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Treaty Series No. 12 (1927)

Convention between the United Kingdom and Denmark

respecting

COMPENSATION TO WORKMEN FOR ACCIDENTS ARISING OUT OF THEIR EMPLOYMENT

Signed at London, November 18, 1925
[Ratifications exchanged at London, April 5, 1927]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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Convention between the United Kingdom and Denmark respecting Compensation to Workmen for Accidents arising out of their Employment.

Signed at London, November 18, 1925.

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HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Denmark and Iceland, equally desirous that their respective subjects shall enjoy reciprocally the benefits of the legislation in force in Great Britain and Northern Ireland, and Denmark, respectively, in regard to compensation for accidents arising out of their employment, have resolved to conclude to that effect a convention, and have named as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Denmark and Iceland:

Count Preben Ahlefeldt-Laurvig, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at London;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE I.

Workmen being British subjects who meet with accidents

HANS Majestæt Kongen af Danmark og Island og Hans Majestæt Kongen af Det Forenede Kongerige Storbritannien og Irland og af de britiske oversøiske Besiddelser, Kejser af Indien, besjælet af Ønsket om, at deres respektive Undersaatter gensidig skal nyde de ved den gældende Lovgivning i Danmark og Storbritannien samt Nord-Irland hjemlede Rettigheder med Hensyn til Erstatning for Ulykkestilfælde, der indtræffer under deres Arbejde, har til dette Formaal besluttet at afslutte en Overenskomst og har udnævnt til deres Befuldmægtigede,

Hans Majestæt Kongen af Danmark og Island:

Greve Preben Ahlefeldt-Laurvig, H.M.s Overordentlige Gesandt og befuldmægtigede Minister i London; og

Hans Majestæt Kongen af Det Forenede Kongerige Storbritannien og Irland og af de britiske oversøiske Besiddelser, Kejser af Indien:

The Right Honourable Austen Chamberlain, M.P., H.M.s Første Statssekretær for udenlandske Anliggender;

Hvilke efter at have meddelt hinanden deres Fuldmagter, der befandtes i god og rigtig Form, er kommet overens om følgende:

ARTIKEL I.

Arbejdere, der er britiske Statsborgere, og som rammes af Ulyk-

arising out of their employment in Denmark, and any persons, being British subjects who are entitled to claim through or have rights derivable from such workmen, shall enjoy the benefits of the compensation and guarantees secured to Danish subjects by the legislation in force in Denmark in regard to the liability of employers and their insurers in respect of such accidents, supplemented as specified in article 4.

Reciprocally, workmen being Danish subjects who meet with accidents arising out of their employment in Great Britain or Northern Ireland, and any persons being Danish subjects who are entitled to claim through or have rights derivable from such workmen, shall enjoy the benefits of the compensation and guarantees secured to British subjects by the legislation in force in Great Britain and Northern Ireland in regard to compensation for such accidents, supplemented as specified in article 4.

ARTICLE 2.

The British and Danish authorities will reciprocally lend their good offices to facilitate the administration of their respective laws as aforesaid.

ARTICLE 3.

The present convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall be applicable in Denmark and in Great Britain and Northern Ireland to all accidents

kestilfælde ved deres Beskæftigelse i Danmark, og enhver britisk Statsborger, som har Krav i Anledning af saadanne Arbejders Tilskadekomst, eller som har Rettigheder, der kan afledes fra saadanne Arbejdere, skal nyde de samme Erstatningsydelser og Garantier, som er sikret danske Statsborgere ved den i Danmark i Kraft værende Lovgivning angaaende Arbejdsgiveres og deres Forsikreres Erstatningspligt med Hensyn til saadanne Ulykkestilfælde, saaledes som nærmere udformet i Artikel 4.

Til Gengæld skal Arbejdere, som er danske Statsborgere, og som rammes af Ulykkestilfælde ved deres Beskæftigelse i Storbritannien eller Nord-Irland, og enhver dansk Statsborger, som har Krav i Anledning af saadanne Arbejders Tilskadekomst, eller som har Rettigheder, der kan afledes fra saadanne Arbejdere, nyde de samme Erstatningsydelser og Garantier, som er sikret britiske Statsborgere ved den i Storbritannien og Nord-Irland i Kraft værende Lovgivning angaaende Erstatning for saadanne Ulykkestilfælde, saaledes som nærmere udformet i Artikel 4.

ARTIKEL 2.

De danske og britiske Myndigheder skal i de Tilfælde, der omhandles i denne Overenskomst, gensidig bistaa hinanden for at lette Gennemførelsen af de paagældende Lovbestemmelser saaledes som ovenfor nævnt.

ARTIKEL 3.

Nærværende Overenskomst skal ratificeres, og Ratifikationen skal udveksles i London saa snart som muligt.

Den skal komme til Anvendelse i Danmark og i Storbritannien og i Nord-Irland paa alle Ulykkestil-

happening after one month from the time of its publication in the two countries in the manner prescribed by their respective laws, and it shall remain binding until the expiration of one year from the date on which it shall have been denounced by one or other of the two contracting parties.

ARTICLE 4.

Nevertheless, the ratification mentioned in the preceding article shall not take place till the legislation at present in force in Great Britain and Northern Ireland in regard to workmen's compensation has been supplemented, so far as concerns accidents to Danish subjects arising out of their employment as workmen, by arrangements to the following effect:—

(a.) That the compensation payable shall in every case be fixed by an award of the County Court.

(b.) That the County Courts shall, for the purpose of proceedings by or on behalf of dependants of Danish workmen under "The Workmen's Compensation Act, 1906," and amending Acts, such dependants being resident in Denmark, have power to issue Letters of Request for the examination of witnesses resident in Denmark, and that the statements of such witnesses made and authenticated as hereinafter provided in answer to any such Letter of Request shall be admissible in evidence in lieu of oral testimony by such witnesses.

(c.) That the County Courts shall, for the purposes of claims to compensation by the dependants of British workmen under the Danish Accident Insurance Law, have power to examine on

fælde, som indtræffer efter Forløbet af een Maaned efter det Tidspunkt, paa hvilket den i begge Lande er offentliggjort paa den Maade, som er foreskrevet ved deres respektive Lovbestemmelser, og den skal forblive i Kraft indtil Udløbet af et Aar efter den Dato, paa hvilken den er blevet opsagt af den ene eller den anden af de to kontraherende Parter.

ARTIKEL 4.

Den i den foregaaende Artikel omhandlede Ratifikation skal dog ikke finde Sted, førend den i Storbritannien og Nord-Irland i Kraft værende Lovgivning angaaende Erstatning til Arbejdere, for saa vidt angaar Ulykkestilfælde, der rammer danske Statsborgere ved deres Beskæftigelse som Arbejdere, har faaet Tillægsbestemmelser gaende ud paa at hidføre:

(a) at den Erstatning, som skal komme til Udbetaling, i hvert enkelt Tilfælde skal fastsættes ved en Kendelse af Grevskabsretten,

(b) at Grevskabsretten til Brug ved Sager, der i Henhold til "Workmen's Compensation Act, 1906," og senere Love rejses af eller for efterladte efter danske Arbejdere, skal være berettiget til, for saa vidt saadanne efterladte er bosatte i Danmark, at stille Forlangende om Afhøring af Vidner, bosatte i Danmark, og at saadanne Vidners Forklaringer, afgivne og konstaterede som nedenfor bestemt til Besvarelse af ethvert saadant Forlangende om Vidneafhøring, skal være gyldige som Vidneforklaring i Stedet for mundtligt Vidnesbyrd af saadanne Vidner,

(c) at Grevskabsretterne, til Brug ved Krav paa Erstatning, der rejses af en britisk Arbejders efterladte i Henhold til den danske Ulykkesforsikringslov, skal være beføjet til at afhøre Vidner under

oath witnesses within the jurisdiction of such courts and to reduce to writing and duly authenticate for transmission to Denmark the statements of witnesses so examined.

(d.) That in respect of acts done by the county court in pursuance of the legislation in regard to workmen's compensation as well as the execution of the present Convention, workmen who are Danish subjects, or their dependants, shall be exempt from court fees in respect of all proceedings under the Workmen's Compensation Acts by way of arbitration or otherwise in connection with the settlement of any claim or other matter arising under those Acts.

(e.) That at the beginning of each year His Britannic Majesty's Principal Secretary of State for the Home Department will send to the Ministry of Social Affairs in Denmark a record of all judicial decisions given in the course of the preceding year under the legislation in regard to workmen's compensation in the case of Danish subjects injured by accident in Great Britain or Northern Ireland.

And reciprocally, before such ratification as aforesaid, the Danish Government will, so far as concerns accidents to British subjects within the Danish Accident Insurance Law, make all such arrangements as are necessary to ensure :

(f.) That in proceedings for compensation under the Danish Accident Insurance Law by or on behalf of dependants of British workmen, such dependants being resident in Great Britain or Northern Ireland, statements of

Edstvang indenfor saadanne Reters Jurisdiktion og til at nedskrive og behørigt konstatere til Overseendelse til Danmark de saaledes afhørte Vidners Forklaringer,

(d) at Arbejdere, som er danske Statsborgere, eller deres efterladte, for saa vidt angaar Rets handlinger, udførte af Grevskabsretten ifølge Lovgivningen angaaende Arbejderes Erstatning saa vel som ved Haandhævelsen af nærværende Overenskomst, skal være fritaget for Retsgebyrer med Hensyn til alle retlige Skridt, der i Henhold til de engelske Love om Workmen's Compensation, ad forligsmæssig Vej eller paa anden Maade, staar i Forbindelse med Afgørelsen af ethvert Krav eller andet Spørgsmaal, der maatte opstaa som Følge af disse Love,

(e) at Hans Britiske Majestæts Principal Secretary of State for the Home Department ved Begyndelsen af hvert Aar skal tilstille Socialministeriet i Danmark en Fortegnelse over alle Retsafgørelser, som i Løbet af det forudgaaende Aar er truffet i Henhold til Lovgivningen om Arbejderes Erstatning i Tilfælde, hvor det drejer sig om danske Statsborgere, der er ramt af Ulykkestilfælde i Storbritannien eller Nord-Irland.

Til Gengæld skal, forinden den fornævnte Ratifikation finder Sted, den danske Regering, for saa vidt angaar Ulykkestilfælde, der rammer britiske Statsborgere, og som henhører under den danske Ulykkesforsikringslov, træffe alle saadanne Forholdsregler, der er nødvendige for at sikre:

(f) at i Sager, i hvilke der af eller for efterladte efter britiske Arbejdere rejses Krav paa Erstatning i Henhold til den danske Ulykkesforsikringslov, skal, forsaavidt saadanne efterladte er bosatte i Storbritannien eller

witnesses resident in Great Britain or Northern Ireland made on oath and reduced to writing in the County Court shall in Denmark be admissible as evidence of the facts therein contained.

(g.) That Letters of Request issued by a County Court in Great Britain or Northern Ireland shall be received by the Danish Workers' Insurance Council and by them transmitted to the appropriate court of first instance, by which tribunal the necessary examination of witnesses will be made on oath and the statements of such witnesses will be authenticated for transmission to the County Court by which the Letter of Request was issued.

(h.) That in respect of all acts done by the Danish Workers' Insurance Council in pursuance of the legislation in regard to accident insurance, as well as in the execution of the present Convention, workmen who are British subjects, or their dependants, shall be exempt from fees in respect of the examination of cases by the aforesaid council and the submission of any such cases to the Ministry of Social Affairs.

(i.) That at the beginning of each year the Danish Government will cause to be sent to His Britannic Majesty's Principal Secretary of State for the Home Department a record of all cases dealt with during the course of the preceding year under the legislation in regard to accident insurance in the case of British subjects injured by accident in Denmark.

ARTICLE 5.

The present convention shall not be applicable in respect of

Nord-Irland, Forklaringer, afgivne under Edstvang af Vidner bosatte i Storbritannien eller Nord-Irland og nedskrevne i Grevskabsretten, i Danmark kunne antages som tilstrækkeligt Vidnesbyrd om de deri indeholdte Forhold,

(g) at Forlangender om Afhøringer fra en Grevskabsret i Storbritannien eller Nord-Irland skal modtages af det danske Arbejderforsikrings-Raad og af dette fremsendes til vedkommende Underret ved hvilken Domstol den nødvendige Afhøring af Vidner skal foretages under Edstvang og de af disse Vidner afgivne Forklaringer konstateres til Oversendelse til den Grevskabsret, hvorfra Forlangendet er stillet,

(h) at Arbejdere, som er britiske Statsborgere, eller deres efterladte, for saa vidt angaar Sagernes Behandling ved det danske Arbejderforsikrings-Raad ifølge Ulykkesforsikringslovgivningen saavel som ved Haandhævelsen af nærværende Overenskomst, skal være fritaget for Gebyrer med Hensyn til Sagernes Undersøgelse ved nævnte Raad og disse, Sagers Indankning for Socialministeriet,

(i) at den danske Regering ved Begyndelsen af hvert Aar vil foranledige, at der tilstilles Hans Britiske Majestæts Principal Secretary of State for the Home Department en Fortegnelse over alle de Tilfælde, der er behandlet i Løbet af det foregaaende Aar, og som angaar Ulykkesforsikringslovgivningen, og som drejer sig om britiske Statsborgere, der er blevet ramt af Ulykkestilfælde i Danmark.

ARTIKEL 5.

Nærværende Overenskomst kommer ikke til Anvendelse paa

laws that are, or may at any future time be, in force in Great Britain and Northern Ireland and Denmark, relating to increased compensation for seamen in cases of accidents resulting from a state of war.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in London in duplicate the 18th November, 1925, in English and Danish, both texts being authentic.

de Love, som eller bliver udstedte i Danmark eller Storbritannien og Nord-Irland angaaende forøget Erstatning til Søfolk for Ulykkestilfælde som Følge af Krigstilstand.

Til Bekræftelse heraf har ovennævnte Befuldmægtigede undertegnet nærværende Overenskomst og forsynet den med deres Segl.

Sket i London den 18 November 1925, i dobbelt Udfærdigelse i det danske og det engelske Sprog, hvilke Tekster begge er autentiske.

(Seal) AUSTEN CHAMBERLAIN.

(Seal) P. AHLEFELDT-LAURVIG.