No. 852

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
and
FRANCE

Agreement on social security (with protocols). Signed at Paris, on 11 June 1948

Exchange of notes. London, 3 November 1948 and 4 and 7 January 1949

Official texts : English and French.
Registered by the United Kingdom of Great Britain and Northern Ireland on 30 June 1950.

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

Accord sur la sécurité sociale (avec protocoles). Signé à Paris, le 11 juin 1948

Échange de notes. Londres, 3 novembre 1948 et 4 et 7 janvier 1949

Textes officiels anglais et français.
Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 30 juin 1950.

No. 852. AGREEMENT[1] ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE FRENCH GOVERNMENT. SIGNED AT PARIS, ON 11 JUNE 1948

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

and the Government of the French Republic,

desirous of guaranteeing the benefits of the laws on social security in force in Great Britain and France to the persons to whom those laws apply or have been applied, have agreed upon the following provisions :—

PART I—GENERAL PRINCIPLES

Article 1

1. British subjects or French nationals shall be subject respectively to the social security legislation, as set out in Article 2 of the present Agreement, in force in Great Britain or France, and they shall enjoy the benefits thereof under the same conditions as nationals of each country respectively.

2. British subjects or French nationals who, having been registered under the British compulsory insurance scheme, leave Great Britain to proceed to France, and who, in the latter country, do not satisfy the conditions required for them to become subject to compulsory insurance, may claim the benefit of voluntary old-age insurance under the same conditions, and after the same waiting-period, as employed persons who cease to belong to the French compulsory insurance scheme.

Article 2

1. The legislative measures respecting social security covered by the present Agreement shall be :

(1) *In Great Britain :*

(a) the legislation relating to the system of national insurance and concerning insurance against sickness, old age and death (including widowhood, orphanhood and death grant) and payments in respect of the confinement of women;

[1] Came into force on 5 July 1948, in accordance with article 30, by an exchange of notes.

(b) the legislation relating to the system of national insurance and concerning insurance against personal injury by accident, and against prescribed diseases and injuries, due to employment.

(2) *In France:*

(a) the general legislation governing the social insurance system applicable to insured persons in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and the covering of maternity expenses;

(b) the social insurance legislation applicable to employed persons and persons treated as employed persons, in agricultural employment and concerning the covering of the same risks and charges;

(c) the legislative measures concerning the prevention of, and compensation for, industrial accidents and occupational diseases;

(d) special social security schemes, in so far as they deal with the risks or benefits covered by the legislative measures referred to in the foregoing paragraphs, and, in particular, the system of social security in the mining industry.

2. The present Agreement shall also apply to any laws or regulations which have amended or supplemented, or which may in future amend or supplement, the laws referred to in the first paragraph of the present Article.

Nevertheless the present Agreement shall not apply:

(a) to laws or regulations covering a new branch of social security unless an arrangement to that effect be agreed upon between the contracting Governments;

(b) to laws or regulations extending existing schemes to new classes of beneficiaries, if the other contracting Government lodges an objection with the Government concerned within a period of three months after the official publication of the said laws or regulations.

Article 3

1. Employed persons, or persons treated as employed persons under the laws applicable in both countries, who are employed in either country, shall be subject to the laws in force at their place of employment.

2. The following exceptions shall be made to the principle laid down in paragraph 1 of the present Article :—

(a) employed persons, or persons treated as employed persons, who are employed in a country other than that of their normal residence by an undertaking having in this latter country an establishment

to which the persons concerned normally belong, shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country is not expected to exceed six months;

(b) persons connected with transport undertakings in either country who are employed in the mobile sections (travelling personnel) of these undertakings shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office.

3. The competent authorities of the contracting Governments may provide, by mutual agreement, for exceptions to the rules laid down in paragraphs 1 and 2 of the present Article. They may also agree that the exceptions provided for in paragraph 2 shall not be applied in certain particular cases.

Article 4

1. The provisions of paragraph 1 of Article 3 shall be applicable to employed persons or persons treated as employed persons whatever their nationality, who are employed in the diplomatic or consular offices of France or the United Kingdom or who are in the personal employ of officers of the diplomatic or consular service of those countries.

Nevertheless the present Article shall not apply to diplomatic and consular officers *de carrière.*

2. The provisions of sub-paragraph *(a)* of paragraph 2 of Article 3 may, by agreement between the Governments of the contracting countries, be applied to persons in the diplomatic or consular service of France or the United Kingdom who are of the nationality of the country employing them and who are posted temporarily in the other country, even if they are expected to remain in that country for more than six months.

The provisions of this paragraph shall also apply to civil servants of the one country employed in the other country other than diplomatic or consular officers *de carrière.*

PART II—SPECIAL PROVISIONS

Section 1—Insurance against Sickness, Maternity, Death

Article 5

French nationals or British subjects registered under the compulsory insurance scheme in France or Great Britain who change their place of residence from one country to the other and who, in the latter country, become subject to compulsory insurance from the time of their arrival, shall, together with the legally entitled members of their household, enter into benefit in respect of the sickness, maternity and death insurance schemes of that country as soon as they fulfil the conditions required for eligibility for benefit under the legislation of that country, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the insurance periods completed consecutively in the two countries.

Furthermore, as regards sickness insurance, the illness must have become apparent after the insured person became subject to compulsory insurance in the new country of residence.

SECTION 2—FRENCH INVALIDITY INSURANCE AND LONG-TERM SICKNESS BENEFIT UNDER THE BRITISH INSURANCE SCHEME

A—*Establishment of the Right to Benefit and its Award and Payment*

Article 6

1. For French nationals or British subjects who, in the two countries, have been insured for different periods under one or more insurance schemes, the insurance periods completed under these schemes or the periods recognised as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of this right.

2. Cash benefits under the French invalidity insurance system and long-term sickness benefit under the British insurance system shall be paid in accordance with the law applicable to the person concerned at the time of the first medical declaration of sickness or accident for purposes of the French legislation and the first medical declaration of incapacity for work for the purposes of the British legislation and the costs shall be borne by the social security authority competent under the terms of that law.

Article 7

If, after suspension or discontinuance of the invalidity pension, or of long-term sickness benefit under the British insurance scheme, the insured person again becomes entitled to benefit within a maximum period of one year, the payment of benefit shall be resumed by the authority responsible for the benefit originally granted, if the state of invalidity or chronic sickness is attributable to the disease or disablement in respect of which such benefit was previously granted.