RECIPROCAL AGREEMENTS

1960 No. 211

The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order, 1960

Made - - - - 8th February, 1960

At the Court at Buckingham Palace, the 8th day of February, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the twenty-seventh day of August, nineteen hundred and fifty-nine, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Denmark on social security (which Convention is set out in the First Schedule to this Order and is hereinafter referred to as "the Convention") was signed on behalf of those Governments:

And Whereas by Article 41 of the Convention it is provided that the Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged:

And Whereas the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on the eleventh day of January, 1960, and accordingly the Convention enters into force on the first day of March, 1960:

And Whereas the Convention provides for the termination, on the date of its entering into force, of a Convention between the said Governments on payment of compensation or benefit in respect of industrial injuries (including occupational diseases) which was signed on behalf of those Governments on the fifteenth day of December, nineteen hundred and fifty-three and, so far as the same relates to England, Wales and Scotland, has effect by virtue of the Order specified in the Second Schedule to this Order:

And Whereas by section 64 of the National Insurance Act, 1946(a), as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956(b), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(c), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the Family Allowances Act, 1945(d), and the said Acts of 1946 in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, as so extended, and the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other

(a) 9 & 10 Geo. 6. c. 67. (b) 4 & 5 Eliz. 2. c. 50. (c) 9 & 10 Geo. 6. c. 62. (d) 8 & 9 Geo. 6. c. 41.

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 interpretation

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Denmark) Order, 1960.

(2) The Interprtation Act, 1889(a), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

2. The provisions contained in the Convention shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Government of the Kingdom of Denmark for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946; and the Family Allowances Acts, 1945 to 1959, the National Insurance Acts, 1946 to 1959, and the National Insurance (Industrial Injuries) Acts, 1946 to 1959, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Revocation of Order

3. The Order specified in the Second Schedule to this Order is hereby revoked, but without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

FIRST SCHEDULE

CONVENTION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF DENMARK ON SOCIAL SECURITY

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Denmark,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one of the two countries should, as far as possible, receive, under the social security legislation of the other, equal treatment with the nationals of the latter,

Desirous of giving effect to this principle and of making arrangements enabling their nationals who go from one country to the other, as far as possible, either to keep any rights which they have acquired under the legislation of the former country or to enjoy corresponding rights under the legislation of the latter country.

Have agreed as follows:—

PART I.—DEFINITIONS AND SCOPE

ARTICLE 1

For the purpose of the present Convention, unless the context otherwise requires—

(*a*) "country" means, according to the context, the United Kingdom or Denmark;

(*b*) "United Kingdom" means England, Scotland, Wales, Northern Ireland and the Isle of Man;

(*c*) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Denmark, a Danish subject;

(a) 52 & 53 Vict. c. 63.

(*d*) "legislation" means, according to the context, the laws, orders and regulations specified in Article 2 of the Convention in force in any part of one (or the other) country;

(*e*) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Minister of Health, the Secretary of State for Scotland, the Ministry of Labour and National Insurance for Northern Ireland, the Ministry of Health and Local Government for Northern Ireland, the Isle of Man Board of Social Services or the Isle of Man Health Services Board, as the case may require, and, in relation to Denmark, the Minister of Social Affairs;

(*f*) "sickness fund" means a sickness fund, continuation fund or sickness insurance society, approved by the Government of Denmark for the purpose of the legislation of Denmark concerning sickness insurance;

(*g*) "child" means, in relation to any person, a child, within the meaning of the legislation which is being applied, who is treated under that legislation as being a child of that person or included in his family;

(*h*) "parent" includes a person who is treated as a parent under the legislation which is being applied;

(*i*) "employed person" means a person who comes within the definition of an employed person (or a person who is treated as an employed person) in the legislation which is being applied; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment;

(*j*) "benefit" means any pension, allowance or other cash benefit payable under the legislation of one (or the other) country and includes any additional allowance payable therewith and any increase payable for a dependant;

(*k*) "medical benefit" means, in relation to the United Kingdom, any benefit provided under the legislation specified in sub-paragraph (*a*) (iii) of paragraph (1) of Article 2 of the Convention, and, in relation to Denmark, any medical benefit provided under the legislation specified in sub-paragraph (*b*) (i) of that paragraph;

(*l*) "old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension, as defined by the legislation of the United Kingdom;

(*m*) "assistance" means, in relation to the United Kingdom, assistance provided under the legislation specified in sub-paragraph (*a*) (iv) of paragraph (1) of Article 2 of the Convention and, in relation to Denmark, public assistance;

(*n*) "vessel" means, in relation to the United Kingdom, a ship or vessel which is registered in the United Kingdom and not owned in the Republic of Ireland or any other British ship or vessel which is owned in the United Kingdom, and, in relation to Denmark, a ship or vessel which is registered in Denmark;

(*o*) "aircraft" means, in relation to the United Kingdom, an aircraft which is registered and owned in the United Kingdom, and, in relation to Denmark, an aircraft registered in Denmark.

ARTICLE 2

(1) The provisions of the present Convention shall apply—

(*a*) in relation to the United Kingdom, to—

(i) the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts;

(ii) the National Insurance (Industrial Injuries) Act, 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948;

(iii) the National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, the Health Services Act (Northern Ireland), 1948, and the National Health Service (Isle of Man) Act, 1948;

(iv) those provisions of the National Assistance Act, 1948, and the National Assistance Act (Northern Ireland), 1948, which concern the giving of assistance to persons who are in need of assistance;

(v) those provisions of the National Assistance Act, 1948, and the Welfare Services Act (Northern Ireland), 1949, which concern arrangements for the welfare (other than employment) of persons who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity;

(vi) the Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946;

(*b*) in relation to Denmark, to the legislation of Denmark concerning—

(i) sickness insurance;

(ii) old age pensions;

(iii) invalidity insurance;

(iv) industrial injuries insurance;

(v) unemployment insurance;

(vi) widows' pensions;

(vii) allowances in respect of orphans and the children of widows and widowers;

(viii) family allowances;

(ix) prophylactic care of mothers and children;

(x) maternity aid institutions;

(xi) public assistance.

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

(3) The Convention shall apply, only if the Contracting Parties so agree, to any law, order or regulation which amends or supplements the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with a third party.

(4) The Convention shall apply to any law, order or regulation of one (or the other) Party which extends insurance to a new class of persons unless either Party objects and gives notice to the other to that effect within three months of the official communication of the said law, order or regulation in accordance with paragraph (iii) of Article 32 of the Convention.

(5) The Convention shall apply, only if the Parties so agree, to any law, order or regulation of one (or the other) Party which relates to a new branch of social security.

PART II.—GENERAL PROVISIONS

ARTICLE 3

(1) Subject to the provisions of the present Convention, a national of one country shall be subject to the obligations, and entitled to enjoy the advantages, of the legislation of the other country under the same conditions as a national of the latter country.

(2) A national of the United Kingdom shall not be required to become insured under the legislation of Denmark concerning sickness insurance or invalidity insurance, even if he is resident in Denmark.

ARTICLE 4

(1) If a national of either country, not ordinarily resident in Denmark, is employed in that country by an employer who is resident in the United Kingdom or has his principal place of business there, then, during the first twelve months of his employment in Denmark—

(*a*) those provisions of the legislation of the United Kingdom which concern the payment of contributions shall apply to him as if he were employed in that country;

(*b*) the corresponding provisions of the legislation of Denmark shall not apply to him;

(*c*) the provisions of Article 14 of the present Convention shall apply to him in the same way as they apply to a national of the United Kingdom who is resident in that country.

(2) If a national of either country, who is ordinarily resident in Denmark, is employed in the United Kingdom by an employer, who has a place of business in Denmark, then, during the first twelve months of his employment in the United Kingdom—

(*a*) the legislation of Denmark specified in sub-paragraph (*b*) (iv) of paragraph (1) of Article 2 of the Convention shall apply to him as if he were employed in that country;

(*b*) the legislation of Denmark specified in sub-paragraphs (*b*) (i)–(iii) and (*b*) (v)–(x) of paragraph (1) of that Article shall apply to him in so far as it can appropriately apply to persons who are outside Denmark;

(*c*) the legislation of the United Kingdom specified in sub-paragraphs (*a*) (i) and (*a*) (ii) of paragraph (1) of that Article shall not apply to him;

(*d*) the provisions of Article 14 of the Convention shall apply to him in the same way as they apply to a national of Denmark who is resident in that country.

(3) Where the employment specified in paragraph (1) or paragraph (2), as the case may be, of this Article lasts longer than twelve months, the provisions of that paragraph shall continue to apply to the employed person, if the competent authority of the country where he is employed agrees thereto before the end of the period of twelve months specified in that paragraph.

ARTICLE 5

(1) Subject to the provisions of paragraphs (2) and (3) of this Article, where a national of one country, who is resident in either country, is employed on board a vessel or aircraft of the other country, the legislation of the latter country concerning industrial injuries insurance shall apply to him as if he were a national of the latter country resident in that country, and the corresponding legislation of the former country shall not apply to him.

(2) If a vessel of one country is in a harbour of the other country or in the territorial waters of the latter country, and a national of either country, resident in the latter country, is employed on board the vessel, otherwise than as master or a member of the crew, having been engaged for this employment in the latter country, the legislation of the latter country shall apply to him as if he were employed in that country.

(3) Where a national of either country, who is resident in one country, is employed on board a vessel or aircraft of the other country, and is paid remuneration in respect of that employment by some person or undertaking having a place of business in the former country and not being the owner of the vessel or aircraft, the legislation of the former country shall, in respect of that employment, apply to him as if the vessel or aircraft were a vessel or aircraft of the former country, and the person or undertaking paying the said remuneration shall be treated as the employer for the purposes of the said legislation.

ARTICLE 6

(1) Subject to the provisions of Articles 9 and 14 of the present Convention, the Convention shall not apply to established members of the foreign service of either country; and, for the purpose of applying its provisions, no account shall be taken of any period during which a person was resident in, or living in, one country as an established member of the foreign service of the other country.

(2) Subject to the provisions of paragraph (1) of this Article, where a national of the United Kingdom is employed in Denmark in the government service of the United Kingdom and is not settled in Denmark, those provisions of the legislation of the United Kingdom which concern the payment of contributions shall apply to him as if he were employed in the United Kingdom and, subject to the provisions of Articles 9 and 14 of the Convention, the legislation of Denmark shall not apply to him.

(3) Subject to the provisions of paragraph (1) of this Article, where a national of Denmark is employed in the United Kingdom in the government service of Denmark and is not settled in the United Kingdom, or a person is in the private service of a national of Denmark so employed and is not settled in the United Kingdom, the legislation of Denmark shall apply to him, in so far as it can appropriately apply to persons who are outside Denmark, and, subject to the provisions of Article 14 of the Convention, the legislation of the United Kingdom shall not apply to him.

(4) Subject to the provisions of paragraphs (1), (2) and (3) of this Article, where a national of either country is employed in one country in the government service of the other country, or a person is in the private service of a national of either country so employed, the legislation of the country in which he is employed shall apply to him.

ARTICLE 7

(1) Where a national of either country is employed in Denmark, and those provisions of the legislation of the United Kingdom which concern the payment of contributions apply to him in accordance with the provisions of paragraph (1) of Article 4 or paragraph (2) of Article 6 of the present Convention—

(*a*) for the purpose of any claim to receive sickness benefit under that legislation, he shall be treated as if he were in the United Kingdom, and, if his wife is in Denmark, as if she were in the United Kingdom;

(*b*) for the purpose of any claim to receive benefit under that legislation for an industrial accident occurring, or an industrial disease contracted, during his employment in Denmark, he shall be treated as if that employment were insurable and as if the accident had ocurred or the disease had been contracted in the United Kingdom, and, if his wife is in Denmark, as if she were in the United Kingdom;

(*c*) for the purpose of any claim to receive a maternity grant or maternity allowance under that legislation, his wife shall be treated, while she is in Denmark, as if she were in the United Kingdom.

(2) Where a woman, being a national of either country, is employed in Denmark, and those provisions of the legislation of the United Kingdom which concern the payment of contributions apply to her in accordance with the provisions of paragraph (1) of Article 4 or paragraph (2) of Article 6 of the Convention, she shall be treated, for the purpose of any claim to receive a maternity grant or maternity allowance under that legislation, as if she were in the United Kingdom.

ARTICLE 8

The competent authorities of the two countries may agree to modify the provisions of Articles 4, 5 and 6 of the present Convention in relation to particular persons or classes of persons.

PART III.—BENEFIT

Danish Sickness Insurance

ARTICLE 9

(1) A national of the United Kingdom shall be entitled to join a Danish sickness fund under the same conditions as a national of Denmark; and the sickness fund shall provide medical benefit, sickness benefit, maternity allowances and death grants by virtue of his membership under the same conditions as would apply if he were a national of Denmark.

(2) Where a national of either country who is resident in Denmark can show—

(*a*) that, within the six months before he last became resident in Denmark, he has paid at least six contributions as an employed person or as a self-employed person under the legislation of the United Kingdom;

(*b*) that he has applied for membership of a Danish sickness fund within three months after he last became resident in Denmark; and

(*c*) that he satisfies any relevant conditions concerning the health of persons applying for membership of the sickness fund;

he shall be entitled to join the sickness fund without satisfying any condition concerning his age; and the sickness fund shall not impose a waiting period in connexion with any claim to receive medical benefit, sickness benefit or a death grant by virtue of his membership.

(3) For the purpose of any claim to receive a maternity allowance from a Danish sickness fund, a woman, being a member of the fund, to whom the provisions of paragraph (2) of this Article apply, shall be treated as if she had been a member of the fund during any week for which she has paid a contribution or had one credited to her as an employed person or as a self-employed person under the legislation of the United Kingdom.

United Kingdom Sickness Benefit

ARTICLE 10

Where a national of either country has, at any time since his last arrival in the United Kingdom, been liable to pay contributions as an employed person or as a self-employed person under the legislation of that country, he shall, for the purpose of any claim to receive sickness benefit under that legislation or to have contributions credited to him for a period of incapacity, be treated as if—

(*a*) he had paid a contribution as an employed person for any week during which he was insured for sickness benefit under the legislation of Denmark, and, if he is likely to remain permanently incapacitated for work, for any other week during which he was insured for invalidity pension under that legislation;

(*b*) he satisfied the contribution conditions for receiving sickness benefit under the legislation of the United Kingdom throughout the first six months after the time when he was last in Denmark, if at that time he would have been entitled, had he fallen ill, to receive sickness benefit under the legislation of Denmark.

United Kingdom Maternity Allowances

ARTICLE 11

Where a woman, being a national of either country, has, at any time since her last arrival in the United Kingdom, been liable to pay contributions as an employed person or as a self-employed person under the legislation of that country, she shall, for the purpose of any claim to receive a maternity allowance under that legislation or to have contributions credited to her while she is receiving such an allowance, be treated as if she had paid a contribution as an employed person for any week during which she has been insured for sickness benefit under the legislation of Denmark.

United Kingdom Death Grants

ARTICLE 12

For the purpose of any claim to receive a death grant under the legislation of the United Kingdom, a national of either country, who was paying contributions or receiving a retirement pension under that legislation immediately before the death for which the grant is claimed, shall be treated as if he paid a contribution under that legislation for every week for which he was insured for death grants under the legislation of Denmark concerning sickness insurance, unless a death grant is payable for the same death under that legislation by virtue of that insurance.

Sickness Benefit for Temporary Absence

ARTICLE 13

Where a national of either country would be entitled to receive sickness benefit under the legislation of one country if he were in that country, that benefit may, at the discretion of the insurance authority of that country, be paid to him, while he is in the other country, for such period as that authority may determine.

Medical Benefit for Temporary Visit

ARTICLE 14

(1) Where a national of either country, who is resident in Denmark, falls ill suddenly, meets with an accident or for any other reason is in urgent need of medical benefit, he shall be entitled to receive, if he is temporarily in the United Kingdom, the medical benefit of the United Kingdom under the same conditions as a national of that country who is ordinarily resident there.

(2) Where a national of either country, who is resident in the United Kingdom, falls ill suddenly, meets with an accident or for any other reason is in urgent need of medical benefit, he shall be entitled to receive, if he is temporarily in Denmark, the same medical benefit as is provided under the legislation of that country for a national of that country who is a member of a sickness fund.

(3) The provisions of paragraphs (1) and (2) of this Article shall cease to apply in any case where the national has become fit to travel home to the country in which he is resident and the authority of the other country responsible for providing the medical benefit is satisfied that, in all the circumstances of the case, it is unreasonable for him to postpone his journey.

(4) Where a national of either country has incurred medical expenses in Denmark in connexion with an injury or illness for which he is entitled to receive medical benefit in accordance with the provisions of paragraph (2) of this Article, he shall be entitled to recover a part or the whole of those expenses from the appropriate Danish sickness fund only if he gives notice of his illness or injury to that fund within two weeks of the date when he incurs those medical expenses and claims a refund of those expenses within six weeks of that date and before he next leaves Denmark.

(5) Where a national of either country who has received medical benefit for an injury or illness in accordance with the provisions of paragraph (2) of this Article becomes entitled to compensation from any person who is held to be responsible for the injury or illness, the sickness fund from which he received that medical benefit shall be entitled to claim reimbursement of the cost of the benefit out of the said compensation.

Benefit for Invalids

ARTICLE 15

(1) For the purpose of any claim to receive a pension under the legislation of Denmark concerning invalidity or an invalid's benefit under the legislation of

Denmark concerning public assistance, a national of the United Kingdom shall be treated as if he were a national of Denmark if—

(*a*) he has lived in that country continuously for a period of at least one year immediately before the date of the claim, and during that period has been capable of carrying on a gainful occupation for at least one year ; or

(*b*) he has lived in that country continuously for at least five years immediately before the date of the claim.

(2) For the purpose of any claim to receive surgical or medical appliances under the legislation of Denmark concerning invalidity insurance or to take advantage of arrangements established under that legislation for the medical and social rehabilitation of disabled persons, a national of the United Kingdom who is ordinarily resident in Denmark shall be treated as if he were a national of Denmark.

(3) A national of Denmark who is ordinarily resident in the United Kingdom shall be entitled, under the same conditions as a national of the United Kingdom who is ordinarily resident there—

(*a*) to receive surgical and medical appliances under the legislation of the United Kingdom specified in sub-paragraph (*a*) (iii) of paragraph (1) of Article 2 of the present Convention ; and

(*b*) to take advantage of the legislation of the United Kingdom specified in sub-paragraph (*a*) (v) of paragraph (1) of that Article.

Unemployment Benefit

ARTICLE 16

(1) Where a national of either country claims unemployment benefit under the legislation of the United Kingdom or applies for contributions to be credited to him for a period of unemployment, he shall be treated as if—

(*a*) he had paid a contribution as an employed person under that legislation for every week for which he has paid a contribution under the Danish scheme of unemployment insurance ;

(*b*) he satisfied the contribution conditions for receiving unemployment benefit under the legislation of the United Kingdom throughout the first six months after the time when he was last in Denmark, if at that time he would have been entitled, had he become unemployed and available for work, to receive unemployment benefit under the Danish scheme of unemployment insurance ;

(*c*) he had been resident in the United Kingdom during any period during which he was resident in Denmark.

(2) The Government of Denmark shall advise the Danish unemployment insurance funds that, where a national of either country belongs to an unemployment insurance fund, any contribution which he has paid as an employed person under the legislation of the United Kingdom shall be treated as if it were a contribution which he had paid to that fund.

United Kingdom Widow's Benefit and Guardian's Allowances

ARTICLE 17

(1) For the purpose of any claim to receive widow's benefit under the legislation of the United Kingdom, a woman, being a national of either country, shall, if—

(*a*) her husband had lived in the United Kingdom continuously for at least five years immediately before his death, or

(*b*) she has lived there continuously for at least five years immediately before the date of her claim,

be treated as if her husband had paid a contribution under that legislation for every week during which he was resident in Denmark.

(2) For the purpose of any claim to receive a guardian's allowance under the legislation of the United Kingdom, a child, being a national of either country, resident in the United Kingdom, shall, if one of his parents was resident in Denmark, be treated as if that parent had been insured under the legislation of the United Kingdom.

Danish Benefit for Widows, Orphans and Children having only One Parent

ARTICLE 18

(1) For the purpose of any claim to receive a widow's pension under the legislation of Denmark, a national of the United Kingdom shall be treated as if she were a national of Denmark if—

(*a*) her husband had lived continuously in Denmark for at least five years immediately before the date of his death, and she was then resident in Denmark, or

(*b*) she has lived continuously in Denmark for at least five years immediately before the date of her claim.

(2) For the purpose of any claim to receive, under the legislation of Denmark, an allowance in respect of an orphan or the child of a widow or widower, a national of the United Kingdom, being the parent of the child or the child himself, shall be treated as if he were a national of Denmark.

(3) For the purpose of any claim to receive, under the legislation of Denmark concerning public assistance, an advance payment of an allowance for the maintenance of a child having only one parent, a national of the United Kingdom, being the claimant or the child himself, shall be treated as if he were a national of Denmark.

Family Allowances

ARTICLE 19

(1) For the purpose of any claim to receive a family allowance under the legislation of the United Kingdom—

(*a*) a national of Denmark shall be treated as if he were a national of the United Kingdom;

(*b*) a national of either country whose place of birth is in Denmark shall be treated as if it were in the United Kingdom.

(2) For the purpose of any claim to receive a family allowance under the legislation of Denmark, a national of the United Kingdom shall be treated as if he were a national of Denmark.

Old Age Pensions

ARTICLE 20

(1) For the purpose of any claim to receive an old age pension under the legislation of the United Kingdom, a national of either country, who has lived in the United Kingdom continuously for at least five years immediately before the date of the claim, shall be treated as if he, or, in the case of a claim made by a married woman or widow by virtue of her husband's insurance, her husband, had paid a contribution under that legislation for every week during which he was resident in Denmark.

(2) Where the national claiming an old age pension under the legislation of the United Kingdom is a married woman claiming by virtue of her own insurance, the provisions of paragraph (1) of this Article shall not apply to her unless she has, since the date of her marriage, or, if she has been married more than once, since the date of her last marriage, paid one hundred and fifty-six weekly contributions under that legislation.

(3) Where the national claiming an old age pension under the legislation of the United Kingdom is a woman—

(*a*) whose marriage has been terminated by the death of her husband or otherwise;

(*b*) who has lived in the United Kingdom continuously for at least five years immediately before the date of the claim ; and

(*c*) who claims a pension by virtue of her own insurance and has chosen to have her husband's contributions taken into account ;

she shall be treated as if she or her husband had paid a contribution under that legislation for every week during which she or he, as the case may be, was resident in Denmark.

(4) A national of the United Kingdom shall, for the purpose of any claim to receive an old age pension under the legislation of Denmark, be treated as if he were a national of Denmark, provided that, immediately before the date of his claim—

(*a*) he has lived in Denmark continuously for at least five years, or

(*b*) he was receiving an invalidity pension under the legislation of Denmark.

Industrial Injuries and Diseases

ARTICLE 21

Where, under the legislation of one country concerning industrial injuries insurance, a national of either country would be entitled to receive any benefit if he were in that country, he shall be entitled to receive that benefit while he is in the other country.

ARTICLE 22

Where a national of either country has contracted an industrial disease and has been employed in both countries in occupations involving the risk of that disease, he shall, subject to the provisions of Articles 7 and 23 of the present Convention, be treated for the purpose of any claim to receive benefit for that disease under the legislation of the country in which he was last so employed before making that claim, as if he had been so employed only in that country, unless it can be proved that he had contracted the disease before he had become so employed in that country.

ARTICLE 23

Where a national of either country, who is receiving or has received any benefit for an industrial injury or disease under the legislation of one country, claims benefit for an industrial injury or disease under the legislation of the other country, account shall be taken of the former benefit as if it were or had been paid under the legislation of the latter country.

Beneficiary of one Country with Dependant in the Other

ARTICLE 24

(1) Where a national of either country, who is qualified to receive any benefit under the legislation of one country, would be qualified to receive an increase of that benefit for a dependant if the dependant were in that country, he shall be qualified to receive that increase while the dependant is in the other country.

(2) Where a national of either country would be entitled, under the legislation of the United Kingdom, to receive widow's benefit or benefit in respect of a death due to an industrial injury or disease if a child were in the United Kingdom or had been in that country at the time when one of his parents died or at any other specified time, that national shall be entitled to receive that benefit if the child, as the case may be, is in Denmark or was in that country at that time.

United Kingdom National Assistance

ARTICLE 25

For the purpose of applying any provision of the legislation specified in sub-paragraphs (*a*) (iv) and (*a*) (v) of paragraph (1) of Article 2 of the present Convention, a national of either country shall be treated as if he had been resident in the United Kingdom during any period during which he was resident in Denmark.

Meaning of "Resident"

ARTICLE 26

For the purpose of applying the provisions of Article 17 and paragraphs (1) and (3) of Article 20 of the present Convention, no account shall be taken of any period during which a person was resident in Denmark before he had reached the age of fifteen or after he had reached, or was deemed to have reached, pensionable age as defined in his case under the legislation of the United Kingdom.

Meaning of "Lived continuously"

ARTICLE 27

For the purpose of applying the provisions of the present Convention, a person shall be deemed to have lived continuously in one (or the other) country during any period, if he has not been absent from that country during that period except—

(*a*) in the case of sub-paragraph (*b*) of paragraph (1) of Article 15, of paragraph (1) of Article 17, and of paragraphs (1), (3) and (4) of Article 20 of the Convention, for any period not exceeding four months;

(*b*) in the case of sub-paragraph (*a*) of paragraph (1) of Article 15 of the Convention, for any period not exceeding one month;

(*c*) for other periods, if the competent authority of that country is satisfied, having regard to the duration of his residence in that country and the reasons for his absence from it, that those periods should be ignored;

but, in calculating the duration of any period during which he has lived continuously in that country, no account shall be taken of any period during which he was absent from it.

Absence from the United Kingdom

ARTICLE 28

A person shall not be qualified, by virtue of any of the provisions of Articles 17 and 20 of the present Convention, to receive benefit under the legislation of the United Kingdom for any period of absence from that country, unless during that period he remains resident in the United Kingdom.

United Kingdom Beneficiary in Denmark

ARTICLE 29

Subject to the provisions of Article 30 of the present Convention, a national of either country, who would be entitled to receive an old age pension or widow's benefit under the legislation of the United Kingdom if he or she were in that country, shall be entitled, while he or she is in Denmark, to receive that benefit, other than any part which is payable by virtue of any of the provisions of Articles 17 and 20 of the Convention, but the rate shall, where appropriate, be determined, if he or she is not resident in the United Kingdom, under those provisions of that legislation which concern the payment of benefit to persons who are not resident in the United Kingdom.

Duplicate Benefit for Old Age or Widowhood

ARTICLE 30

(1) For the purpose of determining the amount which a national of either country should receive by way of an old age pension or widow's pension under the legislation of Denmark, any old age pension or widow's benefit which he or she is entitled to receive under the legislation of the United Kingdom shall be ignored.

(2) Where a national of either country is in Denmark, and is entitled to receive an old age pension under the legislation of that country, he or she shall be entitled to receive under the legislation of the United Kingdom only any

amount by which the old age pension or widow's benefit which he or she would, but for this paragraph, have been entitled to receive under that legislation exceeds the old age pension which he or she is entitled to receive under the legislation of Denmark.

Claims made independently of the Convention

ARTICLE 31

Subject to the provisions of Articles 23 and 30 of the present Convention, any person claiming benefit under the legislation of either country may choose to have his claim determined without regard to the provisions of this Part of the present Convention.

PART IV.—MISCELLANEOUS PROVISIONS

ARTICLE 32

The competent authorities—

(i) shall make such administrative arrangements as may be required for the application of the present Convention ;

(ii) shall communicate to each other information regarding any measure taken by them for the application of the Convention ;

(iii) shall communicate to each other, as soon as possible, information regarding any changes, made under their national legislation, which affect the application of the Convention or any laws or regulations which extend insurance to new classes of persons or relate to a new branch of social security ;

(iv) shall furnish assistance to one another with regard to any matter relating to the application of the Convention.

ARTICLE 33

Where, under the provisions of the present Convention, any benefit is payable by an authority of one country to a person who is in the other country, the payment may, at the request of that authority, be made by an authority of the latter country as agent for the authority of the former country.

ARTICLE 34

No benefit paid under the legislation of one country by virtue of the present Convention shall be reimbursed out of the funds of the other country.

ARTICLE 35

(1) Any exception from, or reduction of, legal dues, charges and fees, provided for in the legislation of one country in connexion with the issue of any certificate or document required to be produced for the purpose of that legislation, shall be extended to certificates and documents required to be produced for the purposes of the legislation of the other country.

(2) Where any certificate or other document has to be produced to the competent authority of one (or the other) country for the purpose of applying the present Convention, that authority shall not require the certificate or other document to be legalised or auhenticated.

ARTICLE 36

Any claim, notice or appeal which should, for the purpose of the legislation of one country, have been presented within a prescribed period to an authority of that country, but which is in fact presented within the same period to the corresponding authority of the other country, shall be treated as if it had been presented to the authority of the former country. In such cases, the authority of the latter country shall, as soon as possible, arrange for the claim, notice or appeal to be sent to the competent authority of the former country.

ARTICLE 37

The competent authorities of the two countries may, for the purpose of applying the present Convention, correspond directly with one another, or with any person who has claimed any benefit by virtue of the Convention, or with his legal representative.

ARTICLE 38

(1) The competent authorities of the two countries shall endeavour to resolve by negotiation any disagreement relating to the interpretation or application of the present Convention.

(2) If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body, whose composition and procedure shall be agreed upon by the two Contracting Parties.

(3) The decision of the arbitral body shall be made in accordance with the principles and spirit of the present Convention and shall be final and binding.

ARTICLE 39

(1) No provision of the present Convention shall confer any right to receive any payment of benefit for a period before the date of the entry into force of the Convention.

(2) No provision of Part II of the Convention shall apply to any period during which a national of either country was employed before the date of the entry into force of the Convention.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, any benefit, other than a maternity grant, home confinement grant or death grant, shall be payable in accordance with the provisions of the Convention in respect of events which happened before the date of its entry into force; and such benefit shall be paid as from that date, if the claim therefor is submitted within three months of that date or within such longer period as may be prescribed in the legislation under which the benefit is claimed.

(4) Any period during which a national of either country was living in one (or the other) country or resident there or insured under the legislation of that country before the date of the entry into force of the Convention shall be taken into account for the purpose of determining his right to benefit in accordance with the provisions of the Convention.

(5) A national of the United Kingdom, who is resident in Denmark at the date of the entry into force of the Convention and has reached the age of fifty-nine years at that date, shall be treated, for the purpose of any claim to receive an old age pension under the legislation of Denmark, as if he were insured, at the date of his claim, under the legislation of Denmark concerning sickness insurance.

ARTICLE 40

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

ARTICLE 41

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Copenhagen as soon as possible. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

(2) The two Conventions on the payment of compensation or benefit in respect of industrial injuries which were signed in London on behalf of the Contracting Parties on the 15th December, 1953, and the 9th July, 1956, shall terminate on the

date of the entry into force of the present Convention, but any right acquired in accordance with the provisions of those Conventions shall be maintained.

ARTICLE 42

The present Convention shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

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

Done in duplicate at London this 27th day of August, 1959, in the English and Danish languages, both texts being equally authoritative.

SELWYN LLOYD.

JOHN BOYD-CARPENTER.

JUL. BOMHOLT.

BIRGER KRONMANN.

SECOND SCHEDULE

ORDER REVOKED

The National Insurance (Industrial Injuries) (Reciprocal Agreement with Denmark) Order, 1954(a), made at the Court of Saint James, the 29th day of April, 1954.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

This Order gives effect in England, Wales and Scotland to the Convention (set out in the First Schedule) made between the United Kingdom and Denmark in so far as it relates to the matters for which provision is made by the Family Allowances Acts, 1945 to 1959, the National Insurance Acts, 1946 to 1959, and the National Insurance (Industrial Injuries) Acts, 1946 to 1959.

(a) S.I. 1954/549 (1954 I, p. 1447).