

SCHEDULE

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

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, the Ministry of Health and Social Affairs or 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 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 period 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 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 sub-paragraph (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 [^{F1}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 [^{F2}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;

(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 areas 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 [^{F3}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.

[^{F4}(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) No1408/71 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) No574/72 of the Council laying down the procedure for implementing Regulation (EEC) No1408/71 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;]

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

(3) The present Convention applies also to the Isle of Man and to the Island of Jersey and references to “the United Kingdom” or to “territory” in relation to the United Kingdom shall be construed accordingly.

Textual Amendments

- F1** Words in Sch. art. 1(1)(o) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F2** Words in Sch. art. 1(1)(q) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F3** Words in Sch. art. 1(1)(y) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F4** In Sch. art. 1(1)(aa) - (cc) inserted (31.12.1992) by [Social Security \(Norway\) Order 1992 \(1992/3212\)](#), arts. 1, 2, Sch.

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- F4** In Sch. art. 1(1)(aa) - (cc) inserted (31.12.1992) by [Social Security \(Norway\) Order 1992 \(1992/3212\)](#), arts. 1, 2, Sch.

ARTICLE 2

- (1) The provisions of this Convention shall apply:
 - (a) in relation to the territory of the United Kingdom, to:

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Norway) Order 1991, PART I. (See end of Document for details)

- (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 Benefit (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 Act 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.

^{F5}ARTICLE 2A

Textual Amendments

- F5** In Sch. art. 2A inserted (31.12.1992) by Social Security (Norway) Order 1992 (1992/3212), arts. 1, 2, Sch.

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

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Norway) Order 1991, PART I.