# 1960 No. 1064

# The National Insurance (Switzerland) Order, 1960

*Made - - - - 23rd June,* 1960

At the Court at Buckingham Palace, the 23rd day of June, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Berne on the twelfth day of November, nineteen hundred and fifty-nine, a Supplementary Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Switzerland on Social Insurance (which Supplementary Convention is set out in the Schedule to this Order and is hereinafter referred to as " the Supplementary Convention ") was signed on behalf of those Governments:

And Whereas by Article 6 of the Supplementary Convention it is provided that the Supplementary Convention shall enter into force on the first day of the month following the month in which the instruments of ratification are exchanged:

And Whereas the Supplementary Convention has been ratified by the said Governments and the instruments of ratification were exchanged on the seventh day of June, 1960, and accordingly the Supplementary Convention enters into force on the first day of July, 1960:

And Whereas by section 64 of the National Insurance 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 matters specified in that section:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance 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 and interpretation*

**1.**—(1) This Order may be cited as the National Insurance (Switzerland) Order, 1960.

(2) The Interpretation Act, 1889(b), 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 Supplementary Convention shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide for reciprocity with the Government of Switzerland in any matters specified in subsection (1) of section 64 of the National

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

Insurance Act, 1946; and the National Insurance Acts, 1946 to 1959, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

*W. G. Agnew.*

## SCHEDULE

### Supplementary Convention on Social Insurance between the United Kingdom and Switzerland

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

Desirous of extending the scope of the Convention on Social Insurance which was signed on their behalf at Berne on the 16th of January, 1953,[1]

Have agreed as follows:—

#### Article 1

For the purpose of the present Convention—

(1) "the Principal Convention" means the Convention on Social Insurance which was signed on behalf of the Contracting Parties at Berne on the 16th of January, 1953;

(2) "Swiss sickness insurance fund" means an institute approved by the competent authority of Switzerland under the Federal Sickness and Accidents Insurance Act of the 13th June, 1911.

#### Article 2

(1) The competent authority of Switzerland shall designate those Swiss sickness insurance funds which have undertaken responsibility for giving effect to the provisions of paragraph (2) of this Article.

(2) Subject to the provisions of paragraph (3) of this Article, where a national of either Contracting Party—

(*a*) has paid a contribution under the legislation of the United Kingdom or had a contribution credited to him under that legislation for each week of a period of thirteen consecutive weeks;

(*b*) within three months of the end of that period, applies for membership of a Swiss sickness insurance fund designated in accordance with the provisions of paragraph (1) of this Article;

(*c*) furnishes evidence of the contributions specified in sub-paragraph (*a*) of this paragraph;

he shall be treated as if he satisfied any condition concerning age which that fund imposes on persons applying for membership, and, if he is admitted to membership of that fund, he shall immediately become entitled, without having to complete any qualifying period of membership, to receive any benefits provided by that fund other than maternity benefits.

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[1] Treaty Series No. 36 (1954), Cmd. 9157.

(3) Where each of the contributions specified in sub-paragraph (*a*) of paragraph (2) of this Article is a contribution which the national has paid or had credited to him as an employed or self-employed person, the provisions of that paragraph shall apply to him in relation to any benefits in cash or in kind for which he is insured by the Swiss sickness insurance fund which has admitted him to membership. Otherwise those provisions shall apply to him only in relation to benefits in kind.

(4) Where a national of either Party satisfies the conditions (*a*), (*b*) and (*c*) specified in paragraph (2) of this Article, the provisions of that paragraph shall apply in relation to benefits in kind also to his wife and to any child of his who has not reached the age of twenty.

(5) Where a national of either Party has, since his last arrival in the territory of the United Kingdom, become liable to pay contributions as an employed or self-employed person under the legislation of the United Kingdom, 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 a member of a Swiss sickness insurance fund and was gainfully occupied;

(*b*) he had had a contribution so credited to him for every week during which he was a member of such a fund and was 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 last ceased to be a member of a Swiss sickness insurance fund by which he was insured for benefits in cash.

ARTICLE 3

Where a national of either Contracting Party applies for a contribution to be credited to him under the legislation of the United Kingdom, he shall be treated, for the purpose of that application, as if he had paid a contribution under that legislation—

(*a*) as an employed person for any week in which he was gainfully occupied under a contract of service in the territory of Switzerland;

(*b*) as a self-employed person for any week in which he was gainfully occupied on his own account in the territory of Switzerland.

ARTICLE 4

(1) A national of the United Kingdom who is resident in the territory of Switzerland shall be entitled, under the same conditions as a national of Switzerland, to receive a transitional pension under the legislation of Switzerland concerning old age and survivors insurance, if he has been continuously resident in that territory during the period of fifteen years immediately before the date from which he claims the pension.

(2) The provisions of paragraph (1) of this Article shall have effect from the 1st January, 1959, and arrears of pension shall, where appropriate, be payable from that date.

ARTICLE 5

The provisions of the Principal Convention and the present Convention shall apply to the Island of Jersey and, for this purpose—

(*a*) the definition of "territory" in paragraph (1) of Article 1 of the Principal Convention shall be deemed to include, in relation to the United Kingdom, the Island of Jersey;

(*b*) the definitions of "competent authority" and "social insurance authority" in paragraphs (4) and (5), respectively, of Article 1 of the Principal Convention shall be deemed to include, in relation to the United Kingdom, the Social Security Committee of the States of Jersey;

(*c*) paragraph (1) of Article 2 of the Principal Convention, which specifies the legislation to which that Convention applies, shall be deemed to include, in relation to the United Kingdom, the Insular Insurance (Jersey) Law, 1950.

ARTICLE 6

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 7

The present Convention shall be read as one with the Principal Convention.

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

Done in duplicate at Berne, this 12th day of November 1959, in the English and French languages, both texts being equally authoritative.

For the United Kingdom: For Switzerland:

W. H. MONTAGU-POLLOCK. SAXER.

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## 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 Supplementary Convention (set out in the Schedule), made between the Governments of the United Kingdom and Switzerland, in so far as it relates to the matters for which provision is made by the National Insurance Acts, 1946 to 1959.