

SCHEDULE **E+W+S**

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 III **E+W+S**

SPECIAL PROVISIONS

SECTION 1 **E+W+S**

SPECIAL PROVISIONS RELATING TO THE APPLICATION OF
THE LEGISLATION OF THE UNITED KINGDOM AND NORWAY

ARTICLE 10

E+W+S

(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 [^{F1}married person or civil partner] only where [^{F2}he or she] is claiming an old age pension by virtue of [^{F3}his or her] own insurance completed under that legislation.

(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

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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 (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 (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 fraction 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.

Textual Amendments

- F1** Words in Sch. art. 10(1) 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. 10(1) 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. 10(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

Textual Amendments

- F1** Words in Sch. art. 10(1) 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. 10(1) 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. 10(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

SECTION 2 **E+W+S**

SPECIAL PROVISIONS RELATING TO PERSONS ON THE CONTINENTAL SHELF

ARTICLE 11

E+W+S

For the purpose of applying the provisions of Articles 24 to 28 of this Convention to persons to whom the provisions of paragraphs (4) 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 **E+W+S**

SICKNESS AND MATERNITY BENEFITS

ARTICLE 12

E+W+S

(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 **E+W+S**

E+W+S

(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

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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 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

E+W+S

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 E+W+S

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 E+W+S

INVALIDITY PENSION

ARTICLE 16

E+W+S

(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.

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

SECTION 6 E+W+S

OLD AGE PENSION AND SURVIVORS' BENEFIT

ARTICLE 17

E+W+S

(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 [^{F4}married person or civil partner] under the legislation of the United Kingdom by virtue of the contributions of [^{F5}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;
- (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.

Textual Amendments

- F4** Words in Sch. art. 17(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F5** Words in Sch. art. 17(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

Textual Amendments

- F4** Words in Sch. art. 17(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F5** Words in Sch. art. 17(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

ARTICLE 18

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(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 [F⁶person], shall where appropriate take into account in accordance with that legislation insurance periods completed by [F⁷his 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;
- (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.

Textual Amendments

- F6** Words in Sch. art. 18(5)(a) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Sch. 1, 2.

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F7 Words in Sch. art. 18(5)(a) substituted (5.12.2005) by Social Security (Reciprocal Agreements) Order 2005, arts. 1, 2, Sch. 1, 2.

Textual Amendments

F6 Words in Sch. art. 18(5)(a) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Sch. 1, 2.

F7 Words in Sch. art. 18(5)(a) substituted (5.12.2005) by Social Security (Reciprocal Agreements) Order 2005, arts. 1, 2, Sch. 1, 2.

ARTICLE 19

E+W+S

Where a person does not simultaneously satisfy the conditions for entitlement to an 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 E+W+S

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

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

SECTION 7 E+W+S

BENEFITS FOR INDUSTRIAL INJURIES AND DISEASES

ARTICLE 21

E+W+S

(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 that 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 the 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 E+W+S

E+W+S

(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 E+W+S

E+W+S

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.

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SECTION 8 E+W+S

DEATH GRANT UNDER THE LEGISLATION OF JERSEY AND NORWAY

ARTICLE 24

E+W+S

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 E+W+S

E+W+S

(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 E+W+S

ORPHAN'S BENEFIT

ARTICLE 26

E+W+S

(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 E+W+S

CHILD BENEFIT

ARTICLE 27

E+W+S

(1) Where a person is resident in the territory of one Party and the legislation of the other Party applies to [^{F8}him or her] in accordance with any of the provisions of Articles 6(1) or 7(2) of this Convention, [^{F9}his or her spouse or civil partner] residing with [^{F10}him or her] shall be treated for the purpose of any claim for child benefit under the legislation of the latter Party:

- (a) as if [^{F11}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 [^{F12}his or her] family or any child for whom he 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.

(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.

Textual Amendments

- F8** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F9** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F10** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F11** Words in Sch. art. 27(1)(a) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F12** Words in Sch. art. 27(1)(b) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

Textual Amendments

- F8** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F9** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F10** Words in Sch. art. 27(1) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F11** Words in Sch. art. 27(1)(a) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.
- F12** Words in Sch. art. 27(1)(b) substituted (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), arts. 1, 2, Schs. 1, 2.

SECTION 11 **E+W+S**

ATTENDANCE BENEFIT

ARTICLE 28

E+W+S

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

Status: Point in time view as at 01/01/2014.

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

of the former Party, provided that the person concerned is ordinarily resident in the territory of the former Party.

SECTION 12 **E+W+S**

RECOVERY OF ADVANCE PAYMENTS AND OVERPAYMENTS OF BENEFIT

ARTICLE 29

E+W+S

(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 the 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.

Status:

Point in time view as at 01/01/2014.

Changes to legislation:

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