

## SCHEDULE **U.K.**

### Convention on Social Insurance between the United Kingdom and the Republic of Turkey

#### **Modifications etc. (not altering text)**

- C1** Sch. modified (E.W.S.) (5.12.2005) by [The Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), art. 1, Sch. 1, **Sch. 2**

## **PART III.—SPECIAL PROVISIONS** **U.K.**

### **Section 1.—Benefit for Sickness, Maternity and Death**

#### **U.K.**

#### **Article 10**

#### **U.K.**

A person who has completed a contribution period under the legislation of one Contracting Party shall be entitled to receive the benefit provided under the legislation of the other Party for sickness, maternity and death, provided that—

- (c) he has, since his last arrival in the territory of the latter Party, begun a contribution period under the legislation of that Party ;
- (d) he satisfies the conditions laid down by the legislation of the latter Party; and for this purpose any contribution period completed under the legislation of the former Party shall be treated, subject to the provisions of Article 25 of the present Convention, as if it had been completed under the legislation of the latter Party ;
- (e) in the case of maternity, the benefit shall be provided under the legislation under which the woman or, if it is claimed by virtue of her husband's insurance, her husband is paying contributions at the time when the claim is made or was last paying contributions before that time.

#### **U.K.**

#### **Article 11**

#### **U.K.**

Where a woman is insured under the legislation of one Contracting Party or is the wife of a person so insured and is in, or is confined in, 'the territory of the other Party, she shall, for the purpose of any claim to receive maternity allowance or maternity grant under the legislation of the former' Party, be treated as if she were in, or had 'been confined in, the territory of the former Party.

#### **U.K.**

#### **Article 12.**

*Changes to legislation: There are currently no known outstanding effects for the The National Insurance and Industrial Injuries (Turkey) Order 1961, PART III.—SPECIAL PROVISIONS. (See end of Document for details)*

**U.K.**

Where a person would be entitled to receive sickness benefit under the legislation of one Contracting Party if he were in the territory of that Party, he shall, subject to the approval of the insurance authority of that Party, be entitled to receive that benefit, while he is in the territory of the other Party, for such period as that authority may determine.

**U.K.**

**Article 13**

(32) If a person dies in the territory of one Contracting Party, his death shall, for the purpose of any claim to receive death benefit under the legislation of the other Party, be treated as if it had occurred in the territory of the latter Party.

(33) Where a person, who is in the territory of one Party, claims death benefit under the legislation of the other Party, he shall be treated as if he were in the territory of the latter Party.

**Section 2.—Old Age Pension**

**U.K.**

**Article 14**

(34) Subject to the provisions of Article 16, where a person submits a claim to receive an old age pension by virtue of insurance under the legislation of both Contracting Parties, his claim shall be determined in accordance with the provisions of the succeeding paragraphs of this Article.

(35) The social insurance authority of each Party shall determine, in accordance with the legislation of that Party, whether the person satisfies the conditions for receiving an old age pension under that legislation, and for this purpose shall take account, subject to the provisions of Article 25 of the present Convention, of all the insurance periods, contribution periods and equivalent periods completed by him under the legislation of the two Parties as if they had been completed under its own national legislation.

(36) Where the right to receive a pension is established in accordance with the provisions of paragraph (2) of this Article, the social insurance authority of each Party shall calculate—

- (a) the pension which would have been due to the person under its own national legislation if all the insurance periods, contribution periods and equivalent periods completed by him under the legislation of both Parties, calculated in accordance with the provisions of Article 25, had been completed under its own national legislation, and
- (b) that part of such pension which bears the same relation to the whole as the total of all the contribution periods completed by the person under its own national legislation bears to the total of all the contribution periods completed by him under the legislation of both Parties.

**U.K.**

The part thus calculated shall be the pension actually due to the person from the social insurance authority concerned.

(37) Where the total of all the contribution periods completed by a person under the legislation of one (or the other) Party is less than six months, no pension shall be paid under the legislation of that Party.

(38) For the purpose of applying this Article, an insurance period, contribution period or equivalent period completed by a person shall be deemed to include an insurance period, contribution period or equivalent period completed by the person's husband in those cases where the person

concerned is a woman claiming an old age pension by virtue of her husband's insurance or a woman claiming an old age pension by virtue of her own insurance who has chosen to have her husband's contributions taken into account.

**U.K.**

#### **Article 15**

**U.K.**

Where a person does not simultaneously satisfy the conditions laid down by the legislation of both Contracting Parties, his right to receive a pension under the legislation of each Party shall be established and extended as and when he satisfies the conditions laid down by the legislation of that Party, account being taken of the provisions of Article 14.

**U.K.**

#### **Article 16**

(39) A person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of Article 14 of the present Convention. In that case the old age pension which he is entitled to receive under the legislation of each Contracting Party shall be paid to him separately by its social insurance authority without regard to his insurance under the legislation of the other Party.

(40) The pensioner shall be entitled to make a fresh choice between taking advantage of the provisions of Article 14 and those of this Article, if it is in his interest to do so, either when the legislation of either Party is amended, or when he goes from the territory of one Party to that of the other, or when, in accordance with the provisions of Article 15 or otherwise, his right to receive a pension is established or extended under the legislation of either Party.

**U.K.**

#### **Article 17**

**U.K.**

Where, under the legislation of one Contracting Party, a person would be entitled to receive an old age pension if he were in the territory of that Party, he shall be entitled to receive that pension while he is in the territory of the other Party.

**U.K.**

#### **Article 14**

(34) Subject to the provisions of Article 16, where a person submits a claim to receive an old age pension by virtue of insurance under the legislation of both Contracting Parties, his claim shall be determined in accordance with the provisions of the succeeding paragraphs of this Article.

(35) The social insurance authority of each Party shall determine, in accordance with the legislation of that Party, whether the person satisfies the conditions for receiving an old age pension under that legislation, and for this purpose shall take account, subject to the provisions of Article 25 of the present Convention, of all the insurance periods, contribution periods and equivalent periods completed by him under the legislation of the two Parties as if they had been completed under its own national legislation.

*Changes to legislation: There are currently no known outstanding effects for the The National Insurance and Industrial Injuries (Turkey) Order 1961, PART III.—SPECIAL PROVISIONS. (See end of Document for details)*

(36) Where the right to receive a pension is established in accordance with the provisions of paragraph (2) of this Article, the social insurance authority of each Party shall calculate—

- (a) the pension which would have been due to the person under its own national legislation if all the insurance periods, contribution periods and equivalent periods completed by him under the legislation of both Parties, calculated in accordance with the provisions of Article 25, had been completed under its own national legislation, and
- (b) that part of such pension which bears the same relation to the whole as the total of all the contribution periods completed by the person under its own national legislation bears to the total of all the contribution periods completed by him under the legislation of both Parties.

**U.K.**

The part thus calculated shall be the pension actually due to the person from the social insurance authority concerned.

(37) Where the total of all the contribution periods completed by a person under the legislation of one (or the other) Party is less than six months, no pension shall be paid under the legislation of that Party.

(38) For the purpose of applying this Article, an insurance period, contribution period or equivalent period completed by a person shall be deemed to include an insurance period, contribution period or equivalent period completed by the person's husband in those cases where the person concerned is a woman claiming an old age pension by virtue of her husband's insurance or a woman claiming an old age pension by virtue of her own insurance who has chosen to have her husband's contributions taken into account.

**U.K.**

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Where a person does not simultaneously satisfy the conditions laid down by the legislation of both Contracting Parties, his right to receive a pension under the legislation of each Party shall be established and extended as and when he satisfies the conditions laid down by the legislation of that Party, account being taken of the provisions of Article 14.

**U.K.**

**Article 16**

(39) A person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of Article 14 of the present Convention. In that case the old age pension which he is entitled to receive under the legislation of each Contracting Party shall be paid to him separately by its social insurance authority without regard to his insurance under the legislation of the other Party.

(40) The pensioner shall be entitled to make a fresh choice between taking advantage of the provisions of Article 14 and those of this Article, if it is in his interest to do so, either when the legislation of either Party is amended, or when he goes from the territory of one Party to that of the other, or when, in accordance with the provisions of Article 15 or otherwise, his right to receive a pension is established or extended under the legislation of either Party.

**U.K.**

**Article 17**

**U.K.**

Where, under the legislation of one Contracting Party, a person would be entitled to receive an old age pension if he were in the territory of that Party, he shall be entitled to receive that pension while he is in the territory of the other Party.

### ***Section 3.—Invalidity Pensions***

**U.K.**

#### **Article 18**

**U.K.**

The provisions concerning old age pensions contained in paragraphs (2), (3) and (4) of Article 14 of the present Convention shall apply to invalidity pensions, subject to such modifications as the differing nature of the pensions shall require.

**U.K.**

#### **Article 19**

**U.K.**

Where a person is in the territory of one Contracting Party and, in accordance with the provisions of Article 18 of the present Convention, is entitled to receive an invalidity pension under the legislation of that Party and would be entitled to receive also an invalidity pension under the legislation of the other Party if he were in its territory, he shall be entitled to receive the latter pension as well as the former ; and in addition the insurance authority of the former Party shall pay him the amount, if any, by which the total of these two pensions is less than the pension which he would be entitled to receive under the legislation of the former Party if the provisions of Article 18 were not applied in his case.

**U.K.**

#### **Article 20**

(41) Where a person is in the territory of one Contracting Party and is not entitled, in accordance with the provisions of Articles 18 and 19 of the present Convention, to receive invalidity pensions under the legislation of both Parties, the insurance authority of the Party in whose territory he is shall, subject to the provisions of paragraph (2) of this Article, pay him the invalidity pension which he would be entitled to receive under its national legislation if the provisions of Article 18 were not applied in his case. If he goes to the territory of the other Party, the insurance authority of the former Party shall continue to pay him the said invalidity pension provided that his illness is declared to be chronic before he leaves the territory of the former Party.

(42) Where an invalidity pension is being paid under the legislation of one Party, in accordance with the provisions of paragraph (1) of this Article, it shall be replaced by pensions payable in accordance with the provisions of Articles 18 and 19 as soon as the person concerned satisfies the conditions of the legislation of the other Party, account being taken of those provisions.

**U.K.**

#### **Article 18**

*Changes to legislation: There are currently no known outstanding effects for the The National Insurance and Industrial Injuries (Turkey) Order 1961, PART III.—SPECIAL PROVISIONS. (See end of Document for details)*

**U.K.**

The provisions concerning old age pensions contained in paragraphs (2), (3) and (4) of Article 14 of the present Convention shall apply to invalidity pensions, subject to such modifications as the differing nature of the pensions shall require.

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#### **Article 19**

**U.K.**

Where a person is in the territory of one Contracting Party and, in accordance with the provisions of Article 18 of the present Convention, is entitled to receive an invalidity pension under the legislation of that Party and would be entitled to receive also an invalidity pension under the legislation of the other Party if he were in its territory, he shall be entitled to receive the latter pension as well as the former ; and in addition the insurance authority of the former Party shall pay him the amount, if any, by which the total of these two pensions is less than the pension which he would be entitled to receive under the legislation of the former Party if the provisions of Article 18 were not applied in his case.

**U.K.**

#### **Article 20**

(41) Where a person is in the territory of one Contracting Party and is not entitled, in accordance with the provisions of Articles 18 and 19 of the present Convention, to receive invalidity pensions under the legislation of both Parties, the insurance authority of the Party in whose territory he is shall, subject to the provisions of paragraph (2) of this Article, pay him the invalidity pension which he would be entitled to receive under its national legislation if the provisions of Article 18 were not applied in his case. If he goes to the territory of the other Party, the insurance authority of the former Party shall continue to pay him the said invalidity pension provided that his illness is declared to be chronic before he leaves the territory of the former Party.

(42) Where an invalidity pension is being paid under the legislation of one Party, in accordance with the provisions of paragraph (1) of this Article, it shall be replaced by pensions payable in accordance with the provisions of Articles 18 and 19 as soon as the person concerned satisfies the conditions of the legislation of the other Party, account being taken of those provisions.

### ***Section 4.—Widow's Benefit and Orphan's Benefit***

**U.K.**

#### **Article 21**

**U.K.**

The provisions concerning old age pensions contained in Articles 14, 15, 16 and 17 of the present Convention, shall apply to widow's benefit, and the provisions concerning invalidity pensions contained in Articles 18 and 19 shall apply to orphan's benefit subject to such modifications in each case as the differing nature of the benefit shall require.

**U.K.**

#### **Article 21**

**U.K.**

The provisions concerning old age pensions contained in Articles 14, 15, 16 and 17 of the present Convention, shall apply to widow's benefit, and the provisions concerning invalidity pensions contained in Articles 18 and 19 shall apply to orphan's benefit subject to such modifications in each case as the differing nature of the benefit shall require.

### ***Section 5.—Industrial Accidents and Diseases***

**U.K.**

#### **Article 22**

(43) Where a person would be entitled, if he were in the territory of one Contracting Party, to receive any benefit under the legislation of that Party in respect of an industrial injury or disease, he shall be entitled to receive that benefit while he is in the territory of the other Party.

(44) Where a person would be entitled, if he were in the territory of one Party, to receive any benefit under the legislation of that Party in respect of a death due to an industrial injury or disease, he shall be entitled to receive that benefit while he is in the territory of the other Party.

**U.K.**

#### **Article 23**

**U.K.**

In assessing, for the purpose of the legislation of one Contracting Party, the degree of disablement due to an industrial accident, any previous industrial accident for which benefit is payable under the legislation of the other Party shall be treated as if it were an industrial accident covered by the legislation of the former Party.

**U.K.**

#### **Article 24**

**U.K.**

Where a person, who has received benefit for an industrial disease under the legislation of one Contracting Party, afterwards claims benefit for an industrial disease of the same kind under the legislation of the other Party, the social insurance authority of the latter Party shall be responsible for obtaining evidence concerning the benefit granted under the legislation of the former Party, and, for the purpose of determining whether the person is entitled to receive benefit under the legislation of the latter Party, and, if so, for the purpose of determining the amount of that benefit, that authority shall take account of the benefit granted under the legislation of the former Party as if it had been granted under the legislation of the latter Party,

**U.K.**

#### **Article 22**

(43) Where a person would be entitled, if he were in the territory of one Contracting Party, to receive any benefit under the legislation of that Party in respect of an industrial injury or disease, he shall be entitled to receive that benefit while he is in the territory of the other Party.

*Changes to legislation: There are currently no known outstanding effects for the The National Insurance and Industrial Injuries (Turkey) Order 1961, PART III.—SPECIAL PROVISIONS. (See end of Document for details)*

(44) Where a person would be entitled, if he were in the territory of one Party, to receive any benefit under the legislation of that Party in respect of a death due to an industrial injury or disease, he shall be entitled to receive that benefit while he is in the territory of the other Party.

**U.K.**

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In assessing, for the purpose of the legislation of one Contracting Party, the degree of disablement due to an industrial accident, any previous industrial accident for which benefit is payable under the legislation of the other Party shall be treated as if it were an industrial accident covered by the legislation of the former Party.

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Where a person, who has received benefit for an industrial disease under the legislation of one Contracting Party, afterwards claims benefit for an industrial disease of the same kind under the legislation of the other Party, the social insurance authority of the latter Party shall be responsible for obtaining evidence concerning the benefit granted under the legislation of the former Party, and, for the purpose of determining whether the person is entitled to receive benefit under the legislation of the latter Party, and, if so, for the purpose of determining the amount of that benefit, that authority shall take account of the benefit granted under the legislation of the former Party as if it had been granted under the legislation of the latter Party.

### ***Section 6.—General Provisions***

**U.K.**

#### **Article 25**

(45) In applying the provisions of Articles 10 and 14 of the present Convention concerning the adding together of insurance periods, contribution periods and equivalent periods for the purpose of establishing the right to receive benefit, the social insurance authority of each Contracting Party, having regard to the relevant provisions of the legislation of that Party, shall add to any insurance periods, contribution periods and equivalent periods completed under that legislation any insurance periods, contribution periods and equivalent periods completed under the legislation of the other Party, except to the extent that the latter coincide with the former.

(46) The provisions of paragraph (1) of this Article shall be applied in accordance with the following rules—

- (a) where a contribution period completed compulsorily under the legislation of one Party coincides with a contribution period completed voluntarily under the legislation of the other, only the former period shall be taken into account;
- (b) where a contribution period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other, only the former period shall be taken into account.



**U.K.**

#### **Article 26**

**U.K.**

Where, under the legislation of either Contracting Party, the amount of any cash benefit is related to the average wage earned during contribution periods, the average wage to be taken into account for the calculation of the benefit due to be paid under that legislation shall be calculated on the basis of the wages earned during the contribution periods actually completed under that legislation.

**U.K.**

#### **Article 27**

(47) Where, under the provisions of this Part of the present Convention, any cash benefit is payable by the social insurance authority of one Contracting Party to a person who is resident in the territory of the other Party, the payment may, at the request of that authority, be made by the social insurance authority of the latter Party as agent for the authority of the former Party.

(48) Where, during any period fixed by agreement between the insurance authorities of the two Parties, the total amount of all the payments made in accordance with the provisions of paragraph (1) of this Article by the authorities of one Party is greater than the total amount so paid by the authorities of the other Party, the authorities of the former Party shall not make any payment by way of reimbursement to the authorities of the latter Party but shall be entitled to receive the difference between the two total amounts, calculated by reference to the rate of exchange current at the end of that period.

**U.K.**

#### **Article 28**

(49) Where a person is entitled to receive benefit under the legislation of one Contracting Party, and would be entitled to receive an increase of that benefit for a dependant if the dependant were in the territory of that Party, he shall be entitled to receive that increase while the dependant is in the territory of the other Party.

(50) Where a person would be entitled, under the legislation of the United Kingdom, to receive widow's benefit or benefit in respect of a death due to an industrial injury or disease if a child were in the territory of the United Kingdom or had been in that territory at the time when one of his parents died or at any other specified time, he shall be entitled to receive that benefit if the child, as the case may be, is in the territory of Turkey or was in that territory at that time.

**U.K.**

#### **Article 29**

**U.K.**

Subject to the provisions of Articles 16 and 20 of the present Convention, any person claiming benefit under the legislation of either Contracting Party may choose to have his claim settled without regard to the provisions of the present Convention.

**U.K.**

#### **Article 25**

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(46) The provisions of paragraph (1) of this Article shall be applied in accordance with the following rules—

- (a) where a contribution period completed compulsorily under the legislation of one Party coincides with a contribution period completed voluntarily under the legislation of the other, only the former period shall be taken into account;
- (b) where a contribution period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other, only the former period shall be taken into account.

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**U.K.**

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(47) Where, under the provisions of this Part of the present Convention, any cash benefit is payable by the social insurance authority of one Contracting Party to a person who is resident in the territory of the other Party, the payment may, at the request of that authority, be made by the social insurance authority of the latter Party as agent for the authority of the former Party.

(48) Where, during any period fixed by agreement between the insurance authorities of the two Parties, the total amount of all the payments made in accordance with the provisions of paragraph (1) of this Article by the authorities of one Party is greater than the total amount so paid by the authorities of the other Party, the authorities of the former Party shall not make any payment by way of reimbursement to the authorities of the latter Party but shall be entitled to receive the difference between the two total amounts, calculated by reference to the rate of exchange current at the end of that period.

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(49) Where a person is entitled to receive benefit under the legislation of one Contracting Party, and would be entitled to receive an increase of that benefit for a dependant if the dependant were in the territory of that Party, he shall be entitled to receive that increase while the dependant is in the territory of the other Party.

(50) Where a person would be entitled, under the legislation of the United Kingdom, to receive widow's benefit or benefit in respect of a death due to an industrial injury or disease if a child were in

the territory of the United Kingdom or had been in that territory at the time when one of his parents died or at any other specified time, he shall be entitled to receive that benefit if the child, as the case may be, is in the territory of Turkey or was in that territory at that time.

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