given in writing by the Minister or the Committee at least six months before the expiration of any such yearly period.

Given under the official seal of the Minister of Pensions and National Insurance this 13th day of May, 1954.

(L.S.) *Osbert Peake,*
Minister of Pensions and National Insurance.

Signed on behalf of the Insular Insurance Committee this 4th day of May, 1954, and authorised by Act of States of Jersey dated the 28th day of April, 1954.

F. de L. Bois,
Greffier of the States.

EXPLANATORY NOTE

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

This Order gives effect in Great Britain to the Agreement on Social Insurance (set out in the Schedule to the Order) made between the Minister of Pensions and National Insurance and the Insular Insurance Committee with the consent of the States of Jersey, and modifies the National Insurance Acts, 1946 to 1953, and the National Insurance (Industrial Injuries) Acts, 1946 to 1953, in their application to persons affected by that Agreement.

1954 No. 641

The National Insurance and Industrial Injuries (Switzerland) Order, 1954

Made - - - -	13*th May,* 1954
Coming into Operation	1*st June,* 1954

At the Court of Saint James, the 13th day of May, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.
His Royal Highness The Duke of Gloucester.

Lord President	**Sir Walter Monckton**
Earl Alexander of Tunis	**Mr. Macleod**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United

Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

And Whereas at Berne on the sixteenth day of January, nineteen hundred and fifty-three, a Convention and Protocol between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Switzerland on social insurance (which Convention and Protocol are set out in the Schedule hereto) were signed on behalf of those Governments:

And Whereas by Article 23 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 by Article 5 of the said Protocol it was provided that the Protocol should enter into force on the day when the said Convention entered into force:

And Whereas the said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of Switzerland, and the instruments of ratification were exchanged on the twenty-eighth day of April, nineteen hundred and fifty-four, and accordingly the said Convention and the said Protocol enter into force on the first day of June, nineteen hundred and fifty-four:

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 Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret and His Royal Highness The Duke of Gloucester, being authorised thereto by the said Letters Patent, and 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 in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf 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 (Switzerland) Order, 1954, and shall come into operation on the 1st June, 1954.

(2) The Interpretation Act, 1889(c), 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 and in the Protocol set out in the Schedule hereto shall, as from the 1st June, 1954, have full force and effect so far as the same relate to England, Wales and Scotland, and the National Insurance Acts, 1946 to 1953, and the National Insurance (Industrial Injuries) Acts, 1946 to 1953, 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.

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

SCHEDULE

CONVENTION ON SOCIAL INSURANCE BETWEEN THE UNITED KINGDOM AND SWITZERLAND

Berne, 16th January, 1953

The Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council,

Being resolved to co-operate in the social field,

Desirous of giving effect, so far as possible, to the principle that the nationals of one Contracting Party should receive under the social insurance legislation of the other equal treatment with the nationals of the latter,

Desirous further of making arrangements enabling their nationals who go from the territory of one Party to the territory of the other to keep the rights which they have acquired under the legislation of the former Party.

Have agreed as follows:—

PART I.—DEFINITIONS AND GENERAL PROVISIONS

Article 1

For the purpose of the present Convention,

(1) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and in relation to Switzerland, the territory of the Swiss Confederation;

(2) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Switzerland, a person having Swiss nationality;

(3) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;

(4) "competent authority" means, in relation to the United Kingdom, the Minister of National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Switzerland, the Federal Office of Social Insurance;

(5) "social insurance authority" means, in relation to the United Kingdom, the Minister of National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, as the case may require, and, in relation to Switzerland, the appropriate Swiss compensation institution for old age and survivors insurance or the Swiss Federal Institution for Accident Insurance, as the case may require;

(6) "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;

(7) "dependant" means a person who would be treated as such for the purpose of any claim to receive an additional allowance under the legislation which is being applied;

(8) "benefit" and "pension" mean, according to the context, any benefit or pension provided under the legislation of one (or the other) Party, other than a transitional pension provided under the legislation of Switzerland concerning old age and survivors insurance, and include any increase in the benefit or pension and any additional allowances payable therewith;

(9) "benefit in respect of widowhood or orphanhood" does not include any benefit payable under the legislation of the United Kingdom concerning industrial injuries insurance or any benefit payable under the legislation of Switzerland concerning accident insurance;

(10) "old age pension" means, in relation to the United Kingdom, an old age pension or retirement pension, as defined in the legislation of the United Kingdom.

Article 2

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

(*a*) in relation to Switzerland, to

(i) the Federal Old Age and Survivors Insurance Act of the 20th December, 1946,

(ii) the provisions of the Federal Sickness and Accidents Insurance Act of the 13th June, 1911, which concern insurance against accidents, industrial accidents and industrial diseases,

(*b*) 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.

(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 to laws and regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement on social security, only if the Contracting Parties so decide.

Article 3

Subject to the provisions of Article 9, a national of one Contracting Party shall be entitled to receive the benefits of the legislation of the other Party under the same conditions as if he were a national of the latter Party.

Article 4

(1) Subject to the provisions of paragraphs (2), (3), (4) and (5) of this Article and of Articles 5 and 7, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall apply to him, even if he is ordinarily resident in the territory of the other Party, and even if his employer or the principal place of business of the undertaking which employs him is in the latter territory.

(2) Where an employed person, in the service of an employer who has his principal place of business in the territory of one Party, is sent by that employer to the territory of the other Party, the legislation of the former Party shall continue to apply to him as if he were employed in its territory, provided that his employment in the latter territory is not expected to last for a period of more than twelve months. If his employment in the latter territory should continue after such period of twelve months, the legislation of the former Party shall continue to apply to him for any further period of not more than twelve months, provided that the competent authority of the latter Party agrees thereto before the end of the first period of twelve months.

(3) Where a person is employed by a transport undertaking on road or rail vehicles in the territory of one (or the other) Party, the legislation of the Party in whose territory the transport undertaking has its principal place of business shall apply to him, as if he were employed in that territory, and as if any conditions relating to residence or domicile were satisfied in his case.

(4) (*a*) Subject to the provisions of sub-paragraph (*b*) of this paragraph, where a person, ordinarily resident in the territory of either Party, is employed as a member of the crew of an aircraft registered in the territory of the United Kingdom, the legislation of the United Kingdom shall apply to him as if any conditions relating to residence or domicile were satisfied in his case.

(*b*) Where a person is employed as a member of the crew of an aircraft which is managed by an air transport undertaking whose principal place of business is in Switzerland, the legislation of Switzerland shall apply to him.

(*c*) Where a person to whom the provisions of sub-paragraphs (*a*) and (*b*) of this paragraph do not apply is ordinarily resident in the territory of one Party, is in the service of an air transport undertaking whose principal place of business is in that territory, and is employed in the territory of the other Party, the legislation of the former Party shall apply to him as if he were employed in its territory.

(5) Subject to the provisions of sub-paragraph (*b*) of paragraph (4) of this Article, where a person, ordinarily resident in the territory of the United Kingdom and in the service of some person or undertaking having a place of business in that territory, is employed on board an aircraft which is owned by a person or undertaking whose principal place of business is in the territory of Switzerland, the legislation of the United Kingdom shall apply to him as if the aircraft were registered in the territory of the United Kingdom and owned by a person or undertaking whose principal place of business is in that territory.

Article 5

(1) The present Convention shall not apply to established members of the Foreign Service of either Contracting Party.

(2) Subject to the provisions of paragraph (1) of this Article, where a national of one Party is employed in its government service in the territory of the other Party and is not ordinarily resident in that territory, the legislation of the former Party shall apply to him as if he were employed in its territory.

(3) The competent authorities may provide by agreement that, where a person is employed by an official body of one Contracting Party in the territory of the other Party, the legislation of the former Party shall apply to him as if he were employed in its territory.

Article 6

(1) Where a person is employed in the territory of the United Kingdom, and the legislation of Switzerland applies to him in accordance with the provisions of paragraphs (2) or (3) or sub-paragraph (*c*) of paragraph (4) of Article 4 or of paragraphs (2) or (3) of Article 5, he shall be treated for the purpose of any right to receive benefit under that legislation for an accident, industrial accident or industrial disease as if the accident or industrial accident had occurred or the disease had been contracted in the territory of Switzerland.

(2) Where a person is employed in the territory of Switzerland, and the legislation of the United Kingdom applies to him in respect of that employment, in accordance with the provisions of paragraphs (2) or (3) or sub-paragraph (*c*) of paragraph (4) of Article 4 or of paragraphs (2) or (3) of Article 5, he shall be treated,

(*a*) for the purpose of any right to receive sickness or maternity benefit under that legislation, as if he were in the territory of the United Kingdom;

(*b*) for the purpose of any right to receive benefit under that legislation for an industrial accident occurring or an industrial disease contracted in the course of such employment as if the accident had occurred or the disease had been contracted in the territory of the United Kingdom.

Article 7

The competent authorities of the two Contracting Parties may provide by agreement that the provisions of Articles 4 and 5 shall not apply in particular cases.

PART II.—PROVISIONS CONCERNING BENEFITS

Article 8

(1) Where, under the legislation of one Contracting Party, a national of either Party would be entitled to receive an old age pension or any benefit in respect of widowhood or orphanhood or in respect of an industrial accident or industrial disease, if he were resident in the territory of that Party, he shall be entitled to receive that pension or benefit while he is resident in the territory of the other

Party, provided that, in the case of a benefit in respect of orphanhood paid under the legislation of the United Kingdom, the person by virtue of whose insurance the benefit is claimed has paid contributions under that legislation in respect of a total period of at least five years.

(2) The provisions of paragraph (1) of this Article shall apply to benefits payable under the legislation of Switzerland in respect of accidents other than industrial accidents.

(3) Where, under the legislation of one Party, a national of either Party, who is entitled to receive an old age pension or any benefit in respect of widowhood or in respect of an industrial accident or industrial disease, would be entitled to receive also an allowance for a dependant if the dependant were in the territory of that Party, he shall be entitled to receive that allowance if the dependant is in the territory of the other Party.

(4) Where, under the legislation of one Party, a national of either Party, who has the care of a child, would be entitled on that account to receive any benefit in respect of orphanhood or in respect of industrial accident or industrial disease if the child were in the territory of that Party, he shall be entitled to receive that benefit if the child is in the territory of the other Party.

(5) For the purpose of applying this Article, effect shall be given to the provisions of Article 20.

Article 9

(1) A national of the United Kingdom, who is insured or has been insured under the legislation of Switzerland concerning old age and survivors insurance, shall be entitled to receive an old age pension under that legislation only if, on the 1st January or the 1st July next following his sixty-fifth birthday,

(*a*) he has paid contributions under the legislation in respect of a total period of at least five years, or

(*b*) he has been continuously resident in the territory of Switzerland during the previous five years, has been resident there during a total period of at least ten years, and has paid contributions during that period under the legislation of Switzerland concerning old age and survivors insurance in respect of a total period of at least one year.

(2) On the death of a national of the United Kingdom who has been insured under the legislation of Switzerland concerning old age and survivors insurance, benefit shall be paid under that legislation in respect of widowhood or orphanhood only if, at the date of his death, he satisfied the conditions specified in either sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (1).

Article 10

(1) Where a national of either Contracting Party, who has been insured for old age pensions and benefits in respect of widowhood and orphanhood under the legislation of both Parties, either

(i) reaches the age of sixty-five and, on the 1st January or the 1st July next following his sixty-fifth birthday, satisfies the contribution conditions for receiving an old age pension under the legislation of the United Kingdom, but does not satisfy the contribution conditions for receiving an old age pension under the legislation of Switzerland, account being taken of the provisions of the present Convention, or

(ii) dies, leaving a widow, and, at the date of his death, satisfies the contribution conditions subject to which benefit can be paid in respect of widowhood under the legislation of the United Kingdom, but does not satisfy the contribution conditions subject to which benefit can be paid in respect of widowhood under the legislation of Switzerland, account being taken of the provisions of the present Convention, or

(iii) dies, leaving orphans on whose account benefit in respect of orphanhood can be paid under the legislation of the United Kingdom, but not under the legislation of Switzerland, account being taken in both cases of the provisions of the present Convention,

(*a*) the total amount of all the contributions which have been paid by or in respect of him under the legislation of Switzerland concerning old age and survivors insurance shall be transferred to the appropriate National Insurance Fund established under the legislation of the United Kingdom;

(*b*) he shall be treated, for the purpose of any claim to receive an old age pension or benefit in respect of widowhood or orphanhood under the legislation of the United Kingdom, as having paid contributions as an employed person under that legislation in respect of periods which shall be determined, as far as possible, so as to coincide with the periods in respect of which he paid contributions under the legislation of Switzerland concerning old age and survivors insurance;

(*c*) he or his widow or orphans, as the case may be, shall be entitled to receive from the said Fund the amount, if any, by which the amount specified in sub-paragraph (*a*) of this paragraph exceeds the total amount of all the contributions which he is treated, in accordance with the provisions of sub-paragraph (*b*) of this paragraph, as having paid under the legislation of the United Kingdom.

(2) In any case where contributions have been transferred in accordance with the provisions of paragraph (1) of this Article to a National Insurance Fund established under the legislation of the United Kingdom, no benefit shall be paid by virtue of those contributions under the legislation of Switzerland concerning old age and survivors insurance.

Article 11

(1) Where a national of either Contracting Party, who has been insured for old age pensions and benefits in respect of widowhood and orphanhood under the legislation of both Parties, either

(i) reaches the age of sixty-five and, on the 1st January or the 1st July next following his sixty-fifth birthday, satisfies the contribution conditions for receiving an old age pension under the legislation of Switzerland, account being taken of the provisions of the present Convention, but does not satisfy the contribution conditions for receiving an old age pension under the legislation of the United Kingdom, or

(ii) dies, leaving a widow, and, at the date of his death, satisfies the contribution conditions subject to which benefit can be paid in respect of widowhood under the legislation of Switzerland, account being taken of the provisions of the present Convention, but does not satisfy the contribution conditions subject to which benefit can be paid in respect of widowhood under the legislation of the United Kingdom, or

(iii) dies, leaving orphans on whose account benefit in respect of orphanhood can be paid under the legislation of Switzerland, but not under the legislation of the United Kingdom, account being taken in both cases of the provisions of the present Convention,

(*a*) he or his widow or orphans, as the case may be, shall be entitled to receive supplementary allowances determined by the social insurance authority of Switzerland, provided that the total amount of these allowances shall not exceed the total amount of the contributions paid under the legislation of the United Kingdom;

(*b*) the total cost of the supplementary allowances which are paid in accordance with the provisions of sub-paragraph (*a*) of this paragraph shall be borne by the appropriate National Insurance Fund established under the legislation of the United Kingdom.

(2) In any case where a supplementary allowance has been paid in accordance with the provisions of paragraph (1) of this Article, no old age pension or benefit in respect of widowhood or orphanhood shall be paid under the legislation of the United Kingdom by virtue of the insurance of the national concerned.

(3) A national of either Party may, at the time when he becomes entitled to receive supplementary allowances in accordance with the provisions of paragraph (1) of this Article, choose not to take advantage of those provisions. In that case he shall be entitled, if he wishes, to take advantage of those provisions at a later date.

(4) For the purpose of applying paragraph (1) of this Article, effect shall be given to the provisions of Article 20.

Article 12

In calculating, for the purposes of paragraph (1) of Article 10 and paragraph (1) of Article 11, the amount of a contribution paid or treated as paid by an insured person under the legislation of the United Kingdom, account shall be taken of that portion of the contribution paid or treated as paid by the insured person and, if he is an employed person, by his employer, which is allocated to old age pensions and benefits in respect of widowhood and orphanhood.

Article 13

(1) Where, under the provisions of the present Convention, any cash benefit is payable by the social insurance authority of one Contracting Party to a person who is resident in the territory of the other Party, the payment may be made by the social insurance authority of the latter Party as agent for the authority of the former Party in accordance with any arrangements which may be made by the competent authorities of the two Parties.

(2) Where payment of any benefit is made by the social insurance authority of one Party as agent for the social insurance authority of the other in accordance with the provisions of paragraph (1) of this Article, payment may be made, except in the case of a lump sum, in arrear at intervals of two months.

PART III.—MISCELLANEOUS PROVISIONS

Article 14

The competent authorities

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

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

(3) 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.

Article 15

(1) The competent authorities and the social insurance authorities of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of the present Convention as if the matter were one affecting the application of their own national legislation.

(2) The competent authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of the present Convention.

Article 16

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

(2) Where any certificate or other document has to be produced to the competent authority or social insurance authority of one (or the other) Party for the purpose of applying the present Convention, that authority shall not require the certificate or other document to be legalized by a diplomatic or consular authority.

Article 17

(1) Any claim, notice or appeal which should, for the purposes of the legislation of one Contracting Party, have been presented within a prescribed period to the social insurance authority of that Party, but which is in fact presented within the same period to the social insurance authority of the other Party, shall be treated as if it had been presented to the social insurance authority of the former Party. In such cases, the social insurance authority of the latter Party shall, as soon as possible, send the claim, notice or appeal to the social insurance authority of the former Party.

(2) Any appeal which should, for the purposes of the legislation of Switzerland, have been presented within a prescribed period to a tribunal specified in that legislation, but which is in fact presented within the same period to a tribunal established under the legislation of the United Kingdom, shall be treated as if it had been presented to the former tribunal. In such cases, the social insurance authority of the United Kingdom shall, as soon as possible, send the appeal to the social insurance authority of Switzerland, which shall send it to the appropriate tribunal.

(3) Any appeal which should, for the purposes of the legislation of the United Kingdom, have been presented within a prescribed period to a tribunal established under that legislation, but which is in fact presented within the same period to a tribunal specified in the legislation of Switzerland, shall be treated as if it had been presented to the former tribunal. In such case, the latter tribunal shall, as soon as possible, send the appeal through the social insurance authority of Switzerland to the social insurance authority of the United Kingdom.

Article 18

The amount of any benefit due in accordance with the provisions of the present Convention shall be calculated in the currency of the Contracting Party whose social insurance authority is responsible for such benefit.

Article 19

(1) The competent authorities of the Contracting Parties 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 Parties, or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of either Party by the President of the International Court of Justice.

(3) The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of the present Convention and shall be final and binding.

PART IV.—TRANSITIONAL AND FINAL PROVISIONS

Article 20

(1) In any case where a national of either Contracting Party left the territory of the United Kingdom before the 5th July, 1948, and had previously received one or more payments of old age pension under the legislation of the United Kingdom, he shall be entitled, if he is in the territory of Switzerland, to receive such a pension at the appropriate rate prescribed in paragraph (3) of this Article, and on the same conditions as if he were in the former territory; and the wife of that national, if she is in the territory of Switzerland, shall be entitled to receive such a pension at the appropriate rate prescribed in the said paragraph (3), and on the same conditions as if she were in the former territory.

(2) In any case where a national of either Party left the territory of the United Kingdom before the 5th July, 1948, and would have been able, but for his absence from that territory, to receive, before that date, payments of old age pension under the said legislation, he shall be entitled to receive such a pension

on the conditions set out in paragraph (1) of this Article, provided that one or more contributions in respect of insurance for such a pension have been paid since the 1st July, 1940, by or in respect of him (or, in the case of a pension the right to which is acquired by a married woman by virtue of her husband's insurance, by or in respect of her husband).

(3) The rate of pension payable under the provisions of paragraphs (1) and (2) of this Article shall be determined as follows:—

(*a*) if the pension was paid before the national left the territory of the United Kingdom, the rate shall be the rate applicable in that territory at the time when the pension was last paid;

(*b*) if the pension was not paid before the national left the said territory by reason of delay in making, or failure to make, a claim, the rate shall be the rate of pension which the person was entitled to receive immediately before leaving the said territory;

(*c*) if the pension was not paid before the national left the said territory because the national (or her husband, as the case may be) had not then attained pensionable age, the rate shall be the rate at which the pension would have been paid had the national remained in the said territory until the national (or her husband, as the case may be) attained that age.

If at any time the rates of old age pensions, awarded under the legislation of the United Kingdom before the 1st October, 1946, and payable to pensioners resident outside the United Kingdom, are generally increased, similar increases will be applied from the same date to such pensioners resident in the territory of Switzerland.

(4) Where a national of either Party, insured under the legislation of the United Kingdom, left the territory of the United Kingdom before the 5th July, 1948, and attained pensionable age after that date, he or his wife shall be entitled to have any contribution, which was paid after the 1st July, 1940, in respect of him under that legislation, taken into account for the purpose of determining his or her rights under the present Convention, provided that, within the period during which he was regarded under that legislation as having continued to be insured, he became insured and continued to be insured until the 5th July, 1948, under the legislation of Switzerland.

Article 21

(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) Subject to the provisions of paragraph (1) of this Article, benefit, other than lump sum payments, 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, for this purpose any benefit which has been determined shall, where necessary, be determined afresh.

(3) Any benefit which is payable in accordance with the provisions of paragraph (2) of this Article shall be paid or determined and paid, as the case may be, as from the date of the entry into force of the Convention, provided that, in the case of any benefit which is payable under the legislation of the United Kingdom, the claim therefor is submitted and any relevant notice of retirement is given within twelve months of that date.

(4) Any contribution which a national of either Party has paid before the date of the entry into force of the Convention shall be taken into account for the purpose of determining the right to receive benefit in accordance with the provisions of the Convention.

(5) For the purpose of applying this Article, effect shall be given to the provisions of Article 20.

Article 22

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 23

The present Convention shall be ratified and the instruments of ratification shall be exchanged in 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 24

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 Berne, this 16th day of January, 1953, in the English and French languages, both texts being equally authoritative.

For the United Kingdom: (L.S.) P. SCRIVENER.

For Switzerland: (L.S.) SAXER.

PROTOCOL CONCERNING THE CONVENTION ON SOCIAL INSURANCE BETWEEN THE UNITED KINGDOM AND SWITZERLAND

Berne, 16th January, 1953

At the time of signing the Convention on Social Insurance of this day's date on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and of the Swiss Federal Council, the undersigned, being duly authorised thereto, have agreed as follows:—

Article 1

By virtue of the provisions of Article 3 of the said Convention:—

(1) Any provision of the legislation of one Contracting Party which enables benefit to be paid to nationals of that Party while they are resident outside its territory shall apply also to nationals of the other Party;

(2) Article 40 of the Swiss Federal Old Age and Survivors Insurance Act of the 20th December, 1946, which prescribes reduced rates of pension for persons who are not nationals of Switzerland shall not apply to nationals of the United Kingdom;

(3) Article 90 of the Swiss Federal Sickness and Accident Insurance Act of the 13th June, 1911, which prescribes, for persons who are not nationals of Switzerland, reduced rates of benefit in respect of accidents other than industrial accidents shall not apply to nationals of the United Kingdom.

Article 2

By virtue of the provisions of Article 8 of the said Convention, nationals of either Contracting Party who are resident in the territory of the United Kingdom shall be entitled to receive cost of living increases under the legislation of Switzerland concerning accident insurance subject to the same conditions as nationals of either Party who are resident in the territory of Switzerland.

Article 3

(1) Where a national of the United Kingdom, who has been insured for old age pensions and benefits in respect of widowhood and orphanhood under the legislation of both Contracting Parties, reaches the age of sixty-five or dies, leaving a widow or orphans, and no pension or benefit is payable in accordance with the provisions of the said Convention under the legislation of either Party, he or his widow, or orphans, as the case may be, shall be entitled in accordance with the provisions of the ordinance of the Swiss Federal Council of 14th March, 1952, to receive a refund of the contributions which have been paid by him under the legislation of Switzerland concerning old age and survivors insurance.

(2) The provisions of paragraph (1) of this Article shall apply also to cases where the said national died before the date of the entry into force of the Convention.

Article 4

For the purpose of the present Protocol, the words "legislation", "national", "territory", "pension" and "benefit" have the meanings respectively assigned to them in the said Convention.

Article 5

The present protocol shall enter into force on the day when the said Convention enters into force, and shall remain in force so long as that Convention remains in force.

In witness whereof the undersigned have signed the present Protocol and affixed thereto their seals.

Done in duplicate at Berne this 16th day of January, 1953, in the English and French languages, both texts being equally authoritative.

For the United Kingdom:
(L.S.) P. SCRIVENER.

For Switzerland:
(L.S.) SAXER.

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 and Protocol (set out in the Schedule) made between the Governments of the United Kingdom and Switzerland and modifies the National Insurance Acts, 1946 to 1953, and the National Insurance (Industrial Injuries) Acts, 1946 to 1953, in their application to persons affected by that Convention and Protocol.

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

DETERMINATION OF CLAIMS AND QUESTIONS

1954 No. 352

The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations, 1954

Made - - - -	22*nd March*, 1954
Laid before Parliament	22*nd March*, 1954
Coming into Operation	24*th March*, 1954

The Minister of Pensions and National Insurance, in exercise of powers conferred by subsection (3) of section 40 of the National Insurance (Industrial Injuries) Act, 1946(**a**), as amended by the National Insurance (Industrial Injuries) Act, 1953(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations, 1954, shall be read as one with the National Insurance (Industrial

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 1 & 2 Eliz. 2. c. 43.