULT.

For the Government of the Federal Republic of Germany:

ADENAUER.

For the Government of the Kingdom of Greece:

STEPHANOPOULOS

For the Government of the Icelandic Republic:

KRISTINN GUDMUNDSSON.

For the Government of Ireland:

PRÓINSIAS MAC AOGÁIN.

For the Government of the Italian Republic:

LUDOVICO BENVENUTI.

For the Government of the Grand Duchy of Luxembourg.

BECH.

For the Government of the Kingdom of the Netherlands:

J.W. BEYEN.

For the Government of the Kingdom of Norway:

HALVARD LANGE.

For the Government of the Saar:

(in application of resolution (53) 30 of the Committee of Ministers)

P. VAN ZEELAND.

For the Government of the Kingdom of Sweden:

ÖSTEN UNDÉN.

For the Government of the Turkish Republic:

F. KÖPRÜLÜ.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ANTHONY NUTTING.

THIRD SCHEDULE

**GOVERNMENTS RATIFYING OR ACCEDING TO THE
AGREEMENT AND THE PROTOCOL WITH DATES OF
DEPOSIT OF THEIR INSTRUMENTS OF RATIFICATION
OR ACCESSION AND DATES ON WHICH THE
AGREEMENT OR PROTOCOL COMES INTO FORCE**

<i>(1)</i> Government	<i>(2)</i> Date of deposit of ratification or accession	<i>(3)</i> Date of coming into force of the Agreement and Protocol
Republic of Ireland	31 March 1954	1 July 1954 (1 October, 1954 for (Protocol))
Denmark (Protocol not signed)	30th June 1954	1 July 1954
United Kingdom of Great Britain and Northern Ireland	7 September, 1954	1 October, 1954
Saar	8 September, 1954	1 October, 1954
Norway	9 September, 1954	1 October, 1954
Netherlands	11 March, 1955	1 April, 1955
Sweden	2 September, 1955	1 October, 1955
Federal Republic of Germany (including Land Berlin)	24 August, 1956	1 September, 1956
Belgium	3 April, 1957	1 May, 1957
France	17 December, 1957	1 January, 1958
Italy	26 August, 1958	1 September, 1958
Luxembourg	18 November, 1958	1 December, 1958
►Greece	29th May, 1961	1st June, 1961 ◀
►Iceland	4 December 1964	1 January, 1965 ◀

Sch. 3 amended by Art. 2
of S.I. 1961/1834 as from
25.9.61.

Sch. 3 amended by Art 2
of S.I. 1965/1541 as from
3.8.65.

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 European Interim Agreement on social security schemes relating to old age, invalidity and survivors, and to a protocol supplementing that Agreement and protocol provide for reciprocity with the Governments which have ratified the Agreement of Protocol in relation to the National Insurance Acts, 1946 to 1957 and modifies that Act in its application to cases affected by any such provisions of the Agreement and Protocol.