No. 3860

NEW ZEALAND
and
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Agreement on social security. Signed at Wellington, on 20 December 1955

Official text: English.

Registered by New Zealand on 29 May 1957.

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

Convention sur la sécurité sociale. Signée à Wellington, le 20 décembre 1955

Texte officiel anglais.

Enregistrée par la Nouvelle-Zélande le 29 mai 1957.

No. 3860. AGREEMENT[1] ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. SIGNED AT WELLINGTON, ON 20 DECEMBER 1955

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

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 social security benefits for old age, widowhood, orphanhood, sickness, invalidity and unemployment, as far as possible at the same rates and under the same conditions as persons who have been resident in the latter country,

Have agreed as follows :

Part I — Definitions and general provisions

Article 1

For the purposes of the present Agreement, unless the context otherwise requires :

(*a*) " age benefit ", " invalid's benefit ", " mother's allowance ", " orphan's benefit " and " superannuation benefit " have the same meaning as in the legislation of New Zealand;

(*b*) " benefit " means pension, allowance or benefit payable under the legislation of one (or the other) country and includes any increase payable for a dependant;

(*c*) " child " means, in relation to any person, a child, as defined in the legislation which is being applied, who would be treated under that legislation as being a child of that person or included in his family;

(*d*) " child's allowance " means, in relation to the United Kingdom, a guardian's allowance payable under the legislation of that country or a family allowance payable under the Family Allowances Acts, and, in relation to New Zealand, a family benefit or orphan's benefit payable under the legislation of that country;

(*e*) " competent authority " means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and

[1] Came into force on 1 April 1956, in accordance with article 27.

National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to New Zealand, the Social Security Commission;

(*f*) " country " means, according to the context, the United Kingdom or New Zealand;

(*g*) " full standard rate ", in relation to any benefit payable under the legislation of the United Kingdom, means the rate at which the benefit would be paid to the person concerned, subject to any earnings rule which may be appropriate, if the relevant contribution conditions were fully satisfied in his case;

(*h*) " guardian's allowance ", " retirement pension ", " widow's allowance ", " widowed mother's allowance " and " widow's basic pension " have the same meaning as in the legislation of the United Kingdom;

(*i*) " legislation " means, according to the context, the laws, orders and regulations specified in Article 2 which are or have been or may hereafter be in force in any part of one (or the other) country;

(*j*) " New Zealand " means the metropolitan territory of New Zealand, including the outlying islands; and excludes the Cook Islands (including Niue), the Tokelau Islands and the Trust Territory of Western Samoa;

(*k*) " parent " includes a person who is treated as a parent under the legislation which is being applied;

(*l*) " pension age " means, in relation to any person, the age at which that person is treated as reaching pensionable age under the legislation of the United Kingdom;

(*m*) " qualified to receive " means entitled to receive subject to any condition about giving notice or making a claim and to any earnings rule, means test or disqualification which may be appropriate;

(*n*) " sickness benefit " and " unemployment benefit ", in relation to one (or the other) country, have the same meaning as in the legislation of that country;

(*o*) " United Kingdom " means England, Scotland, Wales, Northern Ireland and the Isle of Man;

(*p*) " widow's benefit ", in relation to the United Kingdom, means a widow's allowance, widowed mother's allowance or widow's pension, payable under the legislation of that country or a widow's basic pension so payable to a woman who became a widow before the 5th July, 1948, and in relation to New Zealand, has the same meaning as in the legislation of that country, and includes a mother's allowance payable under that legislation;

(*q*) " widow's pension " means widow's pension payable under the legislation of the United Kingdom other than a widow's basic pension.

Article 2

(1) The provisions of the present Agreement shall apply :

(*a*) in relation to the United Kingdom, to 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; and

(*b*) in relation to New Zealand, to the Social Security Act, 1938.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall apply also to any law, order or regulation which carries into effect, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Agreement shall apply, only if the Contracting Parties so agree, to laws, orders or regulations which amend or supplement the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with the government of a third country.

PART II — BENEFIT FOR OLD AGE

UNITED KINGDOM RETIREMENT PENSIONS BY VIRTUE OF RESIDENCE IN NEW ZEALAND

Article 3

(1) For the purpose of any claim to receive a retirement pension, a person who is in, or is resident in, the United Kingdom shall be treated as if he, or, in the case of a claim made by a married woman or a widow by virtue of her husband's insurance, her husband, had paid contributions as a non-employed person under the legislation of the United Kingdom for any period during which he was resident in New Zealand, and for any period (not exceeding thirteen weeks in the case of any one journey) during which he was travelling from either country to the other.

(2) Where the person claiming a retirement pension is a married woman or a widow claiming by virtue of her own insurance, the provisions of paragraph (1) of this Article shall not apply to her, unless :

(*a*) at the time when she was last in New Zealand she was receiving age benefit otherwise than by virtue of the present Agreement, and was treated as an unmarried woman for the purposes of that claim, or was receiving superannuation benefit otherwise than by virtue of the Agreement and would have been treated as unmarried if she had been receiving age benefit in lieu of superannuation benefit; or

(*b*) she has, since the date of her marriage, paid one hundred and fifty-six contributions under the legislation of the United Kingdom.

(3) Where a person who is in, or is resident in, the United Kingdom was receiving age benefit or superannuation benefit, otherwise than by virtue of the present Agreement, at the time when he was last in New Zealand, and was over pension age at that time, he shall, if he is not qualified by virtue of paragraphs (1) and (2) of this Article to receive a retirement pension at the full standard rate, be treated as if he satisfied the contribution conditions for such a pension :

Provided that a married woman who does not satisfy the condition specified in sub-paragraph (*a*) of paragraph (2) of this Article shall be treated for the purposes of this paragraph as if her husband and not she satisfied the said contribution conditions.

(4) This Article shall have effect subject to the provisions of Articles 19 and 20.

Article 4

For the purpose of any claim to receive a retirement pension, a person shall be deemed to have retired from regular employment on the date on which he reaches pension age if, within the four months before that date or at any time thereafter, he has received age benefit or superannuation benefit.

RETIREMENT PENSIONS IN NEW ZEALAND

Article 5

(1) Where a person would be qualified to receive a retirement pension (other than a retirement pension payable by virtue of Article 3) if he were in the United Kingdom, he shall be qualified to receive that pension while he is in New Zealand.

(2) This Article shall have effect subject to the provisions of Article 21.

SUPERANNUATION BENEFIT AND AGE BENEFIT BY VIRTUE OF RESIDENCE IN THE UNITED KINGDOM

Article 6

(1) For the purpose of any claim to receive age benefit or superannuation benefit, a person who is permanently resident in New Zealand shall be treated as