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*Status: Point in time view as at 09/04/2001.*

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

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STATUTORY INSTRUMENTS

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**1961 No. 584**

**NATIONAL INSURANCE**

**NATIONAL INSURANCE (INDUSTRIAL INJURIES)**

**The National Insurance and Industrial  
Injuries (Turkey) Order, 1961**

*Made - - - - 24th March 1961*

At the Court at Buckingham Palace, the 24th day of March, 1961

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Ankara on the ninth day of September, nineteen hundred and fifty-nine, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Turkey on social insurance (which Convention is set out in the Schedule to this Order and is hereinafter referred to as “the Convention”) was signed on behalf of those Governments:

And Whereas by Article 39 of the Convention it is provided that the Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged:

And Whereas the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on the third day of March, 1961, and accordingly the Convention enters into force on the first day of June, 1961:

<sup>MIM2</sup>And Whereas by section 64 of the National Insurance Act, 1946, and section 85 of the National Insurance (Industrial Injuries) Act, 1946, it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting those Acts in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, and the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: —

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

**C1** [Instrument](#) modified (18.2.1976) by [The Social Security \(Reciprocal Agreements\) Order 1976 \(S.I. 1976/225\)](#), arts. 2, 3, Sch. 1, [Sch. 2](#)

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- C2** Instrument modified (6.4.1979) by The Social Security (Reciprocal Agreements) Order 1979 (S.I. 1979/290), art. 2, **Sch.**
- C3** Instrument modified (11.4.1988) by The Social Security (Reciprocal Agreements) Order 1988 (S.I. 1988/591), arts. 2, 3, **Sch.**
- C4** Instrument modified (13.4.1995) by The Social Security (Reciprocal Agreements) Order 1995 (S.I. 1995/767), art. 2, Sch. 1, **Sch. 2**
- C5** Instrument modified (9.4.2001) by The Social Security (Reciprocal Agreements) Order 2001 (S.I. 2001/407), art. 2, Sch. 1, **Sch. 2**

#### Marginal Citations

- M1** 9 & 10 Geo. 6. c. 67.
- M2** 9 & 10 Geo. 6. c. 62.

#### Citation and interpretation

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Turkey) Order, 1961.

(2) The Interpretation Act, 1889<sup>M3</sup>, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

#### Marginal Citations

- M3** 52 & 53 Viet. c. 63.

#### Modification of Acts

2. The provisions contained in the Convention shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Government of the Republic of Turkey for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946 ; and the National Insurance Acts, 1946 to 1960, and the National Insurance (Industrial Injuries) Acts, 1946 to 1960, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

*W. G. Agnew.*

## SCHEDULE

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

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

Being resolved to co-operate in the social field,

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

Have agreed as follows: —

## **PART I.—DEFINITIONS AND SCOPE**

### **Article 1**

For the purpose of the present Convention, unless the context otherwise requires—

(1) “territory” means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Turkey, its national territory;

(2) “national” means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Turkey, a person having Turkish nationality;

(3) “legislation” means, according to the context, the legislation specified in Article 2 in force in any part of the territory of one (or the other) 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, and the Isle of Man Board of Social Services as the case may require, and, in relation to Turkey, the Ministry of Labour;

(5) “social insurance 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 Turkey, the Workers' Insurance Institution ;

(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;

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(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 an additional allowance, under the legislation of the United Kingdom, and, in relation to Turkey, a person who comes within the definition of a dependant in the legislation of Turkey ;

(8) “insurance period” means, in relation to one (or the other) Party, a period during which a person is insured under the legislation of that Party;

(9) “contribution period” means, in relation to one (or the other) Party, an insurance period in respect of which contributions, appropriate to the benefit in question, have been paid under the legislation of that Party;

(10) “equivalent period” means, in relation to the United Kingdom, an insurance 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 Turkey, an insurance period during which the insured person was incapable of work ;

(11) the words “benefit” and “pension” include any increase in the benefit or pension and any additional allowances payable therewith;

(12) “sickness benefit” means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom, other than invalidity pension, and, in relation to Turkey, sickness benefit as defined in the legislation of Turkey;

(13) “invalidity pension” means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to a person in respect of a period of interruption of employment as defined in that legislation after the lapse in that period of three hundred and twelve days for each of which he has been entitled to receive either sickness benefit under the legislation of one (or the other) Party or an invalidity pension under the legislation of Turkey, and, in relation to Turkey, an invalidity pension as defined in the legislation of Turkey;

(14) “widow's benefit” 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 Turkey, any benefit paid under the legislation of Turkey concerning survivors' insurance to a widow or the child of a widow;

(15) “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 Turkey, any benefit paid under the legislation of Turkey concerning survivors' insurance to a child whose father and mother are dead;

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

(17) “death benefit” means, in relation to the United Kingdom, a death grant as defined in the legislation of the United Kingdom, and, in relation to Turkey, benefit granted under the legislation of Turkey for funeral expenses.

## **Article 2**

(18) 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;

(b) in relation to Turkey, to—

- (i) the Industrial Injuries, Industrial Diseases and Maternity Insurances Act (No. 4772);
- (ii) the Sickness and Maternity Insurance Act (No. 5502); and
- (iii) the Invalidity, Old Age and Survivors' Insurances Act (No. 6900).

(19) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall apply also to any legislation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(20) The Convention shall not apply to any legislation which relates to a new branch of social insurance, if either Contracting Party so decides and gives notice to the other to that effect within three months of the official communication of the said legislation in accordance with Article 30 of the Convention.

(21) The Convention shall apply, only if the Parties so decide, to any legislation which amends or supplements the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement on social security which one (or the other) Party has made with a third Party.

## **PART II.—GENERAL PROVISIONS**

### **Article 3**

A national of one Contracting Party shall be entitled to receive the benefits of the legislation of the other Party under the same conditions as if he were a national of the latter Party.

### **Article 4**

(22) Subject to the provisions of paragraphs (2), (3) and (4) of this Article, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall apply to him, even if he is ordinarily resident in the territory of the other Party, and even if his employer or the principal place of business of the undertaking which employs him is in the latter territory.

(23) If a person, in the service of an employer whose principal place of business is in the territory of one Party, is sent in the course of his employment to work temporarily in the territory of 'the other Party, and is not a national of the latter Party nor ordinarily resident in its territory, then the legislation of the former Party shall apply to him as if he were employed in the territory of that Party, and the legislation of the latter Party shall not apply to him.

(24) If a national of the United Kingdom who is ordinarily resident in the territory of the United Kingdom is employed in the territory of Turkey, and the provisions of paragraph (2) of this Article do not apply to him, the legislation of Turkey concerning invalidity, old age and survivors' insurance shall not apply to him unless he so chooses and gives notice to that effect to the social insurance authority of Turkey. He shall also be entitled to choose that the legislation of the United Kingdom shall apply to him, and, if he so chooses, that legislation shall apply to him as if he were an insured person entitled to pay voluntary contributions from abroad.

(25) None of the provisions of this Article shall apply to any person to whom any of the provisions of Articles 5 and 6 of the present Convention apply.

### **Article 5**

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(26) For the purpose of this Article, “vessel or aircraft of one (or the other) Party” means, according to the context—

- (a) a vessel registered in the territory of the United Kingdom, or any other British vessel of which the owner (or managing owner, if there is more than one owner) or manager resides or has his principal place of business in that territory, or an aircraft registered in that territory of which the owner (or managing owner, if there is more than one owner) resides or has his principal place of business in that territory, or
- (b) a vessel which is within the scope of the Turkish legislation concerning employment at sea or an aircraft registered in the territory of Turkey.

(27) Subject to the provisions of paragraph (3) of this Article, where a national of either Contracting Party, ordinarily resident in the territory of one Party, is employed on board any vessel or aircraft of the other Party, the legislation of the latter Party shall apply to him as if any conditions relating to nationality, residence or domicile were satisfied in his case.

(28) Where a national of either Party, ordinarily resident in the territory of one Party and employed on board any vessel of the other Party, is paid remuneration in respect of that employment by some person or undertaking having a place of business in the territory of the former Party and not the owner of the vessel, the legislation of the former Party shall, in respect of that employment, apply to the national as if the vessel were a vessel of the former Party, and the person or undertaking paying said remuneration shall be treated as the employer for the purposes of such legislation.

## **Article 6**

(29) The present Convention shall not apply to established members of the Foreign Service of either Contracting Party.

(30) Subject to the provisions of paragraph (1) of this Article, where a national of one Party, who is in the Government service of that Party, is employed in the territory of the other Party and was compulsorily insured under the legislation of the former Party immediately before that employment in the territory of the latter Party began, that legislation shall apply to him as if he were employed in the territory of the former Party.

(31) Where a national of either Party, to whom the provisions of paragraphs (1) and (2) of this Article do not apply, is employed in a diplomatic or consular post of one Party in the territory of the other Party, he shall be entitled to choose that the legislation of the Party of which he is a national shall apply to him, and, if he so chooses and is a national of the former Party, the legislation of that Party shall apply to him as if he were employed in the territory of that Party.

## **Article 7**

Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to him in accordance with the provisions of paragraph (2) of Article 4 or of paragraph (2) or (3) of Article 6 of the present Convention, he shall, for the purpose of any right to receive cash benefit for sickness, maternity, industrial accident or disease under that legislation, be treated—

- (a) in respect of sickness and maternity benefit, as if he were in the territory of the latter Party, and
- (b) in respect of benefit for an industrial accident occurring or an industrial disease contracted during such employment, as if the accident had occurred or the disease had been contracted in the territory of the latter Party.

## **Article 8**

The competent authorities of the two Contracting Parties may agree that the provisions of Articles 4, 5 and 6 of the present Convention shall not apply to particular persons or groups of persons.

## **Article 9**

Where a person, who is ordinarily resident in the territory of one Contracting Party but is not compulsorily insured under its legislation, claims the right to be voluntarily insured under that legislation, any insurance period or contribution period completed under the legislation of the other Party shall be treated for the purpose of such claim as if it had been completed under the legislation of the former Party.

# **PART III.—SPECIAL PROVISIONS**

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

### **Article 10**

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.

### **Article 11**

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.

### **Article 12.**

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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.

### **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***

### **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.

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.



## Article 15

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.

## 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.

## Article 17

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.

## 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.

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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.

### **Article 15**

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.

### **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.

### **Article 17**

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***

### **Article 18**

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.

## **Article 19**

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.

## **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.

## **Article 18**

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.

## **Article 19**

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.

## **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

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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***

##### **Article 21**

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.

##### **Article 21**

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***

##### **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.

##### **Article 23**

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.

##### **Article 24**

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,

#### **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.

#### **Article 23**

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.

#### **Article 24**

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***

#### **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.

*Status: Point in time view as at 09/04/2001.*

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

(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.

## **Article 26**

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.

## **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.

## **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.

## **Article 29**

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.

## 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.

## Article 26

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.

## 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.

## 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

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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.

#### **Article 29**

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.

### **PART IV.—MISCELLANEOUS PROVISIONS**

#### **Article 30**

The competent authorities—

- (a) shall make such administrative arrangements as may be required for the application of the present Convention ;
- (b) shall communicate to each other information regarding any measure taken by them for the application of the Convention ;
- (c) shall communicate to each other, as soon as possible, information regarding any change made under their national legislation which affects the application of the Convention.

#### **Article 31**

(51) The competent authorities and the social insurance authorities of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of the present Convention as if the matter were one affecting the application of their own national legislation.

(52) The competent authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of the present Convention.

#### **Article 32**

(53) Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one Contracting Party in connexion with the issue of any certificate or document required to be produced for the purposes of that legislation, shall be extended to certificates and documents required to be produced for the purposes of the legislation of the other Party.

(54) Where any certificate or other document has to be produced to the competent authority or social insurance authority of one (or the other) Party for the purpose of applying the present Convention, that authority shall not require the certificate or other document to be legalised or authenticated.

#### **Article 33**



Any claim, notice or appeal which should, for the purposes of the legislation of one Contracting Party, have been presented within a prescribed period to the social insurance authority of that Party, but which is in fact presented within the same period to the social insurance authority of the other Party, shall be treated as if it had been presented to the social authority of the former Party. In such cases, the social authority of the latter Party shall, as soon as possible, transmit the claim, notice or appeal to the social security authority of the former Party.

#### **Article 34**

The social insurance authorities of the Contracting Parties may, for the purpose of applying the present Convention, correspond directly with one another, or with any person entitled to receive any benefit by virtue of the Convention, or with his legal representative.

#### **Article 35**

The amount of any benefit due in accordance with the provisions of the present Convention shall be calculated in the currency of the Contracting Party whose social insurance authority is responsible for such benefit.

#### **Article 36**

(55) No provision of the present Convention shall confer any right to receive any payment of benefit for a period before the date of the entry into force of the Convention.

(56) —(a) Subject to the provisions of paragraph (1) of this Article, benefit, other than lump sum payments, shall be payable in accordance with the provisions of the Convention in respect of events which happened before the date of its entry into force, and for this purpose—

- (i) any benefit which has not been awarded because the person concerned has not made a claim or is absent from the territory of either Party shall be determined and paid;
- (ii) any benefit which has been suspended because the person concerned is absent from the territory of either Party shall be paid;
- (iii) any benefit which has been determined shall, where necessary, be determined afresh, provided that its capital value has not been liquidated.

(b) Any benefit which is payable in accordance with the provisions of sub-paragraph (a) of this paragraph shall be paid or determined and paid, as the case may be, as from the date of the entry into force of the Convention, provided that the claim therefore is submitted within twelve months of that date.

(57) Any insurance period, contribution period or equivalent period which a person has completed before the date of the entry into force of the Convention shall be taken into account for the purpose of determining the right to receive benefit in accordance with the provisions of the Convention:

Provided that—

- (a) for the purpose of applying the provisions of Article 14 of the Convention, no account shall be taken of any insurance period completed by a person under the legislation of the United Kingdom if that period is ignored in the calculation of the yearly average of contributions paid by that person or credited to him under that legislation ;

*Status: Point in time view as at 09/04/2001.*

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

- (b) for the purpose of any claim to receive benefit under the legislation of Turkey, no account shall be taken of any insurance period completed under the legislation of the United Kingdom before the 1st April, 1950.

#### **Article 37**

(58) The competent authorities of the Contracting Parties shall endeavour to resolve by negotiation any disagreement relating to the interpretation or application of the present Convention.

(59) If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties, or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of either Party by the President of the International Court of Justice.

(60) The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of the present Convention and shall be final and binding.

#### **Article 38**

In the event of the termination of the present Convention, any right acquired by a person in accordance with its provisions shall be maintained, and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

#### **Article 39**

The present Convention shall be ratified and the instruments of ratification shall be exchanged in London as soon as possible. The Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

#### **Article 40**

The present Convention shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Convention.

Done in duplicate at Ankara this ninth day of September, 1959, in the English and Turkish languages, both texts being equally authoritative.

**Status:** Point in time view as at 09/04/2001.

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

*Saman  
Edith Pitt.  
F. D. W. Brown.*  
For the Government of Turkey For the  
Government of the United Kingdom

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### EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This Order gives effect in England, Wales and Scotland to the Convention (set out in the Schedule) made between the United Kingdom and Turkey insofar as it relates to the matters for which provision is made by the National Insurance Acts, 1946 to 1960, and the National Insurance (Industrial Injuries) Acts, 1946 to 1960.

**Status:**

Point in time view as at 09/04/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Insurance and Industrial Injuries (Turkey) Order 1961.