
STATUTORY INSTRUMENTS

2007 No. 631

SOCIAL SECURITY

The Social Security (Netherlands) Order 2007

Made - - - - - *6th March 2007*

Coming into force *1st June 2007*

THE SOCIAL SECURITY (NETHERLANDS) ORDER 2007

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

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

The United Kingdom of Great Britain and Northern Ireland and...

Wishing to consolidate the above Convention and its extension and...

Wishing to extend and modify the scope of that reciprocity...

Have agreed as follows:

PART I — 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 33, 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Status: This is the original version (as it was originally made).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 created by...

Article 4

Equal treatment

A person to whom this Convention applies, while he is...

Article 5

Refugees and stateless persons

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

Article 6

Provisions for the export of benefit

1. Subject to Articles 16, 18 to 25 and Article 30...
2. Subject to Article 15(3) and (5), a person who continues...
3. Subject to Article 15(3) to (5), a person who continues...
4. Subject to Article 15(3) to (5), a person who continues...
5. Where, under the legislation of one Party, an increase of...
6. Paragraph 1 does not apply to the Netherlands' Supplementary Benefits...

PART II — PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

Article 7

General provisions

1. Subject to paragraphs (2) to (11) and Articles 8 to...
2. Where a person is employed in the territory of both...
3. Where a person is self-employed in the territory of both...
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, he shall be...
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...
10. A person who is entitled to receive survivor's benefit under...
11. For the purpose of determining whether a person is entitled...

Article 8

Detached workers

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

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 subject to 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 affect the application to persons in...
2. Subject to paragraph (1), where any person who is employed...
3. Paragraph (2) shall apply by analogy to the members of...

Article 12

Treated as ordinarily resident

Where a person is gainfully employed in the territory of...

Article 13

Modification provisions

Exceptionally, the competent authorities or the competent institutions of the...

PART III — SPECIAL PROVISIONS FOR THE UNITED KINGDOM

Article 14

Conversion formulae

1. For the purpose of calculating entitlement to any benefit under...
2. Subject to paragraph (3), for the purpose of calculating an...
3. For the purpose of calculating entitlement to additional pension under...
4. For the purposes of the calculation in Article 19(2), where:...
5. For the purpose of calculating the appropriate contribution factor to...
6. For the purpose of calculating entitlement to any benefit under...
7. For the purpose of calculating entitlement to any benefit under...
8. For the purpose of converting to an insurance period any...
9. For the purpose of converting to an insurance period any...
10. For the purpose of converting insurance periods completed under the...

PART IV — BENEFIT PROVISIONS

SECTION 1

PROVISIONS FOR SICKNESS, MATERNITY, INVALIDITY AND UNEMPLOYMENT

Article 15

Sickness benefit and maternity allowance

1. Where a person has, since his last arrival in the...
2. Where a person is employed in the territory of one...
3. Subject to paragraphs (4) and (5) and Article 30, 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...

Article 16

Invalidity benefit

1. Where a person has been subject to the legislation of...
2. Where a person would be entitled to receive for the...
3. Where a person is entitled to incapacity pension under the...

Article 17

Unemployment benefit

1. In this Article "Party" means Great Britain, Northern Ireland, the...
2. Subject to paragraphs (4) to (8), where a person has,...
3. Periods of employment in the Netherlands 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. Where a person is entitled to unemployment benefit under the...
7. Periods of insurance or periods of employment completed under the...
8. This Article shall not apply to a person who claims...

SECTION 2

RETIREMENT PENSION AND SURVIVOR'S BENEFIT

Article 18

General provisions

1. Subject to paragraphs (2) to (4), where a person is...
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...
5. By applying paragraph (1) the Netherlands competent institution shall determine...
6. Subject to paragraph (7), periods before 1 January 1957 during...
7. The periods referred to in paragraph (6) shall be taken...

Article 19

Pro-rata pensions

1. Subject to Articles 18 and 20 to 23, this Article...

2. In accordance with Article 14, the competent authority or the...
3. For the purpose of the calculation in paragraph (2), where...
4. Insurance periods under paragraph (3) and (6) shall be treated...
5. Where no pension is, or would be, payable under paragraph...
6. Where all the insurance periods completed by a person under...
7. Any increase of benefit payable under the legislation of Great...

Article 20

Insurance periods to be taken into account

For the purpose of applying Article 19 the competent authority...

Article 21

Overlapping periods

For the purpose of applying Article 19:

Article 22

Benefits to be excluded

For the purpose of applying Article 19 no account shall...

Article 23

Non-simultaneous entitlement

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

Article 24

Survivor's benefit

1. Articles 18 to 23 shall also apply, with such modifications...
2. Where survivor's benefit would be payable under the legislation of...

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...

SECTION 4

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

Article 26

Child benefits

1. A person covered under the legislation on child benefits of...
2. Where, but for this paragraph, child benefit would be payable...

PART V — MISCELLANEOUS PROVISIONS

Article 27

Recovery of advance payments and overpayments of benefit

1. Where a competent authority or competent institution of one Party...
2. When the competent authority or the competent institution of a...
3. Where a person has received social assistance under the legislation...

Article 28

Arrangements for administration and co-operation

1. The competent authorities of the two Parties shall establish an...
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 or the competent institutions of the two...
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 institution of the...
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 29

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 30

Currency and method of payment

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

Article 31

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 final...

PART VI — TRANSITIONAL AND FINAL PROVISIONS

Article 32

Prior acquisition of rights – old convention replaced by new convention – persons covered by this convention

1. Upon the entry into force of this Convention the former...
2. Notwithstanding paragraph (1), any right to benefit acquired by a...
3. Notwithstanding paragraph (1), any rights in course of acquisition under...
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 purposes of paragraph (2) and for applying the...
8. No provision of this Convention shall diminish any rights or...

Article 33

Prior acquisition of rights – old convention replaced by new convention – persons excluded from this convention

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

Article 34

Entry into force

1. The Parties shall notify each other in writing of the...
2. The Kingdom of the Netherlands shall apply Article 6 provisionally...

Article 35

Duration of the convention

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

Article 36

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 The Hague this twenty-first day of...

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

Explanatory Note