foreign country and repaid to that Government by or on behalf of the Crown, as expenses of a distressed seaman on behalf of the seaman.

The Board shall be entitled to appear and be heard in any such proceedings by any of their officers, and for the purpose of this section notice to any superintendent shall be deemed to be notice to the Board.

The Board may, if and so far as they think fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under this section, although legal proceedings are not actually taken in respect thereof: Provided that they have given notice to the master or owner of the ship, and the master or owner has not given written notice of objection within ten days of the notice being given.

For the purposes of this sub-section, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made, or who claims reimbursement of or contributions in respect of expenses on behalf of the National Assistance Board or any welfare authority under section one hundred and eighty-two of the principal Act, shall be treated as proceedings taken or a claim made by the seaman.

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## NATIONAL INSURANCE AND INDUSTRIAL INJURIES

### Reciprocal Agreement with Switzerland

ORDER IN COUNCIL, DATED 24TH MAY, 1954, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SECTION EIGHTY-FOUR OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1954. No. 85.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

WHEREAS at Berne on the sixteenth day of January, nineteen hundred and fifty-three a Convention on social insurance was signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Switzerland.

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 the said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and Switzerland, and the instruments of ratification were exchanged on the 28th day of April, 1954, and accordingly the said Convention shall enter into force on the 1st day of June, 1954;

AND WHEREAS by section sixty-one of the National Insurance Act (Northern Ireland), 1946(a), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (b), it is provided that the Governor of Northern Ireland 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, I, JOHN DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of the said section sixty-one of the National Insurance Act (Northern Ireland), 1946, and the said section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:—

(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with Switzerland) Order (Northern Ireland), 1954, and shall come into operation on the 1st day of June, 1954.

(2) The Interpretation Act, 1889(c), applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

(3) 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 Northern Ireland, and the National Insurance Acts (Northern Ireland), 1946 to 1953, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 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.

Given at Government House, Hillsborough, this twenty-fourth day of May, one thousand nine hundred and fifty-four.

*Brian Maginess.*
*Ivan Neill.*
*John F. Gordon.*
*R. Corkey.*

## 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,

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(a) 1946. c. 23.
(b) 1946. c. 21.
(c) 52 & 53 Vict. c. 63.

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.