

No. 4371

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

Convention on social security and Protocol concerning benefits in kind. Signed at Brussels, on 20 May 1957

Official texts : English and French.

Registered by Belgium on 18 June 1958.

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

Convention de sécurité sociale et Protocole relatif aux prestations en nature. Signé à Bruxelles, le 20 mai 1957

Textes officiels anglais et français.

Enregistrés par la Belgique le 18 juin 1958.

No. 4371. CONVENTION¹ ON SOCIAL SECURITY BETWEEN HIS MAJESTY THE KING OF THE BELGIANS AND HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF HER OTHER REALMS AND TERRITORIES, HEAD OF THE COMMONWEALTH. SIGNED AT BRUSSELS, ON 20 MAY 1957

His Majesty The King of the Belgians and Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one High Contracting Party should receive under the social security 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 High Contracting 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 High Contracting Parties to be added together for the purpose of determining the right to receive benefit,

Have resolved to conclude a Convention and for that purpose have appointed as their Plenipotentiaries :

His Majesty The King of the Belgians :

Mr. Léon-Éli Troclet, Minister of Labour and Social Welfare ;

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of her other Realms and Territories, Head of the Commonwealth :
For the United Kingdom of Great Britain and Northern Ireland :

Sir George Labouchere, K.C.M.G., Her Britannic Majesty's Ambassador
Extraordinary and Plenipotentiary at Brussels,

Who, having exhibited their respective full powers, found in good and due form, have agreed as follows :

¹ Came into force on 1 June 1958, in accordance with article 40. The exchange of the instruments of ratification took place at London on 30 April 1958. This Convention is not applicable to the territories of the Belgian Congo and Ruanda-Urundi; it is applicable to the Isle of Man.

PART I.—DEFINITIONS AND SCOPE

Article 1

For the purpose of the present Convention

(1) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Belgium, the metropolitan territory only ;

(2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies and, in relation to Belgium, a person having Belgian nationality or a native of the Belgian Congo or of Ruanda-Urundi ;

(3) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of the territory of one (or the other) High Contracting Party ;

(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, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Belgium, the Minister responsible for the legislation specified in Article 2 ;

(5) "social security 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, or the statutory authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to Belgium, the appropriate administrative authority specified in the legislation of Belgium ;

(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 ; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment ;

(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 benefit in respect of a dependant under the legislation of the United Kingdom, and, in relation to Belgium, a person who comes within the definition of a dependant in the legislation of Belgium ;

(8) "insurance period" means a period in respect of which contributions appropriate to the benefit in question have been paid under the legislation of one (or the other) High Contracting Party ;

(9) "equivalent period" means, in relation to the United Kingdom, a 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 Belgium,

a period recognised under the legislation of Belgium as equivalent to an insurance period or period of employment appropriate to the benefit in question ;

(10) the words “benefit” and “pension” include any increase in the benefit or pension and any additional allowances payable therewith, other than benefits in kind ;

(11) “sickness benefit” means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom other than invalidity pension as defined in paragraph 14 of this Article, and, in relation to Belgium, sickness benefit as defined in the legislation of Belgium relating to sickness and invalidity insurance ;

(12) “maternity benefit” means, in relation to the United Kingdom, maternity allowance, maternity grant and home confinement grant as defined in the legislation of the United Kingdom, and, in relation to Belgium, maternity allowance as defined in the legislation of Belgium relating to sickness and invalidity insurance ;

(13) “benefit in respect of death” means, in relation to the United Kingdom, a lump sum payment made in respect of a death, and in relation to Belgium, a funeral grant ;

(14) “invalidity pension” means

(a) in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom

- (i) which becomes payable to a person in respect of a period of interruption of employment as defined in that legislation after he has been entitled in that period to receive such benefit for three hundred and twelve days ; or
- (ii) which becomes payable by the social security authority of the United Kingdom in accordance with the provisions of Article 13 ;

(b) in relation to Belgium, an invalidity pension as defined in the legislation of Belgium ;

(15) “old age pension” means, in relation to the United Kingdom, contributory old age pension or retirement pension as defined in the legislation of the United Kingdom, and, in relation to Belgium, an old age pension or retirement pension as defined in the legislation of Belgium ;

(16) “widowhood benefits” 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 Belgium, survivor’s pension, widow’s pension and widow’s allowance as defined in the relevant legislation of Belgium concerning insurance for old age and early death ;

(17) "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 Belgium, orphan's allowance as defined in the relevant legislation of Belgium concerning insurance for old age and early death ;

(18) "family allowances" means, in relation to the United Kingdom, family allowances as defined in the legislation of the United Kingdom, and, in relation to Belgium

(a) family allowances payable in relation to days of employment or days treated as such ;

(b) special family allowances payable for the children of employed persons who are disabled to the extent of at least sixty-six per cent ;

(c) family allowances for orphans payable for children who have lost one or both parents ;

(d) birth allowances payable on the birth of a child ; and

(e) allowances for mothers at home payable to mothers who remain at home, have no gainful occupation, and have the care of one or more children in respect of whom family allowances are payable.

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 ;
- (iii) The Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946 ;

(b) in relation to Belgium, to

- (i) the laws and regulations concerning sickness and invalidity insurance for wage earners, salaried employees, miners and persons treated as miners ; and merchant seamen ;
- (ii) the laws and regulations concerning the insurance for old age and early death of wage earners, salaried employees and merchant seamen ;
- (iii) the laws and regulations concerning industrial injuries and industrial diseases, including the legislation relating to seafarers ;