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No. 6113

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
TURKEY**

**Convention on social insurance. Signed at Ankara, on
9 September 1959**

**Exchange of notes constituting an agreement amending the
above-mentioned Convention. London, 22 November
1961**

Official texts: English and Turkish.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
5 April 1962.*

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

**Convention sur la sécurité sociale. Signée à Ankara, le
9 septembre 1959**

**Échange de notes constituant un accord modifiant la Con-
vention susmentionnée. Londres, 22 novembre 1961**

Textes officiels anglais et turc.

*Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
5 avril 1962.*

No. 6113. CONVENTION¹ ON SOCIAL INSURANCE BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE REPUBLIC OF TURKEY. SIGNED AT ANKARA, ON 9 SEPTEMBER 1959

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

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one Contracting Party should receive under the social insurance 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 AND SCOPE

Article 1

For the purpose of the present Convention, unless the context otherwise requires—

- (1) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Turkey, its national territory;
- (2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Turkey, a person having Turkish nationality;
- (3) "legislation" means, according to the context, the legislation specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;

¹ Came into force on 1 June 1961, the first day of the third month following the month in which the instruments of ratification were exchanged, in accordance with article 39. The exchange of the instruments of ratification took place at London on 3 March 1961.

- (4) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, and the Isle of Man Board of Social Services as the case may require, and, in relation to Turkey, the Ministry of Labour;
- (5) "social insurance authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, 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 Turkey, the Workers' Insurance Institution;
- (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;
- (7) "dependant" means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim to receive an additional allowance under the legislation of the United Kingdom, and, in relation to Turkey, a person who comes within the definition of a dependant in the legislation of Turkey;
- (8) "insurance period" means, in relation to one (or the other) Party, a period during which a person is insured under the legislation of that Party;
- (9) "contribution period" means, in relation to one (or the other) Party, an insurance period in respect of which contributions, appropriate to the benefit in question, have been paid under the legislation of that Party;
- (10) "equivalent period" means, in relation to the United Kingdom, an insurance 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 Turkey, an insurance period during which the insured person was incapable of work;
- (11) the words "benefit" and "pension" include any increase in the benefit or pension and any additional allowances payable therewith;
- (12) "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 Turkey, sickness benefit as defined in the legislation of Turkey;
- (13) "invalidity pension" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to a person in respect of a period of interruption of employment as defined in that legislation after the lapse in that period of three hundred and twelve days for each of which he has been entitled to receive either sickness benefit under the legislation of one (or the other) Party; or an invalidity pension under the legislation of Turkey, and, in relation to Turkey, an invalidity pension as defined in the legislation of Turkey;

- (14) "widow's benefit" means, in relation to the United Kingdom, widow's allowance, widowed mother's allowance, widow's pension and widow's basic pension, as defined in the legislation of the United Kingdom, and, in relation to Turkey, any benefit paid under the legislation of Turkey concerning survivors' insurance to a widow or the child of a widow;
- (15) "orphan's benefit" means, in relation to the United Kingdom, guardian's allowance as defined in the legislation of the United Kingdom, and, in relation to Turkey, any benefit paid under the legislation of Turkey concerning survivors' insurance to a child whose father and mother are dead;
- (16) "old age pension" means, in relation to the United Kingdom, an old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to Turkey, an old age pension as defined in the legislation of Turkey;
- (17) "death benefit" means, in relation to the United Kingdom, a death grant as defined in the legislation of the United Kingdom, and, in relation to Turkey, benefit granted under the legislation of Turkey for funeral expenses.

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 Injuries) (Isle of Man) Act, 1948;
 - (b) in relation to Turkey, to—
 - (i) the Industrial Injuries, Industrial Diseases and Maternity Insurances Act (No. 4772);
 - (ii) the Sickness and Maternity Insurance Act (No. 5502); and
 - (iii) the Invalidity, Old Age and Survivors' Insurances Act (No. 6900).

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall apply also to any legislation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Convention shall not apply to any legislation which relates to a new branch of social insurance, if either Contracting Party so decides and gives

notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 30 of the Convention.

(4) The Convention shall apply, only if the Parties so decide, to any legislation which amends or supplements the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement on social security which one (or the other) Party has made with a third Party.

PART II

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 paragraphs (2), (3) and (4) of this Article, where a national of either Contracting Party is employed 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, and even if his employer or the principal place of business of the undertaking which employs him is in the latter territory.

(2) If a person, in the service of an employer whose principal place of business is in the territory of one Party, is sent in the course of his employment to work temporarily in the territory of the other Party, and is not a national of the latter Party nor ordinarily resident in its territory, then the legislation of the former Party shall apply to him as if he were employed in the territory of that Party, and the legislation of the latter Party shall not apply to him.

(3) If a national of the United Kingdom who is ordinarily resident in the territory of the United Kingdom is employed in the territory of Turkey, and the provisions of paragraph (2) of this Article do not apply to him, the legislation of Turkey concerning invalidity, old age and survivors' insurance shall not apply to him unless he so chooses and gives notice to that effect to the social insurance authority of Turkey. He shall also be entitled to choose that the legislation of the United Kingdom shall apply to him, and, if he so chooses, that legislation shall apply to him as if he were an insured person entitled to pay voluntary contributions from abroad.

(4) None of the provisions of this Article shall apply to any person to whom any of the provisions of Articles 5 and 6 of the present Convention apply.