No. 8234

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
and
IRELAND

Agreement on social security. Signed at Dublin, on 28 February 1966

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 27 June 1966.

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

Accord relatif à la sécurité sociale. Signé à Dublin, le 28 février 1966

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 27 juin 1966.

No. 8234. AGREEMENT[1] ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND. SIGNED AT DUBLIN, ON 28 FEBRUARY 1966

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

Being resolved to co-operate in the social field,

Desiring to make arrangements enabling persons, who go from one country to the other, to receive pensions and other social security benefits,

Have agreed as follows :

PART I

DEFINITIONS AND GENERAL PROVISIONS

Article 1

(1) In this Agreement, unless the context otherwise requires—

"the legislation of the United Kingdom" means, according to the context, the National Insurance Act 1965, the National Insurance Act (Northern Ireland) 1946 or the National Insurance (Isle of Man) Act 1948 and includes enactments repealed or consolidated by, or repealed by enactments consolidated by, those Acts ;

"the legislation of the Republic of Ireland" means the Social Welfare Acts, 1952 to 1965, and includes enactments repealed by those Acts ;

"competent authority" means, in relation to the United Kingdom, according to the context, the Minister of Pensions and National Insurance or the Ministry of Health and Social Services for Northern Ireland or the Isle of Man Board of Social Services, and, in relation to the Republic of Ireland, the Minister for Social Welfare ;

"the United Kingdom" includes the Isle of Man ;

"country" means the United Kingdom or the Republic of Ireland, as the case may require ;

[1] Came into force on 4 April 1966, in accordance with article 5.

"the United Kingdom Fund" means, according to the context, the National Insurance Fund, the Northern Ireland National Insurance Fund or the Manx National Insurance Fund established under the legislation of the United Kingdom ;

"the Fund of the Republic of Ireland" means the Social Insurance Fund established under the legislation of the Republic of Ireland ;

"the first contribution condition", "the second contribution condition" and "the third contribution condition" mean, in relation to old age (contributory) pension under the legislation of the Republic of Ireland, the conditions contained respectively in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 6 of the Fourth Schedule to the Social Welfare Act, 1952 (which paragraph was added thereto by the Social Welfare (Amendment) Act, 1960) ;

"the first contribution condition" and "the second contribution condition" mean, in relation to widow's (contributory) pension under the legislation of the Republic of Ireland, the conditions contained respectively in sub-paragraphs (*a*) and (*b*) of paragraph 4 of the said Fourth Schedule ;

"yearly average", with respect to any person, means

(*a*) in relation to the legislation of the United Kingdom, the yearly average of the contributions paid by or credited to him ascertained in accordance with that legislation at the date of his attaining pensionable age or dying under that age ;

(*b*) in relation to the legislation of the Republic of Ireland, the average per contribution year of the contributions paid by or credited to him ascertained in accordance with that legislation for the purpose of satisfying either, according to the context, the third contribution condition for old age (contributory) pension or, where such condition applies, the second contribution condition for widow's (contributory) pension ;

"old age benefit" means retirement pension (other than graduated retirement benefit) under the legislation of the United Kingdom and old age (contributory) pension under the legislation of the Republic of Ireland ;

"retirement pension" means retirement pension under the legislation of the United Kingdom but does not include contributory old age pension under that legislation ;

"old age (contributory) pension" means old age (contributory) pension under the legislation of the Republic of Ireland ;

"widow's benefit" and "widow's pension" do not include widow's basic pension under the legislation of the United Kingdom ;

"pre-entry credits" means the contributions falling, under the legislation of the country concerned, to be credited in respect of the period before a person's entry into insurance under that legislation ;

"entry into insurance" means, in a case where entry into insurance before 5th July, 1948, is taken into account under the legislation of the United Kingdom, last entry into insurance ;

"the relevant time" has, in relation to contribution conditions under the legislation of either country, the meaning assigned to it under that legislation.

(2) (*a*) References in this Agreement to the legislation of a particular country shall be construed as references to the legislation of the United Kingdom or the legislation of the Republic of Ireland, as the case may require.

(*b*) References in this Agreement to the Fund of a particular country shall be construed as references to the United Kingdom Fund or the Fund of the Republic of Ireland, as the case may require.

(3) In this Agreement, in relation to retirement pension, references to a wife or husband shall be construed as including references to a widow or late husband, and references to a retirement pension by virtue of a husband's insurance shall be construed as including references to a retirement pension by virtue of a widow's own insurance in a case where account is taken of her late husband's contributions in calculating her yearly average.

(4) Subject to the provisions of paragraph (5) of this Article, references in this Agreement to any enactment, order or regulations shall include references to such enactment, order or regulations as amended, modified, adapted, extended, supplemented or consolidated by any subsequent enactment, order or regulations.

(5) The provisions of paragraph (4) of this Article shall apply only if and to the extent that the Contracting Parties so agree, to any enactment, order or regulation which amends, modifies, adapts, extends or supplements the legislation of either country for the purpose of giving effect to any reciprocal agreement or arrangements on social security which one (or the other) Party or the competent authority of either country has made with a third Party or a competent authority outside the two countries.

Article 2

(1) For the purposes of this Agreement, an insured person under the legislation of either country shall include a person who by virtue of any reciprocal agreements made between the Contracting Parties or the competent authorities of the two countries for the purposes of sickness or disability benefit, received sickness or disability

benefit under the legislation of that country or in respect of whom insurance, contributions paid, credited, excused or deemed to be or treated as paid, under the legislation of the other country had been treated as insurance, contributions paid, credited, excused or deemed to be or treated as paid, under the legislation of the first-mentioned country for the purposes of sickness or disability benefit.

(2) Contributions credited to any person under the legislation of one country for the purpose of sickness or disability benefit, being contributions so credited for any period of incapacity (whether before or after the date of coming into force of this Agreement) for which he was or is entitled to such benefit under that legislation by virtue of the relevant reciprocal provisions, shall have effect as contributions credited for all purposes under that legislation ; and the relevant reciprocal provisions shall apply for the purpose of exception from liability to pay contributions and of enabling contributions to be credited for periods of incapacity as they apply for the purpose of sickness or disability benefit.

(3) In the foregoing paragraph, "the relevant reciprocal provisions" means the provisions in any reciprocal agreement such as is referred to in paragraph (1) of this Article which provide for the taking into account, for the purpose of sickness or disability benefit under the legislation of one country, of insurance or contributions under the legislation of the other country.

Article 3

(1) Old age benefit under the legislation of one country shall be paid to a person who is in, or is resident in, the other country as if he were not, as the case may be, absent from or resident outside the first-mentioned country.

(2) The presence, residence or birth of a child or adult dependant in one country (whether before or after this Agreement has effect) shall, for the purpose of an increase of old age benefit in respect of that child or adult dependant under the legislation of the other country, be treated as if it were or had been presence, residence or birth in that other country.

(3) Where, in accordance with any reciprocal agreements made between the Contracting Parties or the competent authorities of the two countries for the purposes of widow's benefit (hereafter in this Article called "the existing reciprocal agreements"), widow's benefit (as therein defined) under the legislation of either country falls to be paid to a widow who is resident in the other country, the rate of such benefit shall, in respect of any period after the coming into force of this Agreement, be determined as if she were then resident in the former country, and any provision in the existing reciprocal agreements limiting the rate of benefit in such a case shall cease to have effect.