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STATUTORY INSTRUMENTS

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**2007 No. 2122**

**SOCIAL SECURITY**

**The Social Security (Ireland) Order 2007**

*Made* - - - - - *25th July 2007*

*Coming into force* *1st October 2007*

**THE SOCIAL SECURITY (IRELAND) ORDER 2007**

1. Citation and commencement
  2. Modification of Acts
  3. Revocation and variation of Orders
- Signature

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SCHEDULE 1 — CONVENTION ON SOCIAL SECURITY BETWEEN  
THE GOVERNMENT OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF IRELAND

The Government of the United Kingdom of Great Britain and...  
Having established reciprocity in the field of social security by...  
Wishing to consolidate the earlier Agreements and their extension and...  
Wishing to extend and modify the scope of that reciprocity...  
Have agreed as follows:

PART 1 — GENERAL PROVISIONS

ARTICLE 1

*Definitions*

1. For the purpose of this Convention the following definitions apply,...
2. Other words and expressions which are used in this Convention...
3. Any reference in this Convention to an “Article” means an...

ARTICLE 2

*Persons covered*

Subject to Article 36, this Convention shall apply:

*Status: This is the original version (as it was originally made).*

### ARTICLE 3

#### ***Scope of legislation***

1. This Convention shall apply, (a) in relation to the territory...
2. Subject to paragraphs (3) and (4), this Convention shall apply...
3. This Convention shall apply, unless the Parties agree otherwise, only...
4. This Convention shall not affect rights and obligations arising under...

### ARTICLE 4

#### ***Equal treatment***

A person, together with his dependants and survivors, who is,...

### ARTICLE 5

#### ***Refugees and stateless persons***

This Convention shall apply to refugees or stateless persons who...

### ARTICLE 6

#### ***Provisions for the export of benefit***

1. Subject to paragraph (2) and Articles 15, 17 to 27...
2. Subject to Article 14(3) and (5), a person who continues...
3. Subject to Article 14(3) to (5), a person who continues...
4. Subject to Article 14(3) to (5), a person who continues...
5. Subject to Article 22, where, under the legislation of one...

#### PART II

### ARTICLE 7

#### ***General provisions***

1. Subject to paragraphs (2) to (9) and Articles 8 to...
2. Where a person is employed in the territory of both...
3. Where a person is ordinarily resident in the territory of...
4. Where a person is employed in the territory of one...
5. No provision of this Article shall affect a person's liability...
6. Where a person is not gainfully employed, any liability for...
7. Where, but for this paragraph, a person would be entitled...
8. Where under Articles 8, 9(a) or (b), or 10(2), a...
9. A person who is entitled to receive sickness benefit, maternity...

### ARTICLE 8

#### ***Detached workers***

Subject to Articles 9 and 10, where a person insured...

## ARTICLE 9

### *Travelling personnel*

Subject to Article 10, the following provisions shall apply to...

## ARTICLE 10

### *Mariners and others employed on board a ship or vessel*

1. Subject to paragraphs (2) to (4), where a person is...
2. Where a person who is insured under the legislation of...
3. Where a person who is not normally employed at sea...
4. Where a person who is ordinarily resident in the territory...

## ARTICLE 11

### *Diplomats, Government Servants and Consular Employees*

1. This Convention shall not apply to persons who are exempted...
2. Subject to paragraph (1), where any person who is in...
3. Subject to paragraphs (1) and (2), where a person is...

## ARTICLE 12

### *Modification Provisions*

Exceptionally, the competent authorities of the Parties may agree to...

#### PART III — SPECIAL PROVISIONS

## ARTICLE 13

### *Conversion formulae for contributions*

1. For the purpose of calculating entitlement to any benefit under...
2. For the purpose of calculating entitlement to any benefit under...
3. Subject to paragraph (4), for the purpose of calculating an...
4. For the purpose of calculating entitlement to additional pension under...
5. For the purposes of the calculation in Article 18(3), where:...
6. For the purpose of calculating the appropriate contribution factor to...
7. For the purpose of calculating entitlement to any benefit under...
8. For the purpose of calculating entitlement to any benefit under...
9. For the purpose of calculating entitlement to any benefit under...
10. For the purpose of calculating entitlement to any benefit under...
11. For the purpose of calculating entitlement under the legislation of...

#### PART IV — BENEFIT PROVISIONS

## SECTION 1

### PROVISIONS FOR SICKNESS, MATERNITY, INVALIDITY AND UNEMPLOYMENT

## ARTICLE 14

### *Sickness benefit and Maternity allowance*

1. Where a person has, since his last arrival in the...

*Status: This is the original version (as it was originally made).*

2. Where a person is employed in the territory of one...
3. Subject to paragraphs (4) and (5) and Article 33, where...
4. Where a seasonal worker, who is entitled to sickness benefit...
5. Where a person who is resident in the territory of...
6. Where a person would be entitled to receive sickness benefit...
7. Where, but for this paragraph, a person would be entitled...
8. For the purpose of calculating the weekly rate of maternity...

#### ARTICLE 15

##### ***Invalidity benefit***

1. Where a person has been insured under the legislation of...
2. Where a person would be entitled to receive for the...

#### ARTICLE 16

##### ***Unemployment benefit***

1. In this Article "Party" means Great Britain, Northern Ireland, Guernsey...
2. Subject to paragraphs (4) to (6) and paragraph (8) where...
3. Periods of employment in one Party shall be taken into...
4. Where a person is entitled to unemployment benefit under the...
5. Where a person is entitled to unemployment benefit under the...
6. This Article shall not apply to a person who claims...
7. For the purpose of paragraph (2), insurance periods completed under...
8. For the purpose of determining whether a person is entitled...

#### SECTION 2

#### RETIREMENT PENSION AND SURVIVOR'S BENEFIT

#### ARTICLE 17

##### ***General provisions***

1. Subject to paragraphs (2) to (4) and Article 22, where...
2. Notwithstanding paragraph (1), a person entitled to a Category B...
3. Notwithstanding paragraph (1), a married woman entitled to a retirement...
4. Entitlement to a retirement pension in the circumstances referred to...

#### ARTICLE 18

##### ***Pro-rata Pensions***

1. Subject to Articles 19 to 23, this Article shall apply...
2. For the purposes of determining entitlement to retirement pension, no...
3. In accordance with Article 13, the competent authority of any...
4. For the purpose of the calculation in paragraph (3), where...
5. Insurance periods under paragraphs (4) and (8) shall be treated...
6. Where no pension is, or would be, payable under paragraph...
7. Any increase of benefit payable under the legislation of Great...
8. Where all the insurance periods completed by a person under...

## ARTICLE 19

### ***Insurance periods to be taken into account***

1. For the purpose of applying Article 18 the competent authority...
2. Where, in relation to any claim to receive old age...

## ARTICLE 20

### ***Overlapping periods***

For the purpose of applying Article 18:

## ARTICLE 21

### ***Benefits to be excluded***

1. For the purpose of applying Article 18 no account shall...
2. For the purpose of applying Article 18 no account shall...

## ARTICLE 22

### ***Increases for dependent children***

1. This Article shall apply to any increase of a retirement...
2. Such increase shall be payable in accordance with the following...
3. Where an increase cannot be paid under paragraph (2)(b) because...

## ARTICLE 23

### ***Non-simultaneous entitlement***

Where a person does not simultaneously satisfy the conditions for...

## ARTICLE 24

### ***Survivor's benefit***

1. Articles 17 to 23 shall also apply, with such modifications...
2. Where survivor's benefit would be payable under the legislation of...
3. A person who is entitled to receive survivor's benefit under...
4. A person who is entitled to receive survivor's benefit under...

## SECTION 3

### BENEFITS FOR INDUSTRIAL ACCIDENTS AND INDUSTRIAL DISEASES

## ARTICLE 25

### ***General provisions***

1. Where a person is employed in the territory of one...
2. Where a person leaves the territory of one Party to...
3. Where a seasonal worker who is entitled to industrial injury...
4. Where because of a death resulting from an industrial accident...

*Status: This is the original version (as it was originally made).*

## ARTICLE 26

### ***Dual Attribution and Aggravation of an Industrial Disease***

1. Subject to paragraph (2), where a person contracts an industrial...
2. Where a person has suffered an aggravation of an industrial...

## ARTICLE 27

### ***Dual entitlement***

A person shall not be entitled, whether by virtue of...

## SECTION 4

### FAMILY BENEFITS

## ARTICLE 28

### ***Family allowance***

For the purposes of any claim to family allowance under...

## SECTION 5

### DEATH BENEFIT

## ARTICLE 29

### ***Death Grant under the legislation of Jersey, Guernsey or Ireland***

1. In this Article "Party" means Jersey, Guernsey or Ireland, as...
2. For the purpose of any claim to death grant under...
3. For the purpose of any claim to death grant under...
4. Where a person dies in the territory of either Party...
5. Where there would be entitlement to death grant under the...
6. For the purposes of this Article no account shall be...

### PART V — MISCELLANEOUS PROVISIONS

## ARTICLE 30

### ***Recovery of advance payments and overpayments of benefit***

1. Where a competent authority of one Party has made a...
2. Where a person has received social assistance under the legislation...

## ARTICLE 31

### ***Arrangements for Administration and Co-operation***

1. The competent authorities of the two Parties shall establish the...
2. The competent authorities of the two Parties shall communicate to...
3. The competent authorities of the two Parties shall establish liaison...
4. The competent authorities of the two Parties shall assist one...
5. Where any benefit is payable under the legislation of one...
6. Where a person who is in the territory of one...

7. A medical board appointed by the competent authority of Ireland...
8. Where the legislation of one Party provides that any certificate...
9. All statements, documents and certificates of any kind required to...
10. No certificate, document or statement of any kind written in...
11. Unless disclosure is required under the legislation of a Party,...

#### ARTICLE 32

##### ***Submission of claim or appeal***

1. Any claim or appeal which should, for the purposes of...
2. Any claim to benefit submitted under the legislation of one...

#### ARTICLE 33

##### ***Currency and method of payment***

1. Payment of any benefit in accordance with this Convention may...
2. Where the competent authority of one Party has made a...
3. Where a person in the territory of one Party is...

#### ARTICLE 34

##### ***Resolution of disputes***

1. The competent authorities of the Parties to this Convention shall...
2. If any dispute cannot be resolved as in paragraph (1)...
3. The decision of the arbitration tribunal, which shall be binding...

#### PART VI — TRANSITIONAL AND FINAL PROVISIONS

#### ARTICLE 35

##### ***Prior acquisition of rights—old Agreements replaced by new Convention—persons covered by this Convention***

1. Upon the entry into force of this Convention the earlier...
2. Any right to benefit acquired by a person in accordance...
3. Any rights in course of acquisition under the earlier agreements...
4. Where, from the date of entry into force of this...
5. Benefit, other than lump sum payments, shall be payable in...
6. Paragraph (5) shall not confer any right to receive payment...
7. For the purpose of paragraph (2) and for applying the...
8. No provision of this Convention shall diminish any rights or...

#### ARTICLE 36

##### ***Prior Acquisition of rights—old Agreements replaced by new Convention—persons excluded from this convention***

As regards persons who, by virtue of Article 2, are...

#### ARTICLE 37

##### ***Ratification***

This Convention shall be ratified and the instruments of ratification...

*Status: This is the original version (as it was originally made).*

ARTICLE 38

***Life of the Convention***

This Convention shall remain in force for an indefinite period....

ARTICLE 39

***Rights on termination of this Convention not replaced by another***

In the event of the termination of this Convention and...

In witness whereof the undersigned, duly authorised by their respective...

Done in duplicate at Dublin this fourteenth day of December...

For the Government of the United Kingdom of Great Britain...

SCHEDULE 2 — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT  
OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND THE GOVERNMENT OF  
IRELAND

[No. 1]

3 July 2007

Your Excellency

I have the honour to refer to the Convention on...

If the foregoing proposals are acceptable to the Government of...

I avail myself of this opportunity to renew to Your...

Win Harris

Director, Joint International Unit of the Department for Work and...

[No. 2]

3 July 2007.

Win Harris

Director, Joint International Unit of the Department for Work and...

I have the honour to acknowledge the receipt of your...

I have the honour to confirm that the foregoing is...

I avail myself of this opportunity to renew assurances of...

Dáithí O'Ceallaigh

Ambassador of Ireland, London

Explanatory Note