RECIPROCAL AGREEMENTS

1954 No. 549

The National Insurance (Industrial Injuries) (Reciprocal Agreement with Denmark) Order, 1954

Made - - - - 29*th April*, 1954
Coming into Operation 1*st May*, 1954

At the Court of Saint James, the 29th day of April, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.

Lord Privy Seal — **Mr. Selwyn Lloyd**
Viscount Swinton — **Sir Thomas Dugdale**
Miss Horsbrugh — **Mr. Hopkinson**

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 London on the fifteenth day of December nineteen hundred and fifty-three a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark on payment of compensation or benefit in respect of industrial injuries (including occupational diseases) was signed on behalf of those Governments:

And Whereas by Article 10 of the said Convention it was provided that the Convention should enter into force on the first day of the month following the month in which the instruments of ratification had been exchanged:

And Whereas the said Convention has been ratified by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark, and the instruments of ratification were exchanged on the 26th day of April, 1954, and accordingly the said Convention enters into force on the first day of May, 1954:

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

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorised thereto by the said Letters Patent, and in pursuance of the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers in that behalf,

(a) 9 & 10 Geo. 6. c. 62.

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 (Industrial Injuries) (Reciprocal Agreement with Denmark) Order, 1954, and shall come into operation on the first day of May, 1954.

(2) The Interpretation 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 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 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 any such provisions.

W. G. Agnew.

SCHEDULE

CONVENTION ON PAYMENT OF COMPENSATION OR BENEFIT IN RESPECT OF INDUSTRIAL INJURIES (INCLUDING OCCUPATIONAL DISEASES) BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF DENMARK

London, December 15, 1953

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

Affirming the principle that the nationals of one Contracting Party should receive under the industrial injuries insurance schemes of the other equal treatment with the nationals of the latter,

Affirming the principle that the benefits of the industrial injuries insurance schemes of each Contracting Party should be granted to persons in the territory of the other,

Desirous of giving effect to these principles,

Have agreed as follows:—

ARTICLE 1

(1) For the purposes of the present Convention

(*a*) "the Act in force in Great Britain" means the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948, as the case may require;

(*b*) "the Act in force in Denmark" means Act No. 183 of the 20th May, 1933, concerning Insurance against Consequences of Accidents, or the Ordinance for the Faroe Islands No. 161 of the 29th March, 1939, concerning Insurance against Consequences of Accidents, as the case may require;

(*c*) "Great Britain" means England, Wales, Scotland and the Isle of Man, and "Denmark" means Denmark including the Faroe Islands, but not Greenland except as provided in Article 2;

(*d*) "country" means, according to the context, Great Britain or Denmark, and "countries" means Great Britain and Denmark as defined in paragraph (*c*) of this Article;

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

(*f*) "compensation or benefit" includes any increase thereof or any allowances payable therewith;

(*g*) "employment" means employment to which the Act in force in one (or the other) country applies, and the words "employ" and "employer" refer to such employment.

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

(2) References in the present Convention to the Act in force in a particular country shall be construed as references to the Act in force in Great Britain or the Act in force in Denmark, according to the context.

(3) References in the present Convention to any enactment shall include a reference to such enactment as amended by any subsequent enactment, regulation or order.

ARTICLE 2

The present Convention shall, as far as Greenland is concerned, apply only to employment in Greenland to the extent to which the Act in force in Denmark applies to such employment.

ARTICLE 3

Subject to the following provisions, the Act in force in Great Britain shall apply to a national of either Contracting Party in employment in Great Britain, and the Act in force in Denmark shall apply to a national of either Contracting Party in employment in Denmark.

ARTICLE 4

(1) Where a national of either Contracting Party, ordinarily resident in one country and under contract, entered into in that country, to serve an employer who has a place of business there, is sent in pursuance of that contract to work in the other country, the Act in force in the former country shall, in respect of any period occurring within twelve months of the commencement of employment in the latter country, apply to that national, provided that his employment in the latter country is not expected at the commencement thereof to last for a period of more than six months.

(2) Where a national of either Contracting Party is employed in one country, and the Act in force in the other country applies to him in accordance with the provisions of paragraph (1) of this Article, he shall, for the purpose of any title to, or payment of, compensation or benefit in respect of industrial accidents (including occupational diseases) under such Act, be treated as if the accident had occurred or the disease had been contracted or the injury had been received in the latter country.

ARTICLE 5

(1) For the purposes of this Article, "ship or aircraft of one (or the other) country" means, according to the context, a ship or vessel whose port of registry is in Great Britain (other than a ship or vessel of which the owner, or managing owner, if there is more than one owner, has his principal place of business in the Irish Republic) or Denmark, or an aircraft registered in Great Britain or Denmark.

(2) Subject to the provisions of paragraph (3) of this Article, where a national of either Contracting Party ordinarily resident in one country is employed on board any ship or aircraft of the other country, the Act in force in the latter country (including any special provisions relating to ships or aircraft) shall apply to him as if any condition relating to nationality, residence, or domicile were satisfied in his case.

(3) Where a national of either Contracting Party, ordinarily resident in one country and employed on board any ship or aircraft of the other country, is paid remuneration in respect of that employment, under a contract entered into in the former country, by some person who has a place of business in the former country and who is not the owner of the ship or aircraft, the Act in force in the former country (including any special provisions relating to ships or aircraft) shall, in respect of that employment, apply to that national as if the employment were on board a ship or aircraft of the former country, and the person by whom the said remuneration is paid shall be treated as the employer for the purposes of the Act in force in Great Britain and the Act in force in Denmark.

ARTICLE 6

(1) Where a national of either Contracting Party would be entitled to compensation or benefit under the Act in force in one country but for any provisions of that Act relating to absence from that country, that national shall be entitled to and may receive such compensation or benefit in respect of any period during which he is in the other country.

(2) In all cases, where under the Act in force in one country, any compensation or benefit would be paid in respect of a dependant (other than a child to whom paragraph (3) of this Article applies), if the dependant had been in that country, such compensation or benefit shall be paid in cases where the dependant is in the other country.

(3) In all cases where compensation or benefit would be paid in respect of a child or in respect of a dependant having the care of a child, if such child were in one country, such compensation or benefit shall be paid notwithstanding that the child is in the other country.

ARTICLE 7

A national of one country shall, for the purpose of determining any right to compensation or benefit under the Act in force in the other country, be treated as if he were a national of that other country.

ARTICLE 8

Nothing in the present Convention shall be deemed to confer upon a national of either Contracting Party a right to be paid for the same period benefits of the same kind in respect of the same disability under the Acts in force in Great Britain and Denmark.

ARTICLE 9

The Minister of Pensions and National Insurance of Great Britain and the Danish Minister of Social Affairs shall make such administrative arrangements as may be required for the application of the present Convention and shall determine all matters of an incidental and supplementary nature which in their opinion are relevant for the purpose of giving effect thereto.

ARTICLE 10

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 month following the month in which the instruments of ratification are exchanged.

ARTICLE 11

The present Convention shall remain in force until six months from the date on which either Contracting Party shall have given written notice of its intention to terminate the present Convention.

ARTICLE 12

In the event of the termination of the present Convention, any right to compensation or benefit acquired by a national of either Contracting Party in accordance with its provisions shall be maintained, and any claim to compensation or benefit arising in respect of employment before the date of termination shall be determined in accordance with the provisions of the Convention.

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 London the 15th day of December, 1953, in English and Danish, both texts being equally authoritative.

(L.S.) IVONE KIRKPATRICK.

(L.S.) E. REVENTLOW.

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 of Great Britain and Northern Ireland and the Government of Denmark, and modifies the National Insurance (Industrial Injuries) Acts 1946 to 1953 in their application to persons affected by that agreement.

1954 No. 836

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

For the text of this Order, *see* p. 1413 above.

1954 No. 641

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

For text of this Order, *see* p. 1422 above.

NATIONAL MUSEUM OF ANTIQUITIES OF SCOTLAND

1954 No. 381 (C. 3) (S. 39)

The National Museum of Antiquities of Scotland (Commencement) Order, 1954

Made - - - - 25th March, 1954

In exercise of the power conferred on me by subsection (2) of section 7 of the National Museum of Antiquities of Scotland Act, 1954(a), I hereby appoint the first day of April, 1954, as the date on which the said Act shall come into operation.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
25th March, 1954.

(a) 2 & 3 Eliz. 2. c. 14.