

1991 No. 767

SOCIAL SECURITY

The Social Security (Norway) Order 1991

Made - - - -

20th March 1991

Coming into force

1st April 1991

[Under art. 2 of SI 1995/767 the SSC & B Act 1996 (c.4), the SSA Act 1992 (c.5) and the Jobseekers Act 1995 (c.18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit.]

[Under art. 2 of S.I. 1996/1928 the SSC & B Act 1996 (c.4), the SSA Act 1992 (c.5) and the Jobseekers Act 1995 (c.18) are modified. The effect will be that any reference, in the Agreement set out in the Schedule to this Order, to unemployment benefit shall include a reference to contribution-based jobseeker's allowance. Also any definition, in that Agreement, of legislation to which the Agreement applies shall be read as including a reference to the Jobseekers Act 1995.]

At the Court at Buckingham Palace, the 20th day of March 1991
Present,
The Queen's Most Excellent Majesty in Council

Whereas at Oslo on the 19th June 1990 a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway (hereinafter referred to as "the Convention") and a Protocol supplementary to the Convention (hereinafter referred to as "the Protocol")^(a) were signed on behalf of those Governments:

And Whereas by Article 38 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 by Article II of the Protocol it is provided that the Protocol shall form an integral part of the Convention:

And Whereas the Convention and the Protocol have been ratified by the said Governments and the instruments of ratification were exchanged on 31st January 1991 and, accordingly, the Convention and the Protocol enter into force on 1st April 1991:

And Whereas by section 143 of the Social Security Act 1975^(b) and section 15 of the Child Benefit Act 1975^(c) it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act and for modifying the provisions of Part I of the said Child Benefit Act and regulations made under it in their application to cases affected by agreements with other Governments providing for reciprocity in matters specified in those sections:

(a) See Cm. 1331.

(b) 1975 c.14; subsection (1) of section 143 was amended by section 20(1) of the Social Security (Miscellaneous Provisions) Act 1977 (c.5) and section 65(2) of and Schedule 11 to the Social Security Act 1986 (c.50). Subsection (1A) of section 143 was inserted by section 6(1) of the Social Security Act 1981 (c.33).

(c) 1975 c.61; subsection (1A) of section 15 was inserted by section 6(2) of the Social Security Act 1981.

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And Whereas by virtue of section 166(4) of the Social Security Act 1975 any Order in Council made under the said section 143 may be varied by a subsequent Order in Council made under that section:

Now, therefore, Her Majesty, in pursuance of the said section 143, and the said section 15, 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:-

Citation and commencement

1. This Order may be cited as the Social Security (Norway) Order 1991 and shall come into force on 1st April 1991.

Modification of the Social Security 1975

2. The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention and the Protocol set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

Modification of the Child Benefit Act 1975

3. Part I of the Child Benefit Act 1975 and any regulations made under it shall be modified to such extent as may be required to give effect to the provisions contained in the Convention and the Protocol set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

Revocation and variation of Orders

4.—(1) The Family Allowances, National Insurance and Industrial Injuries (Norway) Order 1958(a) is hereby revoked.

(2) The reference to the said order of 1958 shall be omitted in Schedule 1 to the Social Security (Reciprocal Agreements) Order 1976(b), in the Schedule to the Social Security (Reciprocal Agreements) Order 1979(c) and in the Schedule to the Social Security (Reciprocal Agreements) Order 1988(d)

G. I. de Deney
Clerk of the Privy Council

(a) S.I. 1958/423.
(b) S.I. 1976/225.
(c) S.I. 1979/290.
(d) S.I. 1988/591.

SCHEDULE

Articles 2 and 3

**CONVENTION ON SOCIAL SECURITY BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF NORWAY**

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

Having established reciprocity in the field of social security by means of the Convention which was signed on their behalf at London on 25th July 1957;

Desiring to extend and modify the scope of that reciprocity and to take account of changes in their legislation;

Having included reciprocal provisions in relation to medical treatment in the protocol concerning Medical Treatment which forms an integral part of this Convention;

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

(1) For the purpose of this Convention:

- (a) "legislation" means, in relation to a Party, such of the legislation specified in Article 2 of this Convention as applies in the territory of that Party or in any part thereof;
- (b) "competent authority" means the authority responsible for the social security schemes in all or part of the territory of each Party; that is to say, in relation to the United Kingdom, the Secretary of State for Social Security, the Department of Health and Social Services for Northern Ireland, the Isle of Man Department of Health and Social Security, or the Social Security Committee of the States of Jersey, as the case may require and, in relation to Norway, Ministry of Health and Social Affairs of the Ministry of Local Government and Labour, as the case may require.
- (c) "insurance authority" means, in relation to the United Kingdom, the authority competent to decide entitlement to the benefit in question and, in relation to Norway, the institution or authority competent for the application of the legislation specified in paragraph (1)(b) of Article 2 of this Convention;
- (d) "competent institution" means, the institution from which the person concerned is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Party where the institution is situated.
- (e) "insured" means, in relation to the United Kingdom, that contributions have been paid by or are payable by or in respect of, or have been credited in respect of, the person concerned, or for the purpose of Section 7 of Part III of this Convention, that the person concerned is, or is treated as being, an employed person, and, in relation to Norway, a person who is insured in accordance with the legislation specified in paragraph (1)(b) of Article 2 of this Convention;

- (f) “insurance period” means, in relation to the United Kingdom, a contribution period or an equivalent period and, in relation to Norway, a period in respect of which a person has been insured as specified in paragraph (1)(e) of this Article for the benefit in question;
- (g) “contribution period” means, in relation to the United Kingdom, a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation of the United Kingdom and, in relation to Norway, an insurance period;
- (h) “equivalent period” means, in relation to the United Kingdom, a period for which contributions appropriate to the benefit in question have been credited under the legislation of the United Kingdom.
- (i) “pension”, “allowance” or “benefit” includes any increase of, or any additional amount payable with, a pension allowance or benefit respectively;
- (j) “unemployment benefit” means, in relation to Norway, benefit defined as daily cash benefit during the unemployment under the legislation of Norway;
- (k) “sickness benefit” means, in relation to Norway, sickness benefit including rehabilitation allowance paid after the expiry of the sickness benefit period during continued medical treatment aimed at improving the capacity for work;
- (l) “maternity allowance” means, in relation to Norway, daily cash benefit payable in the case of maternity and adoption; the term shall not include special benefits payable to single parents under the legislation of Norway;
- (m) “invalidity pension” means, in relation to Norway, a disability pension as defined in the legislation of Norway including rehabilitation allowance paid in all situations other than those referred to in subparagraph (k) in relation to sickness benefit;
- (n) “old age pension” means, in relation to the United Kingdom, a retirement pension or old age pension payable under the legislation of the United Kingdom;
- (o) “survivors’ benefit” means, in relation to the United Kingdom, widow’s allowance, widow’s payment, widowed mother’s allowance and widow’s pension payable under the legislation of the United Kingdom and, in relation to Norway, pension and transitional benefit payable to a surviving ►spouse or civil partner◄ under the legislation of Norway;
- (p) “orphan’s benefit” means, in relation to the United Kingdom, guardian’s allowance payable under the legislation of the United Kingdom and, in relation to Norway, survivors’ benefit for children payable under the legislation of Norway;
- (q) “attendance benefit” means, in relation to the United Kingdom, attendance allowance payable under the legislation of the United Kingdom and, in relation to Norway, assistance benefit and basic benefit in the case of disability and childcare benefit payable for surviving ►spouses or civil partners◄ under the legislation of Norway;
- (r) “ship or vessel” means, in relation to the United Kingdom, any ship or vessel whose port of registry is a port in the territory of the United Kingdom or, in the case of a hovercraft, which is registered in that territory, provided that the owner (or managing owner if there is more than one owner) has a place of business in that territory and, in relation to Norway, any ship or vessel registered as a ship in the Norwegian ship register;
- (s) “gainfully occupied” means being an employed or self-employed person;

Words in art. 1(1)(o) & (q) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

- (t) “employed person” means a person who comes within the definition of an employed person or of an employed earner or a person who is treated as such in the applicable legislation and the words “person is employed” shall be construed accordingly;
- (u) “employment” means employment as an employed person and the words “employ”, “employed” or “employer” shall be construed accordingly;
- (v) “self-employed person” means a person who comes within the definition of a self-employed person or a self-employed earner or a person who is treated as such in the applicable legislation and the words “person who is self-employed” shall be construed accordingly;
- (w) “social assistance” means, in relation to the United Kingdom, income support under the legislation of Great Britain, Northern Ireland and the Isle of Man and a welfare payment under the legislation of the Island of Jersey;
- (x) “Continental Shelf Area” means, in relation to the United Kingdom, any area outside the territorial sea of the United Kingdom which in accordance with international law has been designated under the laws of the United Kingdom concerning the Continental Shelf, as an area within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised; and in relation to Norway, the Continental Shelf defined as the sea bed and its subsoil in the submarine area adjacent to the coast of the Kingdom of Norway which, in accordance with international law, are subject to Norwegian sovereign rights in respect of the exploration and exploitation of natural resources;
- (y) “family member” means, in relation to persons subject to the legislation of Norway, a ►spouse or civil partner◄, or children under the age of 18;
- (z) “child benefit” includes, in relation to the United Kingdom, family allowance payable under the legislation of that country
- (aa) “Agreement” means the agreement dated 2 May 1992 and made between the European Community, its Member States and the European Free Trade Association States establishing the European Economic Area;
- (bb) “Regulation EEC 1408/71” means the Regulation (EEC) No. 1408/71 of the Council on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and includes amendments and adaptations from time to time applicable thereto;
- (cc) “Implementing Regulation” means the Regulation (EEC) No. 574/72 of the Council laying down the procedure for implementing Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community and includes amendments and adaptations from time to time applicable thereto◄.

Words in art. 1(1)(y) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.
Sub-paras. (aa), (bb) and (cc) inserted into Art. 1(1) by the Sch. to S.I. 1992/3212 as from 31.12.92.

(2) Other words and expressions which are used in this Convention have the Jersey references to “the United Kingdom” or to “territory” in relation to the United Kingdom shall be construed accordingly.

Article 2

- (1) The provisions of this Convention shall apply:
 - (a) in relation to the territory of the United Kingdom to:
 - (i) the Social Security Acts 1975 to 1989 and the Social Security (Northern Ireland) Acts 1975 to 1989;

- (ii) the Social Security Acts 1975 to 1989 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald);
- (iii) the Social Security (Jersey) Law 1974;
- (iv) the Child Benefit Act 1975, the Child (Northern Ireland) Order 1975 and the Child Benefit Act 1975 (an Act of Parliament) as that Act applies to the Isle of Man by virtue of Orders made, or having effect as if made, under the social Security Law 1982 (an Act of Tynwald); the Family Allowances (Jersey) Law 1972 and the Attendance Allowances (Jersey) Law 1973;

and the legislation which was consolidated by those Acts or Orders or repealed by legislation consolidated by them;

- (b) in relation to Norway to:
 - (i) the National Insurance Act of 17th June 1966;
 - (ii) the Act of 19th June 1969 on special supplements to benefits from the National Insurance Scheme;
 - (iii) the Act of 19th December 1969 on compensation supplements to benefits from the national Insurance Scheme;
 - (iv) the Family Allowance Act of 24th October 1946.

(2) Subject to the provisions of paragraphs (3), (4) and (5) of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits described in the legislation specified in paragraph (1) of this Article at the date of coming into force of this Convention and to the extent for which provision is made in this Convention.

(4) This Convention shall apply to any legislation which relates to a branch of social security not covered by the legislation specified in paragraph (1) of this Article, only if the two Parties make an agreement to that effect.

(5) This Convention shall not apply to legislation on social security of the Institutions of the European Communities or to any convention on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such a convention but shall not prevent either Party from taking into account under its legislation the provisions of any other convention which that Party has concluded with a third party.

► **Article 2A**

(1) Subject to paragraph (2), this Convention (but not the Protocol thereto concerning medical treatment) shall as from the date of entry into force of the Agreement as regards relations between England, Scotland, Wales, Northern Ireland and Norway cease to apply to all persons to whom the provisions of Regulation EEC 1408/71 and the Implementing Regulation are at that date or subsequently become applicable. Any rights in course of acquisition under this Convention immediately before the date of entry into force of the Agreement shall as regards persons to whom the Convention is dis-applied by the provisions of this paragraph be determined in accordance with the provisions of those Regulations.

(2) The provisions of this Convention shall continue to apply to:

- (a) any award of benefit, pension or allowance made prior to the date upon which the Agreement comes into force;

Art. 2A inserted by the
Sch. to S.I. 1992/3212
as from 31.12.92.

- (b) any claim to a benefit, pension or allowance made but not determined at the date upon which the Agreement comes into force;
- (c) any claim to a benefit, pension or allowance made after the date the Agreement comes into force but only where that claim relates to entitlement to such benefit, pension or allowance for a period prior to the date upon which the Agreement comes into force. ◀

Article 3

A person subject to the legislation of one Party who becomes resident or present in the territory of the other Party shall be subject to the obligations and shall enjoy the advantages of the legislation of the other Party under the same conditions as a national of that Party, subject to any special provisions of this Convention.

Article 4

(1) Subject to the provisions of paragraph (4) of this Article and Articles 16 to 23 of this Convention, a person who would be entitled to receive an old age pension, survivors' benefit, invalidity pension or any pension, benefit, allowance or gratuity payable in respect of an industrial injury or industrial disease under the legislation of one Party, if he were in the territory of that Party, shall be entitled to receive that pension, benefit allowance or gratuity while he is in the territory of the other Party as if he were in the territory of the former Party.

(2) For the purpose of paragraph (1) of this Article, "benefit in respect of an industrial injury or industrial disease" excludes sickness benefit under the legislation of the United Kingdom.

(3) Where, under the legislation of one Party, an increase of any benefit for which specific provision is made in this Convention other than unemployment benefit would be payable for a dependant if he were in the territory of that Party, it shall be paid while he is in the territory of the other Party.

(4) The provisions of paragraph (1) of this Article shall not apply to the payment of compensation supplement nor to the calculation of basic pension in relation to periods before 1st January 1967 under the legislation of Norway.

PART II
PROVISIONS WHICH DETERMINE THE LEGISLATION
APPLICABLE

Article 5

(1) Subject to the following provisions of this Article and the provisions of Articles 6 to 9 of this Convention, where a person is gainfully occupied, his liability to be insured shall be determined under the legislation of the Party in whose territory he is so occupied.

(2) Where a person is self-employed in the territory of both Parties, his liability to be insured shall be determined under the legislation of the Party in whose territory he is ordinarily resident. Where the person resides in the territory of Norway, the self-employment shall in all such cases be treated in the same way as self-employment carried out in the territory of Norway.

(3) For the purposes of the provisions of paragraph (2) of this Article “liability to be insured” shall not include liability to pay a Class 4 contribution under the legislation of the United Kingdom.

(4) The insurance liability of persons who are not gainfully occupied shall be determined under the legislation of the Party in whose territory they are ordinarily resident.

Article 6

(1) Where a person insured under the legislation of one Party, and employed by an employer with a place of business in the territory of that Party, is sent by his employer to work in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him as if he were employed in the territory of the former Party provided that, at the outset, the employment in the territory of the latter Party is not expected to last for more than three years and the person concerned is paid by or on behalf of that employer. No contributions shall be payable in respect of that employment under the legislation of the latter Party provided that a request for a certificate of continuing liability has been received by the authorities of the former Party within the first four months of the period of detachment and presented to the appropriate insurance authorities of the latter Party within two months of its issue. If either one of the latter conditions is not complied with the legislation of the former Party concerning liability for contributions shall cease to apply from the date of commencement of the period of the employment in the territory of the latter Party.

(2) Non-employed family members accompanying a worker covered by the provisions of paragraph (1) of this Article shall be subject to the same legislation concerning liability for contributions as applies to that worker.

(3) Where a person is gainfully occupied in the United Kingdom but is not ordinarily resident in the United Kingdom and the legislation of Norway does not apply to him in accordance with paragraph (1) of this Article of Article 5 of this Convention, the legislation of the United Kingdom shall apply to him as if he were ordinarily resident in the territory of the United Kingdom.

(4) Where a person ordinarily resident in the United Kingdom is employed in the Continental Shelf Area of Norway or in the Continental Shelf Area of the United Kingdom in connection with the exploration of the sea bed or subsoil of the Continental Shelf Area of Norway or the exploitation of their natural resources and is so employed by an employer who has a place of business in the United Kingdom then the provisions of paragraph (1) of this Article, except that the time limit of three years shall be disregarded, shall apply to him as if the Continental Shelf Area of one Party were in the territory of that Party.

(5) Where a person ordinarily resident in Norway is employed in the Continental Shelf Area of the United Kingdom or in the Continental Shelf Area of Norway in connection with the exploration of the sea bed or subsoil of the Continental Shelf Area of the United Kingdom or the exploitation of their natural resources and is so employed by an employer who has a place of business in Norway then the provisions of paragraph (1) of this Article, except that the time limit of three years shall be disregarded, shall apply to him as if the Continental Shelf Area of one Party were in the territory of that Party.

(6) Where a person is ordinarily resident in the territory of the United Kingdom and is self-employed in connection with the exploration of the sea bed or subsoil or the exploitation of their natural resources in the Continental Shelf Area of Norway immediately after being liable to pay contributions under the legislation of the United Kingdom, he may continue to pay contributions under those provisions of United Kingdom legislation which relate to self-employed persons notwithstanding that he does not otherwise satisfy the conditions for payment of such contributions.

(7)(a) The provisions of Articles 11 to 14 and 21 to 25 of this Convention shall apply to any person to whom the provisions of paragraphs (4) and (5) of this Article are applicable.

(b) The provisions of Articles 11 to 14 and Article 25 of this Convention shall apply to any person to whom the provisions of paragraph (6) of this Article are applicable.

(8) A person travelling in the course of his employment, in connection with the exploration of the sea bed or subsoil or the exploitation of their natural resources, between the territory of one Party or the Continental Shelf Area of that Party and the Continental Shelf Area of the other Party in either direction or travelling between different parts of the Continental shelf Area of either Party shall be treated as if he were employed in the territory of the Party whose legislation applies to him as specified in paragraphs (4) or (5) of this Article.

(9) The provisions of paragraphs (4), (5), (6), (7) and (8) of this Article shall not apply to any person to whom the provisions of Article 7 of this Convention are applicable.

(10) The following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of passenger or goods by road or air, whether for another undertaking or on its own account:

(a) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, the legislation of that Party concerning liability for contributions shall apply to him, even if the undertaking which employs him does not have its principal place of business or a branch or agency in that territory;

(b) where the provisions of sub-paragraph (a) of this paragraph do not apply and the undertaking has a branch or agency, the legislation of that Party concerning liability for contributions shall apply to him;

(c) where neither provisions of sub-paragraph (a) nor those of sub-paragraph (b) apply and a person is employed by an undertaking which has its principal place of business in the territory of one Party, the legislation of that Party concerning liability for contributions shall apply to him as if he were employed in its territory even if he is employed in the territory of the other Party.

Article 7

(1) Subject to the provisions of paragraphs 92), (3) and (4) of this Article, where a person is employed on board a ship or vessel of one Party, the legislation

of that Party shall not apply to him unless he is ordinarily resident in the territory of that Party.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, where a person who is ordinarily resident in the territory of either Party is employed in employed earner's employment on board a ship or vessel of one Party the legislation of that Party concerning industrial injuries insurance shall apply to him as if he were resident in the territory of that Party.

(3) Where a person who is ordinarily resident in the territory of one Party and insured under the legislation of that Party, and employed either in the territory of that Party or on board any ship or vessel of that Party, is sent by an employer in the territory of that Party to work on board a ship or vessel of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him provided that the employee continues to be employed and paid by that employer. No contributions shall be payable in respect of that employment under the legislation of the latter Party provided that a request for a certificate of continuing liability has been received by the authorities of the former Party within the first four months of the period of detachment and presented to the appropriate insurance authorities of the latter Party within two months of its issue. If either one of the latter conditions is not complied with the legislation of the former Party concerning liability for contributions shall cease to apply from the date of commencement of the period of employment on board a ship or vessel of the latter Party.

(4) Where a person who is not normally employed at sea is employed other than as a member of the crew on board a ship or vessel of one Party in the territorial waters of, or at a port of, the other Party, the legislation of the latter Party concerning liability for contributions shall apply to him as if any conditions relating to residence were satisfied in his case provided that he is ordinarily resident in the territory of either Party.

Article 8

(1) This Convention shall not apply to established members of the Diplomatic Service of either Party.

(2) Subject to the provisions of paragraph (1) of this Article, where any person who is in the Government Service of one Party or in the service of any public corporation of that Party, is employed in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall apply to him as if he were employed in its territory.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article where a person is employed in a diplomatic mission or consular post of Norway in the territory of the United Kingdom, or in the private service of an official of such a mission or post, the legislation of the United Kingdom shall apply to him if he is a national of the United Kingdom or if he ordinarily resided in the United Kingdom. In the latter case, however, if the person who ordinarily resides in the United Kingdom is a national of Norway, the legislation of Norway shall apply to him unless within six months of the entry into force of this Convention, or within six months of the beginning of the employment in the territory of the United Kingdom whichever is the later, he chooses to be insured under the legislation of the United Kingdom provided that he was so insured immediately before the commencement of the employment at the mission or post.

(4) Subject to the provision of paragraphs (1) and (2) of this Article, where a person is employed in a diplomatic mission or consular post of the United Kingdom in the territory of Norway, or in the private service of an official of such a mission or post, the legislation of Norway shall apply to him unless within six months of the entry into force of this Convention, or within six months of the beginning of the employment in the territory of Norway, whichever is the later, he chooses to be insured under the legislation of the United Kingdom, provided

that he was so insured immediately before the commencement of the employment at the mission or post.

(5) Non-employed family members accompanying a worker covered by the provisions of paragraph (2), (3) and (4) of this Article shall be subject to the same legislation concerning liability for contributions as applies to that worker.

Article 9

The competent authorities of the two Parties may agree to modify the provisions of Articles 5 to 8 of this Convention.

PART III
SPECIAL PROVISIONS

Section 1

Special provisions relating to the application of the legislation of the United Kingdom and Norway

Article 10

(1) For the purpose of determining entitlement under the legislation of the United Kingdom to an old age pension in accordance with Article 18 of this Convention or to survivors' benefit in accordance with Article 20, each week of insurance under Norwegian legislation shall be treated as if it were a week for which a Class 3 contribution had been paid under the legislation of the United Kingdom, provided that these provisions shall apply in the case of a ►married person or civil partner◄ only where ►he or she◄ is claiming an old age pension by virtue of ►his or her◄ own insurance completed under that legislation.

Words in art. 10(1) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(2) For the purpose of determining entitlement under the legislation of the United Kingdom to death benefit as specified in Article 24 of this Convention, insurance periods completed under the legislation of Norway shall be treated as if they had been insurance periods completed under the legislation of the United Kingdom.

(3) For the purpose of determining entitlement under the legislation of the United Kingdom to any benefit specified in Articles 12 to 15 and Article 24 of this Convention, insurance periods completed as a self-employed or as a non-employed person under the legislation of Norway after 5th April 1975 shall be treated as if they had been insurance periods completed as a self-employed or as a non-employed person under the legislation of the United Kingdom.

(4) For the purpose of calculating an earnings factor for determining entitlement under the legislation of the United Kingdom to any benefit referred to in Articles 12 to 15 and Article 24 of this Convention, a person shall be treated for each week beginning in a relevant tax year commencing on or after 6th April 1975, any part of which week is a contribution period completed as an employed person under the legislation of Norway, as having paid a contribution as an employed earner on earnings equivalent to two-thirds of that year's upper earnings limit.

(5) For the purpose of converting insurance periods completed under the legislation of the United Kingdom before 6th April 1975, each insurance period completed under the legislation of the United Kingdom shall be treated as if it had been an insurance period completed under the legislation of Norway.

(6) for the purpose of converting to an insurance period any earnings factor achieved in any tax year commencing on or after 6th April 1975 under the legislation of the United Kingdom, the competent authority of the United Kingdom shall divide the earnings factor by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being

ignored. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in that year, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(7) For the purpose of calculating under the legislation of Norway the amount of a person's annual income in relation to a claim for unemployment benefit under the legislation of that Party, the person shall be treated as if he had an income amounting to four fifty-seconds $\frac{4}{52}$ of the basic amount in respect of each complete week during which he had been employed as an employed person under the legislation of the United Kingdom and as having had an income of one fifty-second $\frac{1}{52}$ of the basic amount in respect of each complete week for which he received benefit in respect of unemployment or incapacity for work under the legislation of the United Kingdom.

(8) Where it is not possible to determine accurately the periods of time in which certain insurance periods were completed under the legislation of one Party, such periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other Party, and they shall be taken into account to the best advantage of the beneficiary.

(9) For the purpose of calculating the appropriate contribution factor to establish entitlement to any benefit referred to in Articles 12 and 14 and Articles 16 to 25 of this Convention and provided under the legislation of Jersey, a person shall be treated:

- (a) for each week in an insurance period completed under the legislation of Norway being a week in the relevant quarter as having paid contributions which derive a quarterly contribution factor of 0.077 for that quarter;
- (b) for each week in an insurance period completed under the legislation of Norway being a week in the relevant year as having paid contributions which derive an annual contribution factor of 0.0193 for that year.

(10) For the purpose of converting to an insurance period, any contribution factor achieved under the legislation of Jersey the competent authority of the United Kingdom shall:

- (a) in the case of a quarterly contribution factor multiply the factor achieved by a person in a quarter by thirteen, and
- (b) in the case of an annual contribution factor multiply the factor achieved by a person in a year by fifty- two.

The result shall be expressed as a whole number, any remaining fractions being ignored. The figure so calculated subject to a maximum of the number of working days during which the person was subject to that legislation in a quarter or in a year as the case may be, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

Section 2

Special provisions relating to persons on the Continental Shelf

Article 11

For the purpose of applying the provision of Articles 24 to 28 of this Convention to persons to whom the provisions of paragraphs 94) to (8) of Article 6 of this Convention are applicable, any period of presence completed under the legislation of Norway in the Continental Shelf Area of either Party shall be treated as if it were a period of presence in the territory of the United Kingdom.

Section 3

Sickness and maternity benefits

Article 12

(1) Where a person has, since his last arrival in the territory of one Party, completed a contribution period under the legislation of that Party, then for the purpose of any claim for sickness benefit made under the legislation of that Party, any insurance period, or period of employment or self-employment completed under the legislation of the other Party, shall in accordance with the provisions of Article 10 of this Convention, be treated as if it were respectively an insurance period, or period of employment or self-employment completed under the legislation of the former Party.

(2) Where the legislation of one Party applies to a person in accordance with any of the provisions of Articles 5 to 9 of this Convention, he shall be treated under that legislation for the purpose of any claim to sickness benefit as if he were in the territory of that Party.

(3) Where a person would be entitled to receive sickness benefit or satisfies the contribution conditions governing entitlement to sickness benefit under the legislation of one Party if he were in the territory of that Party he shall be entitled to receive that benefit while he is in the territory of the other Party if:

- (a) his condition necessitates immediate treatment during a stay in the territory of the latter Party, and within six days of commencement of incapacity for work, or such longer period as the insurance authority may allow, he submits to the insurance authority of the former Party a claim for benefit and documentary evidence of incapacity for work; or
- (b) he is authorised by the competent authority of the United Kingdom or the insurance authority of Norway to return to the territory of the Party where he resides or to transfer his residence to the territory of the other Party.

(4) For the purpose of applying the provisions of this Article under the legislation of Norway, a “contribution period” shall mean that the person has commenced remunerative work.

Article 13

(1) For the purpose of any claim for maternity allowance made under the legislation of one Party, any insurance period, or period of employment or self-employment completed under the legislation of the other Party shall, in accordance with the provisions of Article 10 of this Convention, be treated as if it were respectively an insurance period, or period of employment or self-employment completed under the legislation of the former Party.

(2) Where the legislation of one Party applies to a person in accordance with any of the provisions of Article 5 to 9 of this Convention, he shall be treated under that legislation for the purpose of any claim to maternity allowance as if he were in the territory of that Party.

(3) Where a person would be entitled to receive maternity allowance or satisfies the contribution conditions governing entitlement to maternity allowance under the legislation of one Party if he were in the territory of that Party he shall be entitled to receive that benefit while he is in the territory of the other Party.

Article 14

Where, but for the provisions of this Article, a person would be entitled to receive sickness benefit or maternity allowance (including United Kingdom statutory sick pay or statutory maternity pay) under the legislation of both

Parties for the same period whether by virtue of this Convention or otherwise that benefit or allowance shall be granted only under the legislation under which the person was last insured before entitlement arose. Nothing in this Article shall allow for the payment of United Kingdom statutory sick pay or statutory maternity pay outside the territory of the United Kingdom.

Section 4

Unemployment benefit

Article 15

(1) Subject to the provisions of paragraph (2) of this Article, where a person has, since his last arrival in the territory of one Party, completed four weeks of employment as an employed person in the territory of that Party, then for the purpose of any claim for unemployment benefit under the legislation of that Party, any qualifying income, any insurance period or any period of employment completed under the legislation of the other Party shall, in accordance with the provisions of Article 10 of this Convention, be treated as if it were qualifying income, an insurance period or period of employment, as the case may be, completed under the legislation of the former Party provided that:

- (a) any qualifying income, any insurance period or any period of employment completed under the legislation of Jersey shall not be taken into account for the purpose of determining entitlement to unemployment benefit under the legislation of Norway; and
- (b) any qualifying income, any insurance period or any period of employment completed under the legislation of Norway shall be taken into account, for the purpose of determining entitlement to unemployment benefit, only under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention.

(2) For the purpose of ascertaining whether a person has completed four weeks of employment under the legislation of the United Kingdom, that person shall be treated as having completed a week of employment for each contribution period completed as an employed person under that legislation.

(3) Where a person claims unemployment benefit under the legislation of one Party by virtue of paragraph (1) of this Article, any period for which he received such benefit under the legislation of the other Party shall be taken into account as if it were a period for which he had received unemployment benefit under the legislation of the former Party.

Section 5

Invalidity pension

Article 16

(1) Where a person has been insured under the legislation of both Parties, the insurance authority in the territory of the Party whose legislation was applicable at the time when incapacity for work followed by invalidity occurred shall determine, in accordance with its legislation, whether the person concerned satisfies the conditions for invalidity pension taking account, where appropriate, both for the determination of entitlement and for the calculation of the pension of any insurance period which that person has completed under the legislation of the other Party as if it were an insurance period completed under its legislation. For the purpose of determining entitlement to a Norwegian invalidity pension insurance periods under Norwegian legislation must amount to at least one year.

- (2) For the purpose of determining entitlement to:
- (a) supplementary pension under the legislation of Norway, no account shall be taken of any contribution period completed under the legislation of the United Kingdom;
 - (b) additional pension payable under the legislation of the United Kingdom, no account will be taken of any contribution period completed under the legislation of Norway.
- (3) Where a person would be entitled to receive for the same incapacity and for the same period invalidity pension under the legislation of both Parties, or invalidity pension under the legislation of one Party and sickness benefit under the legislation of the other Party, whether by virtue of this convention or otherwise, he shall be entitled to receive only the invalidity pension or sickness benefit, as the case may be, payable in accordance with the provisions of paragraph (1) of this Article, under the legislation of the Party in whose territory the incapacity began.
- (4) Where the amount of the invalidity pension payable under the legislation of the United Kingdom is less than the amount of benefit which would have been payable under the legislation of Norway but for the provisions of paragraph (3) of this Article, Norway shall also pay its benefit, but the amount of that benefit shall be limited to the amount by which the benefit it would have paid but for the provisions of paragraph (3) would have exceeded the amount of invalidity pension payable under the legislation of the United Kingdom.
- (5) With regard to the reduction of the pension point years required for the calculation of a full supplementary pension for persons born before 1937 the requirements concerning periods of residence in Norway laid down in Norwegian legislation shall be applied to persons other than Norwegian nationals. The supplementary pension calculated on the basis of such a reduction shall be payable only to persons present or resident in Norway or in the territory of the United Kingdom.
- (6) Where an invalidity pension is payable under the legislation of Norway in conformity with the provisions of this Article to a person who has become entitled to an old age pension under the legislation of the United Kingdom, the periods of insurance taken into account for the calculation of the old age pension of the United Kingdom shall not be taken into account for the calculation of the invalidity pension payable under the legislation of Norway. When a Norwegian old age pension becomes payable, it shall be calculated on the basis of the same periods of insurance as the invalidity pension which was payable under this provision.

Section 6

Old age pension and survivors' benefit

Article 17

(1) Where a person is entitled to a basic old age pension (other than the basic component of a Category B retirement pension payable to a ►married person or civil partner◄ under the legislation of the United Kingdom by virtue of the contributions of ►his or her spouse or civil partner◄) under the legislation of one Party or under the legislation of any one part of the territory of a Party otherwise than by virtue of the provisions of this Convention, that pension shall be payable and the provisions of Article 18 of this Convention shall not apply under that legislation.

- (2) For the purpose of determining entitlement to:
- (a) supplementary pension under the legislation of Norway, no account shall be taken of any contribution period completed under the legislation of the United Kingdom;

Words in art. 17(1)
substituted by art. 2 of
S.I. 2005/2765 as from
5.12.05.

- (b) additional pension payable under the legislation of the United Kingdom, no account shall be taken of any contribution period completed under the legislation of Norway.

and for the purposes of this Article and Article 18 of this Convention, supplementary pension under Norwegian legislation and additional pension under United Kingdom legislation shall be treated as separate benefits to which the provisions of Article 18 do not apply.

Article 18

(1) Where a person is not entitled to an old age pension under the legislation of one Party or the legislation of any one part of the territory of a Party, but has completed an insurance period under the legislation of that Party of at least one year, any insurance period which he has completed under the legislation of the other Party shall be treated as if it were an insurance period completed under the legislation of the former Party for the purposes of determining his entitlement to an old age pension under the legislation of the former Party. The amount of the pension shall be calculated in accordance with paragraphs (2) to (7) of this Article.

(2) In accordance with the provisions of Article 10 of this Convention, the insurance authority of the United Kingdom or of one part of the territory of the United Kingdom shall determine:

- (a) the amount of theoretical pension which would be payable if all the insurance periods completed by that person under the legislation of both Parties had been completed under its own legislation;
- (b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed by him under the legislation of that Party bears to the total of all the insurance periods which he has completed under the legislation of both parties.

The proportionate amount thus calculated shall be the rate of pension actually payable to that person by the competent institution of the United Kingdom.

(3) Subject to the provisions of paragraph (6) of this Article, for the purpose of calculating old age pension payable under the legislation of Norway, the insurance authority of Norway shall take account only of periods of insurance completed under the legislation of Norway and shall determine the amount of pension which bears the same relation to the full standard rate of pension as the periods of insurance taken into account bear to the periods of insurance which are required to achieve the full standard rate of pension under that legislation. The proportionate amount thus calculated shall be the rate of pension actually payable to that person under the legislation of Norway.

(4) For the purposes of the calculation in paragraphs (2) and (3) of this Article, “pension” shall include any increase of benefit payable in respect of a dependent child.

(5) For the purpose of applying the provisions of paragraph (2) of this Article:

- (a) the insurance authority of the United Kingdom shall take account only of insurance periods (completed under the legislation of either Party) which would be taken into account for the determination of pensions under the legislation of the United Kingdom if they were completed under that legislation, and, in relation to a ►person◄, shall where appropriate take into account in accordance with that legislation insurance periods completed by ►his or her spouse or civil partner◄;
- (b) no account shall be taken of any graduated contributions paid under the legislation of the United Kingdom before 6th April 1975 and the amount of any graduated benefit payable by virtue of such contributions shall be added to the amount of any pension payable in accordance with paragraph (2) of this Article under that legislation;

Words in art. 18(5) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

- (c) no account shall be taken of any invalidity allowance payable under the legislation of the United Kingdom, but the amount of any invalidity allowance shall be added to the amount of any pension payable in accordance with paragraph (2) of this Article;
- (d) no account shall be taken under the legislation of the United Kingdom of any increase of benefit payable under that legislation by virtue of deferred retirement, but any such increase of benefit payable under that legislation shall be added to any benefit payable under that legislation which has been calculated under paragraph (2) of this Article.

(6) For the purpose of applying the provisions of this Article under the legislation of Norway the provisions of Article 16(5) of this Convention shall apply.

(7) Where a compulsory insurance period completed under the legislation of Norway coincides with a voluntary insurance period completed under the legislation of the United Kingdom, for the purposes of applying paragraph (2) of this Article the United Kingdom shall take account only of the compulsory insurance period. However, the pension so calculated shall be increased by the amount by which the pension payable under the United Kingdom legislation would have been increased if all voluntary contributions paid under United Kingdom legislation had been taken into account.

Article 19

Where a person does not simultaneously satisfy the conditions for entitlement to old age pension under the legislation of both Parties, his entitlement under the legislation of one Party shall be established as and when he satisfies the conditions laid down by the legislation of that Party. The provisions of Article 18 of this Convention shall be applied where there is otherwise no entitlement under the provisions of Article 17 of this Convention to an old age pension under the legislation of that Party and his entitlement shall be determined afresh when the conditions under the legislation of the other Party are satisfied.

Article 20

(1) The provisions contained in Articles 17 to 19 of this Convention shall apply, with such modifications as the differing nature of the benefit shall require, to survivors' benefit.

(2) Where a person is entitled to basic survivors' pension under Norwegian legislation, the rate of the pension shall be calculated on the basis of the actual period of insurance completed under Norwegian legislation and the future insurance period in the same proportion as the actual insurance period bears to the full Norwegian insurance period of forty years.

(3) Where a person would be entitled to receive basic survivors' pension under the Norwegian legislation without recourse to this Convention, and that pension would be higher than the total of pensions payable under the legislation of both Parties by virtue of this Convention, that person shall be entitled to receive a supplement equal to the difference between the pension payable under Norwegian legislation and the total of the pensions payable under the legislation of both Parties by virtue of this Convention. Apart from changes caused by the regular revisions of the National Insurance basic amount, this supplement shall only be recalculated if a new decision concerning the pension is made under the legislation of either Party.

(4) A survivors' pension payable under Norwegian legislation shall be converted into an old age pension when the person reaches the general retirement age. The amount of the old age pension shall at least correspond to the amount of the survivors' pension calculated in accordance with paragraphs (1) and (2) of this Article. However, to the extent that future insurance periods taken into account for calculating a survivors' pension under Norwegian legislation

coincide with periods on the basis of which a pension has been calculated under the legislation of the United Kingdom, these coinciding periods shall not be taken into account for the calculation of an old age pension under Norwegian legislation.

Section 7

Benefits for industrial injuries and diseases

Article 21

(1) Where the legislation of one Party applies to a person in accordance with any of the provisions of Articles 5 to 9 of this Convention he shall be treated under the legislation for the purpose of any claim for benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of that Party. Where benefit would be payable in respect of that claim if the person were in the territory of that Party, it shall be payable while he is in the territory of the other Party.

(2) Where a person sustains an accident after he leaves the territory of one Party to go in the course of his employment to the territory of the other Party but before he arrives in the latter territory, then, for the purpose of any claim for benefit in respect of that accident:

- (a) the accident shall be treated as if it occurred in the territory of that Party whose legislation applied to him at the time the accident occurred; and
- (b) his absence from the territory of that Party shall be disregarded in determining whether his employment was as an employed person under that legislation.

(3) For the purpose of applying paragraph (2) of this Article to persons covered by the provisions of Articles 5 to 9, “territory” includes the Continental Shelf Area or any ship or vessel of either Party.

(4) Where because of a death resulting from an industrial accident or an industrial disease, a benefit would be payable under the legislation of one Party in respect of a child if that child were in the territory of that Party, that benefit shall be payable while the child is in the territory of the other Party.

Article 22

(1) Where a person contracts an industrial disease, after having been subject to the legislation of both Parties in an occupation to which the disease may be attributed and he would be entitled to receive benefit in respect of that disease under the legislation of both Parties, whether by virtue of this Convention or otherwise, the benefit shall be payable only under the legislation of the Party in whose territory he was last employed in that occupation before the disease was diagnosed.

(2) Where a person has suffered an aggravation of an industrial disease which was first contracted while he was subject to the legislation of one Party the competent institution of that Party shall take account of any aggravation which takes place in the territory of the other Party, provided that the aggravation cannot be attributed to employment in the territory of the latter Party in an occupation entailing risks of such disease.

Article 23

Where a person would otherwise have been entitled to any benefit payable in respect of an industrial injury or disease under the legislation of both Parties, that benefit shall be granted exclusively under the legislation of the territory in which the person was last employed.

Section 8

Death grant under the legislation of Jersey and Norway

Article 24

For the purpose of any claim for death grant under the legislation in Article 2(1)(a)(iii) any insurance period completed under the legislation of the other Party shall be treated as if it were an insurance period completed under the legislation in Article 2(1)(a)(iii).

Article 25

(1) Subject to the provisions of Article 24 where a person dies in the territory of one Party, his death shall be treated, for the purpose of any claim for a death grant under the legislation of the other Party, as if it had occurred in the territory of the latter Party.

(2) Where there would be entitlement to death grant under the legislation of both Parties, whether by virtue of this Convention or otherwise, in respect of a death;

- (a) the grant shall be payable only under the legislation of the Party in whose territory the death occurs; or
- (b) if the death does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the person on whose insurance the right to the grant is determined was last insured before the death.

Section 9

Orphan's benefit

Article 26

(1) For the purpose of any claim for orphan's benefit under the legislation of one Party any insurance period or period of presence completed under the legislation of or in the territory of the other Party, as the case may be, shall be treated as if it were respectively an insurance period or period of presence completed under the legislation of or in the territory of the former Party.

(2) Where orphan's benefit would be payable to a person under the legislation of one Party if that person or the orphan for whom the benefit is claimed were resident in the territory of that Party, it shall be paid while that person, or the orphan, is resident in the territory of the other Party.

(3) Where, but for the provisions of this paragraph, a person would be entitled to receive orphan's benefit under the legislation of both Parties in respect of the same orphan, whether by virtue of this Convention or otherwise, he shall be entitled to receive benefit only under the legislation of the Party in whose territory the orphan is resident.

Section 10

Child benefit

Article 27

(1) Where a person is resident in the territory of one Party and the legislation of the other Party applies to ►him or her◄ in accordance with any of the provisions of Articles 6(1) or 7(2) of this Convention, ►his or her spouse or civil partner◄ residing with ►him or her◄ shall be treated for the purpose of any claim for child benefit under the legislation of the latter Party:

Words in art. 27(1) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

- (a) as if ►he or she◄ were present or resident, as the case may be, in the territory of the latter Party; and
- (b) as if any child of ►his or her◄ family or any child for whom ►he or she◄ is responsible were present or resident, as the case may be, in the territory of the latter Party if the child is present or resident, as the case may be, in the territory of the former Party.

Words in art. 27(1)(a) & (b) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(2) Where, but for the provisions of this paragraph, child benefit would be payable under the legislation of both Parties for the same period in respect of the same child, whether by virtue of this Convention or otherwise, child benefit shall be payable only under the legislation of the Party in whose territory the child is resident.

Section 11

Attendance benefit

Article 28

For the purpose of any claim for attendance benefit under the legislation of one Party, any period of insurance, residence or presence, as the case may be, completed in the territory of the other Party shall be treated as if it were a period of insurance, residence or presence completed in the territory of the former Party, provided that the person concerned is ordinarily resident in the territory of the former Party.

Section 12

Recovery of advance payments and overpayments of benefit

Article 29

(1) Where a competent institution of one Party has made a payment of any benefit to a person for any period or event in advance of the period or event to which it relates or has paid him any benefit for a period or event, whether by virtue of the provisions of this Convention or otherwise, and the insurance authority of the other Party afterwards decides that the person is entitled to benefit for that period or event under its legislation, the competent institution of the latter Party, at the request of the competent institution of the former Party, shall deduct from the benefit due for that period or event under its legislation any overpayment which results from the advance payment of benefit paid by the competent institution of the former Party and shall transmit this sum to the competent institution of the former Party.

(2) Where a person has received social assistance under the legislation of one Party for a period for which that person subsequently becomes entitled to any benefit under the legislation of the other Party, the competent institution of the latter Party, at the request of and on behalf of the competent institution of the former Party, shall withhold from the benefit due for that period the amount by which the social assistance paid exceeded what would have been paid had the benefit under legislation of the latter Party been paid before the amount of social assistance was determined, and shall transfer the amount withheld to the competent institution of the former Party.

PART IV
MISCELLANEOUS PROVISIONS

Article 30

(1) The competent authorities of the two Parties shall establish the administrative measures necessary for the application of this Convention.

(2) The competent authorities of the two Parties shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Convention or about changes in their national legislation in so far as these changes affect the application of the provisions of this Convention.

(3) The competent authorities, insurance authorities or competent institutions of the two parties may, for the purpose of applying the provisions of this Convention, correspond directly with one another, or with any person affected by this Convention, or with his legal representative.

Article 31

(1) The competent authorities, insurance authorities and competent institutions of the two Parties shall assist one another on any matter relating to the application of this Convention as if the matter were one affecting the application of their own legislation. The assistance shall be free of charge.

(2) Where any benefit is payable under the legislation of one Party to a person in the territory of the other Party, the payment may be made by the competent institution of the latter Party, at the request of the competent institution of the former Party.

(3) Where a person who is in the territory of one Party has claimed benefit under the legislation of the other Party and a medical examination is necessary, the competent institution of the former Party, at the request of the competent institution of the latter Party, shall arrange for this examination. The cost of such examination shall be met by the competent institution of the former Party.

Article 32

(1) Where the legislation of one Party provides that any certificate or other document which is submitted under the legislation of that Party shall be exempt, wholly or partly, from any taxes, legal dues, consular fees or administrative charges, that exemption shall apply to any certificate or other document which is submitted under the legislation of the other Party or under the provisions of this Convention.

(2) All statements, documents and certificates of any kind required to be produced for the purposes of this Convention shall not require authentication by diplomatic or consular authorities.

Article 33

Where any certificate, document or written statement or any kind is submitted to a competent authority of one Party, it shall not be rejected on the ground that it is written in the official language of the other Party.

Article 34

(1) Any claim, notice or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the insurance authority or the competent authority of that Party, shall be treated as if it had been submitted to that insurance authority or competent authority if it is submitted within the same period to an insurance authority or competent authority of the other Party.

(2) Any claim for benefit submitted under the legislation of one Party shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party in so far as this corresponding benefit is payable in accordance with the provisions of this Convention.

Article 35

(1) Payment on any benefit in accordance with the provisions of this Convention may be made in the currency of the Party whose competent institution makes the payment and any such payment shall constitute a full discharge of the obligation in respect of which payment has been made.

(2) Where the competent institution of one Party has made a payment of benefit on behalf of the competent institution of the other Party in accordance with the provisions of Article 31(2) of this Convention any reimbursement of the amounts paid by the competent institution of the former party shall be in the currency of the latter party.

Article 36

(1) Any dispute between the competent authorities of the two parties about the interpretation or application of this Convention shall be resolved through agreement between those authorities.

(2) If any such dispute cannot be resolved in this manner, it shall be submitted, at the request of either party, to an arbitration tribunal which shall be composed in the following manner:

- (a) each Party shall appoint an arbitrator within one month from receipt of the demand for arbitration. The two arbitrators shall jointly appoint a third arbitrator, who shall not be a national of either Party, within two months from the date on which the Party which was the last to appoint its arbitrator has notified the other Party of the appointment;
- (b) if within the prescribed period either Party should fail to appoint an arbitrator, the other Party may request the President of the International Court of Justice or, in the event of his having the nationality of one of the Parties, the Vice President or next senior judge of that court not having the nationality of either Party, to make the appointment. A similar procedure shall be adopted at the request of either Party if the two arbitrators cannot agree on the appointment of the third arbitrator.

(3) The decision of the arbitration tribunal shall be by majority vote. Its decision shall be binding on both Parties. The costs of the arbitration tribunal shall be borne equally by the two Parties. The arbitration tribunal shall determine its own rules of procedure.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 37

(1) Upon the entry into force of this Convention the Convention signed at London on 25th July 1957 shall be terminated and shall be replaced by this Convention.

(2) Any right to benefit acquired by a person in accordance with the provisions of the Convention signed at London on 25th July 1957 shall be maintained, and any rights in course of acquisition under that Convention at the date of the entry into force of this Convention shall be settled in accordance with the provisions of this Convention.

(3) Benefit, other than lump sum payments, shall be payable in accordance with the provisions of this Convention in respect of events which happened

before the date of its entry, except that an accident which occurred or a disease which developed before that date shall not solely by virtue of this Convention, be treated as an industrial accident or disease if it would not have been so treated under any legislation or Convention having effect at the time of its occurrence or development. For the purpose of determining claims in accordance with the provisions of this Convention, account shall be taken of insurance periods and periods of residence or presence completed before the date of its entry into force.

(4) Paragraph (3) of this Article shall not confer any right to receive payment of benefit for any period before the date of the entry into force of this Convention.

(5) For the purpose of applying paragraph (3) of this Article:

- (a) any right to benefit acquired by a person in accordance with the provisions of the Convention signed at London on 25th July 1957 may, at the request of the person concerned, be determined afresh in accordance with the provisions of this Convention with effect from the date of entry into force of this Convention, provided that the request has been made within two years after that date;
- (b) where the request for the benefit to be determined afresh is made more than two years after the date of entry into force of this Convention payment shall be made from the date determined under the legislation concerned.

(6) In applying the provisions of Article 6(1) no account shall be taken of periods of detachment which commenced before the date of coming into force of this Convention.

Article 38

This Convention shall be ratified and the instruments of ratification shall be exchanged at 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 39

This Convention shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six months' notice in writing to the other Party.

Article 40

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

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

Done in duplicate at Oslo this 19th day of June 1990 in the English and Norwegian languages, both texts being equally authoritative.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
D.J.E. Ratford

For the Government of the
Kingdom of Norway
Wenche Frogn Sellaeg

[The protocol, which concerns medical treatment, is not reproduced in this work.]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of the Social Security Act 1975 and that part of the Child Benefit Act 1975 which relates to child benefit, so as to give effect to the Convention on social security and Protocol made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on 20th March 1991.

The Convention and Protocol (set out in the Schedule) relate to reciprocity in sickness and maternity benefit, unemployment benefit, invalidity pension, old age pension and survivors benefit, benefits for industrial injuries and diseases, death grant (under the legislation of Jersey and Norway), orphans benefit, child benefit and attendance benefit.

Rules are laid down for employers who send their employees to work temporarily in the other country (including the continental Shelf Area); they require the said employers to request a certificate of continuing liability and to present this to the authorities in the other country within a specified period in order to prevent liability for contributions arising in the latter country.

