1957 No. 856

The National Insurance and Industrial Injuries (Sweden) Order, 1957

Made - - - - 17th May, 1957

At the Court at Buckingham Palace, the 17th day of May, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Stockholm on the ninth day of June, nineteen hundred and fifty-six a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden on social security (which Convention is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 36 of the said Convention it was provided that the Convention should enter into force on the first day of the second month following the month in which the instruments of ratification had been exchanged:

And Whereas the said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Kingdom of Sweden and the instruments of ratification were exchanged on the 30th day of April, 1957, and accordingly the said Convention enters into force on the first day of June, 1957:

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

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

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Sweden) Order, 1957, and shall come into operation on the first day of June, 1957.

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

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62. (c) 52 & 53 Vict. c. 63.

Modification of Acts

2. The provisions contained in the Convention set out in the Schedule to this Order 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 Sweden for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946, and the National Insurance Acts, 1946 to 1956, and the National Insurance (Industrial Injuries) Acts, 1946 to 1956, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

W. G. Agnew.

SCHEDULE

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

Stockholm, June 9, 1956

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

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, while they are in one country, either to keep any rights which they have acquired under the legislation of the other country or to enjoy corresponding rights under the legislation of the former country,

Have agreed as follows:—

PART I—DEFINITIONS AND SCOPE

ARTICLE 1

For the purpose of the present Convention—

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

(*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 Sweden, a Swedish subject;

(*d*) "legislation" means, according to the context, the laws and regulations specified in Article 2 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, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Sweden, the King or any authority appointed by him for the purpose of the present Convention;

(*f*) "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;

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

(*h*) "dependant" means a person who is treated as such 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, and, in relation to Sweden, any medical benefit provided under the legislation specified in sub-paragraph (*b*) (i) of that paragraph and any benefit in cash or in kind provided under the legislation specified in sub-paragraphs (*b*) (ii)-(iv) 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*) "vessel" or "aircraft" means, in relation to the United Kingdom, a ship or vessel, registered in the United Kingdom, or any other ship or vessel defined as British for the purpose of the legislation of the United Kingdom, of which the owner (or managing owner, if there is more than one owner) or manager is resident in, or has his principal place of business in, the United Kingdom, or an aircraft registered in that country, of which the owner (or managing owner, if there is more than one owner) is resident in, or has his principal place of business in, that country, and, in relation to Sweden, a ship or vessel or aircraft registered in Sweden.

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;

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

(i) general sickness insurance;

(ii) medicines provided free of charge or at reduced prices;

(iii) Government schemes and Government-supported schemes for the prevention of invalidity and for the medical and vocational rehabilitation of disabled persons, including the deaf and dumb and the blind;

(iv) prophylactic care of mothers and children;

(v) maternity benefit and maternity assistance;

(vi) unemployment insurance;

(vii) national pensions;

(viii) allowances payable to widows and widowers who have children;

(ix) general family allowances and special family allowances payable in respect of the children of widows, invalids and others;

(x) industrial injuries insurance;

(xi) social assistance.

(2) Subject to the provisions of paragraph (3) of this Article, the Convention shall also apply to any law 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 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.

PART II—GENERAL PROVISIONS

ARTICLE 3

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.

ARTICLE 4

(1) If a national of either country, not ordinarily resident in Sweden, 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 Sweden—

(*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 Sweden shall not apply to him;

(*c*) he shall be entitled to receive the medical benefit of Sweden in accordance with the provisions of Article 9.

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

(*a*) the legislation of Sweden specified in sub-paragraphs (*b*) (i), (*b*) (v), and (*b*) (vii)-(x) of paragraph (1) of Article 2 shall apply to him;

(*b*) those provisions of the legislation of the United Kingdom which concern the payment of contributions shall not apply to him;

(*c*) he shall be entitled to receive the medical benefit of the United Kingdom in accordance with the provisions of Article 9.

(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 paragraph (2) of this Article and of Article 9, where a national of one country is employed on board a vessel or aircraft of the other country, the legislation of the latter country shall not apply to him, unless he is resident in that country.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article—

(*a*) the legislation of Sweden concerning industrial injuries insurance shall apply to a national of the United Kingdom who is employed on board a vessel of Sweden, or to such a national, resident in Sweden, who is employed on board an aircraft of Sweden,

(*b*) the legislation of the United Kingdom concerning industrial injuries insurance shall apply to a national of either country, resident in Sweden, who is employed on board a vessel or aircraft of the United Kingdom.

(3) 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.

(4) 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) A national of one country who is employed in the other country in the Government service of the former country, or of any third country, or a person who is in the private service of a national of the former country so employedT, shall be entitled, together with his dependants, to receive the same medical benefit as is provided under the legislation of the latter country for a national of that country who is resident there.

(2) Subject to the provisions of paragraph (1) of this Article, the present Convention shall not apply to established members of the Foreign Service of the United Kingdom.

(3) Subject to the provisions of paragraph (2) of this Article, where a national of the United Kingdom is employed in Sweden in the Government service of the United Kingdom and is not permanently settled in Sweden, or any person is employed in the private service of such a national so employed and is not so settled, 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 the corresponding provisions of the legislation of Sweden shall not apply to him.

(4) Where a national of Sweden is employed in the United Kingdom in the Government service of Sweden, or is in the private service of a national of Sweden so employed, the legislation of Sweden specified in sub-paragraphs (*b*) (i), (*b*) (v) and (*b*) (vii)–(x) of paragraph (1) of Article 2 shall apply to him, and those provisions of the legislation of the United Kingdom which concern the payment of contributions shall not apply to him; provided that the provisions of this paragraph shall not apply to an honorary consul or to anyone who is in the service of an honorary consul and remunerated by him.

(5) Subject to the provisions of paragraphs (2), (3) and (4) of this Article, where a national of either country is employed in one country in the Government service of the other country, or any 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 and, for this purpose, he shall be treated as if he were resident in that country.

ARTICLE 7

Where a national of either country is employed in Sweden, 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 (3) of Article 6—

(*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 Sweden, 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 Sweden, he shall be treated as if that employment were insurable and as if the accident had occurred or the disease had been contracted in the United Kingdom, and, if his wife is in Sweden, 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 Sweden, 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 in relation to particular persons or classes of persons.

PART III—BENEFIT

Medical Benefit

ARTICLE 9

(1) A national of Sweden, who is resident in either country, shall be entitled to receive, while he is in the United Kingdom, the medical benefit provided under United Kingdom legislation under the same conditions as a national of that country who is resident there.

(2) A national of the United Kingdom, who is a member of a Swedish sickness fund, shall be entitled to receive, whether he is in Sweden or elsewhere, the medical benefit of Sweden under the same conditions as a national of that country.

(3) A national of the United Kingdom, who is resident in either country, and is not a member of a Swedish sickness fund, shall be entitled to receive, while he is in Sweden, the same medical benefit as is provided under the legislation specified in sub-paragraphs (*b*) (i), (*b*) (ii) and (*b*) (iv) of paragraph (1) of Article 2 for a national of Sweden who is resident in that country.

Sickness Benefit

ARTICLE 10

(1) Where a national of either country has, since his last arrival in the United Kingdom, become liable to pay contributions as an employed or self-employed person under the legislation of that country, but has not, since that arrival, received sickness benefit under that legislation for six hundred and twenty-four days in any period of interruption of employment as defined by that legislation, he shall, for the purpose of any claim to receive sickness benefit under that legislation, be treated as if—

(*a*) he had so paid a contribution for every week during which he was resident in Sweden and gainfully occupied;

(*b*) he had had a contribution so credited to him for every week during which he was resident in Sweden and prevented by illness or unemployment from being gainfully occupied;

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

(2) Subject to the provisions of paragraph (3) of Article 6, a national of the United Kingdom who is resident in Sweden shall, for the purpose of any claim to receive sickness benefit under the legislation of Sweden, be treated as if he were a national of Sweden.

(3) 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, he shall, subject to the approval of the competent authority of that country, be entitled to receive that benefit for any period during which he is temporarily in the other country.

Maternity Benefit

ARTICLE 11

(1) Where a woman, being a national of either country, who has been resident in Sweden, is confined in the United Kingdom, and has received no maternity grant or maternity allowance in respect of her confinement under the legislation of Sweden, and she or her husband is liable to pay contributions under the legislation of the United Kingdom, she shall be treated for the purpose of a claim to receive a maternity grant or home confinement grant under that legislation 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 Sweden; and, if she receives a maternity grant under that legislation, she shall receive no maternity grant in respect of that confinement under the legislation of Sweden.

(2) A woman, being a national of the United Kingdom, who is confined in Sweden and has not received a maternity grant in respect of her confinement under the legislation of the United Kingdom, shall be entitled, under the legislation of Sweden, to receive a maternity grant and maternity assistance under the same conditions as a woman who is a national of Sweden; and, if she receives a maternity grant under that legislation, she shall not be entitled to receive a maternity grant in respect of that confinement under the legislation of the United Kingdom.

(3) The provisions of paragraph (2) of this Article shall not apply to a woman who is entitled to a maternity grant or maternity allowance by virtue of the provisions of Article 7.

Unemployment Benefit

ARTICLE 12

(1) Where a national of either country claims unemployment benefit under the legislation of the United Kingdom, 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 Swedish scheme of unemployment insurance;

(*b*) he had had a contribution so credited to him for every week during which he was insured under the Swedish scheme of unemployment insurance and prevented by illness or unemployment from being employed;

(*c*) 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 Sweden, if at that time he would have been entitled, had he become unemployed and available for work, to receive unemployment benefit under the Swedish scheme of unemployment insurance;

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

(2) The Government of Sweden undertake to advise the Swedish competent authority and the Swedish unemployment insurance funds that, where a national of either country belongs to an unemployment insurance fund, any contributions which he has paid as an employed person under the legislation of the United Kingdom shall be treated as if they were contributions which he has paid to that fund.

Old Age Pensions

ARTICLE 13

(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 Sweden.

(2) Where the national claiming an old age pension is a married woman or widow 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, paid one hundred and fifty-six contributions under the legislation of the United Kingdom.

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

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

(*b*) he was receiving, under the legislation of Sweden, an invalidity pension, sickness allowance, widow's pension or one of the allowances paid to widows and widowers who have children.

Benefits for Invalids

ARTICLE 14

(1) Where a national of either country has, since his last arrival in the United Kingdom, paid at least fifty-two contributions as an employed or self-employed person under the legislation of that country, and has, since that arrival, received sickness benefit under that legislation for six hundred and twenty-four days in any period of interruption of employment as defined by that legislation, he shall, for the purpose of any claim to receive further sickness benefit, be treated as if he had so paid a contribution for every week during which he was resident in Sweden and gainfully occupied.

(2) For the purpose of any claim to receive an invalidity pension or sickness allowance under the legislation of Sweden, a national of the United Kingdom shall be treated as if he were a national of Sweden, if 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.

Widow's Benefit and Widower's Benefit

ARTICLE 15

(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 continously 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 Sweden.

(2) Where a woman would be entitled to receive widow's benefit under the legislation of the United Kingdom if her child were in that country, she shall be entitled to receive that benefit if the child is in Sweden.

(3) For the purpose of any claim to receive, under the legislation of Sweden, a widow's pension or an allowance payable to a widow or widower who has children, a national of the United Kingdom shall be treated as if she or he, as the case may be, were a national of Sweden, if—

(*a*) the deceased husband or wife of the national had lived in Sweden continuously for at least five years immediately before death or was then receiving an invalidity pension or sickness allowance under the legislation of Sweden. and the national was then living in Sweden, or

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

Allowance for Children

ARTICLE 16

(1) 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 Sweden, be treated as if that parent had been insured under the legislation of the United Kingdom.

(2) Where the father or mother of a child is or was a national of the United Kingdom or the child himself is such a national, the child shall be entitled to general family allowances under the legislation of Sweden, if he is resident in Sweden and maintained by a person who is civilly registered (mantalsskriven) in Sweden.

(3) Where a child, who is a national of the United Kingdom, is resident in Sweden, he shall be treated as if he were a national of Sweden for the purpose of any claim to receive, under the legislation of Sweden, special family allowances payable in respect of the children of widows, invalids and others.

Industrial Injuries and Diseases

ARTICLE 17

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 18

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 19, 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, as if he had been so employed only in that country.

ARTICLE 19

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.

Meaning of "Resident"

ARTICLE 20

For the purpose of applying the provisions of paragraph (1) of each of the Articles 10, 11, 13, 14, 15 and 16, no account shall be taken of any period during which a person was resident in Sweden before he reached the age of sixteen or after he has reached, or is deemed to have reached, pensionable age as defined in his case under the legislation of the United Kingdom.

Meaning of "Live continuously"

ARTICLE 21

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 Articles 13 and 15, for any period not exceeding four months;

(*b*) in the case of Article 14, 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 22

(1) A person shall not be qualified, by virtue of the provisions of paragraph (1) of any of the Articles 13, 15 and 16, to receive benefit for any period of absence from the United Kingdom, unless during that period he remains resident in the United Kingdom.

(2) A person shall not be qualified, by virtue of the provisions of paragraph (1) of Article 16, to receive a guardian's allowance in respect of a child for any period of that child's absence from the United Kingdom, unless during that period the child remains resident in the United Kingdom.

United Kingdom Beneficiary in Sweden

ARTICLE 23

Subject to the provisions of Article 24, 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, other than a benefit payable wholly or partly by virtue of the provisions of paragraph (1) of Article 13 or paragraph (1) of Article 15, shall be entitled to receive that benefit, while he or she is in Sweden, at a rate which shall 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 24

Where a national of either country is in one country, and is entitled to receive an old age pension or widow's benefit under the legislation of that country, he or she shall be entitled to receive under the legislation of the other country 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 benefit which he or she is entitled to receive under the legislation of the former country.

Claims made Independently of the Convention

ARTICLE 25

Subject to the provisions of Articles 11, 19 and 24, 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 26

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;

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

ARTICLE 27

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 28

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 29

Where a national of either country who is in one country has claimed benefit under the legislation of the other country, the competent authority of the former country, at the request of the competent authority of the latter country, shall arrange, at its own expense, for him to be medically examined.

ARTICLE 30

(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 authenticated.

ARTICLE 31

Any claim, notice or appeal which should, for the purposes 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 32

The competent authorities of the two countries may, for the purpose or 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 33

(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 34

(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 or home confinement 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.

(4) Any period during which a national of either country was living in one (or the other) country or resident there or civilly registered (mantalsskriven) there or insured under the legislation of that country before the date of 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.

ARTICLE 35

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 36

The present Convention shall be ratified and the instrument of ratification shall be exchanged at London 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.

ARTICLE 37

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 and affixed thereto their seals.

Done in duplicate at Stockholm this ninth day of June, 1956, in the English and Swedish languages, both texts being equally authoritative.

(L.S.) SELWYN LLOYD. (L.S.) R. M. A. HANKEY.

(L.S.) ÖSTEN UNDÉN.

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 Schedule) made between the Governments of the United Kingdom and of Sweden and modifies the National Insurance Acts, 1946 to 1956, and the National Insurance (Industrial Injuries) Acts, 1946 to 1956, in their application to persons affected by that Convention.