



Treaty Series No. 13 (1957)

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) as relating to
Denmark and Northern Ireland

London, July 9, 1956

[Ratifications were exchanged on December 18, 1956]

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
February 1957*

LONDON
HER MAJESTY'S STATIONERY OFFICE

EIGHTPENCE NET

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) AS RELATING TO DENMARK AND NORTHERN IRELAND

London, July 9, 1956

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 in operation in the territory of the other equal treatment with the nationals of the latter;

Affirming the principle that the benefits of the industrial injuries insurance schemes in operation in the territory 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 purpose of the present Convention,

- (a) "the Act in force in Northern Ireland" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;
- (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) "Denmark" means Denmark including the Faroe Islands, but not Greenland except as provided in Article 2;
- (d) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Denmark, a Danish national;
- (e) "compensation or benefit" includes any increase thereof or any allowances payable therewith;
- (f) "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.

(2) References in the present Convention to one (or the other) country or to the territory of one (or the other) Contracting Party shall be construed as references to Denmark as defined in paragraph 1 (c) of this Article or to Northern Ireland, according to the context.

(3) 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 Northern Ireland or the Act in force in Denmark, according to the context.

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

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**OVERENSKOMST MELLEM DEN DANSKE REGERING OG
REGERINGEN I DET FORENEDE KONGERIGE STORBRI-
TANNIEN OG NORDIRLAND OM UDBETALING AF YDELSER
I ANLEDNING AF TILSKADEKOMST UNDER ARBEJDE
(HERUNDER ERHVERVSSYGDOMME) FOR SÅ VIDT ANGÅR
DANMARK OG NORDIRLAND**

London den 9 juli 1956

Den danske regering og regeringen i Det forenede Kongerige Storbritannien og Nordirland,

der bekræfter det princip, at det ene kontraherende lands statsborgere skal ligestilles med det andet lands statsborgere med hensyn til den for territoriet gældende lovgivning om erstatning for tilskadekomst under arbejde,

der bekræfter det princip, at ydelser i henhold til hvert af landenes forsikringsordning skal kunne ydes personer på det andet lands territorium,

og som ønsker at gennemføre disse principper,
er blevet enige om følgende:

ARTIKEL I

(1) I nærværende overenskomst betyder

- (a) "Den gældende lov i Nordirland": the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;
- (b) "Den gældende lov i Danmark": Lov nr. 183 af 20. maj 1933 om forsikring mod følger af ulykkestilfælde eller anordning for Færøerne nr. 161 af 29. marts 1939 om forsikring mod følger af ulykkestilfælde, alt efter sammenhængen;
- (c) "Danmark": Danmark, herunder Færøerne, men ikke Grønland, jfr. dog artikel 2;
- (d) "Statsborger": i forhold til Det forenede Kongerige en statsborger i Det forenede Kongerige og kolonierne og i forhold til Danmark en dansk statsborger;
- (e) "Ydelser": tillige enhver forhøjelse af eller tillæg til sådanne;
- (f) "Beskæftigelse": beskæftigelse på hvilken den gældende lov i det ene (eller det andet) land finder anvendelse, og ordene "beskæftige" og "arbejdsgiver" vedrører sådan beskæftigelse.

(2) En henvisning i nærværende overenskomst til det ene (eller det andet) land eller til det ene (eller det andet) kontraherende lands territorium skal—alt efter sammenhængen—fortolkes som en henvisning til Danmark, som defineret i nærværende artikels stk. (1) (c), eller til Nordirland.

(3) En henvisning i nærværende overenskomst til den gældende lov i et bestemt land skal—alt efter sammenhængen—fortolkes som en henvisning til den i Nordirland eller den i Danmark gældende lov.

(4) En henvisning i nærværende overenskomst til en lov skal forstås som en henvisning til vedkommende lov således som ændret ved enhver senere lov, anordning eller bekendtgørelse.

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 Northern Ireland shall apply to a national of either Contracting Party in employment in Northern Ireland 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 Northern Ireland or Denmark, or an aircraft registered in the United Kingdom of which the owner or managing owner (if there is more than one owner) resides or has his principal place of business in Northern Ireland, or an aircraft registered in 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.

ARTIKEL 2

Nærværende overenskomst finder med hensyn til Grønland kun anvendelse på beskæftigelse på Grønland i det omfang, hvori den gældende lov i Danmark omfatter sådan beskæftigelse.

ARTIKEL 3

Under forbehold af de efterfølgende bestemmelser finder den gældende lov i Nordirland anvendelse på en statsborger i hvert af de kontraherende lande, der er beskæftiget i Nordirland, og den gældende lov i Danmark finder anvendelse på en statsborger i hvert af de kontraherende lande, der er beskæftiget i Danmark.

ARTIKEL 4

(1) I tilfælde, hvor en statsborger i et af de kontraherende lande indgår kontrakt i det land, hvor han i almindelighed har bopæl (bopælslandet), med en arbejdsgiver, der driver virksomhed der, skal den gældende lov i bopælslandet finde anvendelse på den pågældende, såfremt han i medfør af denne kontrakt overføres til arbejde i det andet land (beskæftigelseslandet), dog kun indenfor en periode af 1 år fra påbegyndelsen af arbejdet i beskæftigelseslandet, og kun såfremt beskæftigelsen i dette ved arbejdets påbegyndelse ikke antages at blive af længere varighed end 6 måneder.

(2) I de tilfælde, hvor en statsborger i et af de kontraherende lande er beskæftiget i det ene land og herunder i overensstemmelse med bestemmelsen i denne artikels stk. (1) omfattes af den gældende lov i det andet land, skal han med hensyn til retten til eller udbetaling af ydelser i anledning af tilskadekomst under arbejdet (herunder erhvervs sygdomme) i henhold til nævnte lov stilles, som om ulykkestilfældet var sket, sygdommen opstået eller skaden indtruffet i sidstnævnte land.

ARTIKEL 5

(1) I denne artikel betyder "skib eller luftfartøj fra det ene (eller det andet) land"—alt efter sammenhængen—et skib eller fartøj, hvis registrerede hjemsted er i Nordirland eller Danmark, eller et luftfartøj, der er indregistreret i Det forenede Kongerige, og hvis ejer eller—såfremt det ejes af mere end een person—administrerende ejer bor eller har sit hovedkontor i Nordirland, eller et luftfartøj, der er indregistreret i Danmark.

(2) I tilfælde, hvor en statsborger i et af de kontraherende lande, der i almindelighed har bopæl i det ene land, har beskæftigelse ombord på et skib eller luftfartøj fra det andet land, finder den gældende lov i sidstnævnte land (herunder særlige bestemmelser vedrørende skibe eller luftfartøjer) anvendelse på ham, som om alle betingelser med hensyn til nationalitet, ophold eller bopæl var opfyldt, jfr. dog stk. (3).

(3) I tilfælde, hvor en statsborger i et af de kontraherende lande, der i almindelighed har bopæl i et af de kontraherende lande, i henhold til en i bopælslandet indgået kontrakt får udbetalt vederlag for beskæftigelse ombord på et skib eller luftfartøj fra det andet land af en person, der har forretningssted i bopælslandet, og som ikke ejer skibet eller luftfartøjet, skal den i bopælslandet gældende lov (herunder særlige bestemmelser vedrørende skibe eller luftfartøjer) for så vidt angår denne beskæftigelse finde anvendelse på den pågældende, som om beskæftigelsen havde fundet sted på et skib eller

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 Northern Ireland 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 Contracting Party shall, for the purpose of determining any right to compensation or benefit under the Act in force in the territory of the other Contracting Party, be treated as if he were a national of that other Party.

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 Northern Ireland and Denmark.

ARTICLE 9

The Ministry of Labour and National Insurance for Northern Ireland 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.⁽¹⁾

(1) The Convention entered into force on January 1, 1957.

luftfartøj fra dette land. Den person, af hvem vederlaget betales, skal anses som arbejdsgiver ved anvendelsen af den i Nordirland eller den i Danmark gældende lov. 13

ARTIKEL 6

(1) I tilfælde, hvor en statsborger fra et af de kontraherende lande ville være berettiget til ydelser i henhold til den i det ene land gældende lov, såfremt der ikke i den pågældende lov fandtes bestemmelser om dens ikke-anvendelse ved fravær fra dette land, skal denne statsborger dog være berettiget til samt kunne oppebære sådanne ydelser i ethvert tidsrum, hvori han befinder sig i det andet land.

(2) I alle tilfælde, hvor der i henhold til den lov, der er gældende i det ene land, ville kunne udbetales ydelser til pårørende (bortset fra børn omfattet af denne artikels stk. (3)), såfremt disse havde befundet sig i dette land, skal sådanne ydelser kunne udbetales, såfremt de pågældende befinder sig i det andet land.

(3) I alle tilfælde, hvor ydelser ville kunne udbetales til et barn eller til pårørende, der sørger for barnet, såfremt dette barn befandt sig i det ene land, skal sådanne ydelser udbetales, uanset at barnet befinder sig i det andet land.

ARTIKEL 7

En statsborger i det ene kontraherende land skal, forsåvidt angår hans ret til ydelser i henhold til den gældende lov i det andet kontraherende lands territorium, betragtes, som om han var statsborger i det sidstnævnte land.

ARTIKEL 8

Intet i nærværende overenskomst skal berettige en statsborger i et af de kontraherende lande til for det samme tidsrum at få udbetalt ydelser af samme art for samme arbejdsudygtighed i henhold til de love, der er gældende i Nordirland og Danmark.

ARTIKEL 9

Den danske socialminister og the Ministry of Labour and National Insurance for Northern Ireland skal træffe sådanne administrative foranstaltninger, som måtte blive nødvendige for nærværende overenskomsts gennemførelse, og skal tage stilling til alle spørgsmål af underordnet og udfyldende karakter, som efter deres opfattelse er af betydning for at give den virkning.

ARTIKEL 10

Nærværende overenskomst skal ratificeres og ratifikationsinstrumenterne udveksles i London så snart som muligt. Overenskomsten træder i kraft den første dag i den efter ratifikationsinstrumenternes udveksling påfølgende måned.

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.

ARTIKEL 11

13

Nærværende overenskomst forbliver i kraft seks måneder efter, at en af de kontraherende parter skriftlig har tilkendegivet sin hensigt om at bringe nærværende overenskomst til ophør.

ARTIKEL 12

Dersom nærværende overenskomst ophører, skal den ret til ydelser, som en statsborger i et af de kontraherende lande måtte have erhvervet i henhold til dens bestemmelser, fortsat bestå, og ethvert krav på ydelser, der opstår i anledning af beskæftigelse, der ligger forud for ophørsdatoen, skal afgøres i henhold til overenskomstens bestemmelser.

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 ninth day of July, 1956, in English and Danish, both texts being equally authoritative.

Til bekræftelse har undertegnede, der er behørigt befuldmægtigede af deres respektive regeringer, underskrevet nærværende overenskomst og forsynet den med deres segl.

Udfærdiget i to eksemplarer i London den niende juli 1956 på dansk og engelsk, således at begge tekster har samme gyldighed.

(L.S.) IVONE KIRKPATRICK.

(L.S.) STEENSEN-LETH.

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