

NORWAY

The Norwegian Joint
Committee on Inter-
national Social Policy.

funksjonære i utlandet
Norge, lov om yrkesskade
trykkt 1958

ACT

of 12 December 1958

respecting

OCCUPATIONAL INJURIES INSURANCE

1958
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CHAPTER I.

THE SCOPE OF THE INSURANCE.

1. Compulsory Insurance.

(1) Compulsory insurance in conformity with this Act applies to:

- a) any person in this country who is employed in the service of another for a wage or remuneration that wholly or partly consists of cash payment, provided that the employment relationship may according to its nature have a duration of at least six days and the actual wage or remuneration of the person concerned is equivalent to an annual income of more than kr. 1.000,-. It is not necessary for the working hours to be consecutive or to constitute a full day's work.
The condition relating to the duration of the employment relationship does not apply to a person who performs work for an employer in his industry. Otherwise, the Ministry may dispense with the conditions of the first paragraph in respect of specific groups of employees if special reasons warrant it.
- b) any person who is employed abroad in the service of another on board a Norwegian vessel, in Norwegian hunting expedition, Norwegian hunting station or as flying personnel or station staff of a Norwegian civil aviation company.
- c) a ship-owner in a position on board a Norwegian vessel of 50 register tons or more, or of 4 gross register tons or more provided the vessel mainly runs in passenger trade. The same applies to a person engaged on a share basis or a person who carries on business for his own account on board such a vessel.

Orienteringsdepartementets

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- d) any person who is travelling to or from such a vessel as mentioned under item b) in order to take up or retire from service on board provided the journey is undertaken at the expense of the Treasury or the ship-owner.
- e) any person who is being trained as a professional seaman in courses subsidized by the State on board training ships and practice ships.
- f) fishermen, hunters, etc. who are included in the census mentioned under section 4.
- g) pupils and students of State-, communal or provincial communal schools or courses, the object of which is the ordinary education or professional training, as well as pupils and students of private schools having the same object, provided the school has a right of examination or is subsidized by the State.
- h) any person who has been enrolled for the fire service pursuant to section 16, sub-section (1) in conformity with the Act of 19 November 1954 respecting Fire Service, or who has been charged with the duty of rendering assistance pursuant to section 34, first paragraph, or who, in conformity with section 5, item e) of the Act of 14 July 1893, respecting Forest Fires, has been charged with the duty of taking part in the extinguishing of fires.
- i) any person who endeavours to save human lives or to avert major cultural or material losses. The Ministry shall issue further regulations as to who shall be considered insured.

(2) The Crown may determine that persons incarcerated in any prison establishment shall be included in the insurance with a right of support in conformity with further specified rules. The same shall apply to persons who while staying in hospitals, etc, receive occupational therapeutical treatment.

2. Exemption from the Insurance.

- (1) The following shall be exempt from this insurance:
- a) any person who is in such service as is covered by the Act of 19 June 1953 respecting Disability Pension for Military Personnel, Parliament Resolution of 11 May 1920 respecting Pensions for the Flying Personnel of the Army and the Navy, or Parliament Resolution of 3 June 1925 respecting Pensions, etc., for personnel serving on board submarines, Act of 17 June 1937 respecting civil workers liable to military service, Act of 17 July 1953 respecting Civil Defence or Act of 21 November 1952 respecting Duty of Service in the Police Force.

- b) any person who is an official of a foreign state and who is not a Norwegian subject.
- c) any person who is employed by an official of a foreign state and who is not a Norwegian subject.
- d) any person who is ensured support in the event of occupational injuries during his stay in this country in conformity with foreign law.
- e) any employee who on special conditions serves on board instead of, or in addition to the ordinary crew and who is specially employed during the time the vessel runs to the Far East or in tropical waters. The employee shall, however, be entitled to hospital treatment in conformity with this Act, provided such treatment is not given at the expense of the health insurance fund. Similarly, the ship-owner shall be entitled to refundment by the National Insurance Institution of expenses incidental to funerals in conformity with the rules of the Health Insurance Act, provided he has had to cover the expenses of the funeral in pursuance of section 30, cf. section 7 of the Seamen's Act.

(2) Persons mentioned under sub-section (1) items b)-d) may be admitted to insurance in accordance with further regulations to be issued by the Ministry.

(3) The Crown may issue further regulations regarding exemptions as mentioned under sub-section (1) item e).

3. The Employer.

Any person considered to be an employer according to the Health Insurance Act is also considered to be an employer in conformity with the present Act.

The relevant commune is considered to be an employer in respect of insured persons as mentioned under section 1, sub-section (I), item h).

The National Insurance Institution may issue further regulations as to which persons shall otherwise be considered as an employer according to this Act.

4. Census of Fishermen, Hunters, etc.

(1) By 1 November every year, each commune shall compile and lay open to inspection a census including the following persons above the age of 15 years who reside in the commune:

- a) fishermen and hunters who have as their trade salt-water fishing or hunting of animals solely or together with some other trade, provided the vessel employed is under 50 gross register tons. The

same shall apply to the crew on board such a vessel.

- b) persons who wholly or partly subsist on work in small shipping or transport industry with lighters, provided the craft is of 4 gross register tons or more but under 50 gross register tons.

The census is available for the following calendar year.

(2) Anybody who has wrongfully been included in or omitted from the census, may not later than 30 November of the same year demand to be crossed off or included in the census.

(3) Persons mentioned under sub-section (1) may at any time require to be included in the census on payment of a premium according to this Act. In such an event, the insurance is valid as from the day on which the claim was made and to the end of the calendar year in respect of which the census is available.

(4) The person concerned may bring an appeal to the National Insurance Institution from the decision of the communal authorities to refuse the admittance to or deletion from the census of any person. The term of appeal is two weeks as from the juncture at which the person was notified of the decision.

The health insurance fund has the same right to appeal. The term of appeal is the same as specified in the preceding paragraph.

Sections 111 and 115 of the Health Insurance Act shall apply correspondingly.

(5) If any person has not been included in the census for reasons which in view of circumstances are not attributable to him, the National Insurance Institution may on application decide that he shall, nevertheless, be included in the census.

(6) The Ministry shall issue further regulations regarding the registration of the census.

5. Voluntary Insurance.

(1)

- a) An independent trader who in his professional activity has an estimated annual earned income of more than kr. 1.000,- may take out a voluntary insurance.
- b) Schools and courses which are not included under section 1, sub-section (1), item g) may insure their pupils.

(2) The National Insurance Institution shall issue further regulations regarding the voluntary insurance.

6. Voluntary Supplementary Insurance.

Fishermen, hunters, etc. mentioned under section 1, sub-section (1), item f) may take out a voluntary supplementary

insurance up to an amount equivalent to that part of the estimated annual income which exceeds kr. 6.000,-, cf. section 25, sub-section (1), item b).

The provisions of the first paragraph shall apply correspondingly to any insured person who is on board a fishing or hunting craft of 50 gross register tons or more and who is not one of the actual crew, cf. section 25, sub-section (1), item a), second paragraph. The Crown shall issue further regulations as to who is not one of the crew.

The provisions of section 5, sub-section (2) shall apply correspondingly.

CHAPTER II.

THE ADMINISTRATION.

7. The Central Administration.

The insurance shall be administered by the National Insurance Institution.

The expenses incidental to the administration and the Appeal Committee, cf. section 40, are furnished by the Treasury against repayment out of the funds yielded by the premium in accordance with chapter V.

The funds belonging to the insurance are administered in conformity with regulations fixed by the Crown, and are financially separated from the other funds administered by the National Insurance Institution.

8. The Local Administration.

The public health insurance funds are local organs for the occupational injuries insurance.

In their work for the occupational injuries insurance the health insurance funds shall comply with the directions issued by the National Insurance Institution.

The remuneration due to the health insurance funds for their work in connection with the occupational injuries insurance shall be fixed by the National Insurance Institution whose decision may be brought before the Ministry for final determination.

CHAPTER III.

BENEFITS.

9. Conditions for Right of Benefit.

(1) Benefit pursuant to this Act is granted in respect of occupational injuries, cf. section 10, imposed on:

- a) a person liable to be insured as mentioned under section 1, sub-section (1), items a) and b), while he is working in the place of work during the working hours.

Any person who is employed on board a ship of more than 50 gross register tons or is a member of flying personnel, is considered to be working continuously for his employer in the period as from his entering upon to his returning from his work, inclusive of the period mentioned under section 1, sub-section (1), item d).

The same shall apply to any person who is attached to a Norwegian hunting expedition or a Norwegian hunting station outside this country.

- b) a person liable to be insured as mentioned under section 1, sub-section (1), item c) in respect of the time he is on board. Sub-section (1), item a) second paragraph, shall apply correspondingly.
- c) a person liable to be insured as mentioned under section 1, sub-section (1), item e) in respect of the time he is on board.
- d) a person liable to be insured as mentioned under section 1, sub-section (1), item f) in the execution of such trade which is a requisite of being included in the census, or in shipping beside the trade if the insured dies as a result of the injury.
- e) a person liable to be insured as mentioned under section 1, sub-section (1), item g) in the place of instruction during the hours of instruction. At boardingschools, the insurance is in force for the whole period during which the pupil is under school or boarding-school supervision.
- f) a person liable to be insured as mentioned under section 1, sub-section (1), item h) for the period during which he performs imposed help or assistance.
- g) a person liable to be insured as mentioned under section 1, sub-section (1), item i) during the rescue action.
- h) a voluntarily insured person as mentioned under section 5, sub-section (1), item a) in the execution of the occupational activity.

i) a voluntarily insured person as mentioned under section 5, sub-section (1), item b) at the place of instruction during the hours of instruction.

(2) The Ministry may issue further regulations concerning the conditions of the present section.

10. Occupational Injury.

(1) The term occupational injury applies to bodily injury or illness caused by an occupational accident.

The Crown may determine that other injuries or illnesses, including occupational illnesses, climatic illnesses and epidemic illnesses shall be placed on an equal footing with occupational injuries.

(2) If an injured person dies while taking part in a hunting expedition which is wintering in polar regions, his death is considered to be occasioned by an occupational injury regardless of the cause of death.

(3) By bodily injury is also meant damage to artificial limbs, supporting bandages, etc.

(4) Bodily injury or illness caused by war operations and which is covered by the legislation in force at the time respecting war-pensions, is not considered occupational injury for the purpose of this Act.

11. Curative Treatment of Injuries Sustained in Accidents.

(1) In the event of an occupational injury, the health insurance funds grant a benefit for a period not exceeding 52 weeks, in conformity with the provisions of the Health Insurance Act. If the injured person is not covered by the health insurance, the National Insurance Institution grants benefit pursuant to the provisions of the said Act.

(2) If the curative treatment must continue beyond the period in respect of which an insured person is entitled to benefit in conformity with sub-section (1), the National Insurance Institution shall continue to grant benefit as long as is necessary in conformity with the provisions of the Health Insurance Act. However, the amount of the sickness benefit is computed in such a manner as to be equivalent to a pension with the additions enumerated in sections 12 and 13 of the present Act. Sickness benefit granted during a stay in hospital is equivalent to the pension in conformity with the provisions of sections 19 and 22 of the present Act. However, the amount of the sickness benefit during a stay in hospital shall not be lower than provided in the Health Insurance Act.

While staying in hospitals, places of treatment or in institutions

of rehabilitation, single persons shall be entitled to sickness benefit the amount of which shall be equivalent to half a full pension pursuant to section 12.

(3) If an injured person who is being or has been given support in conformity with section 12 has a relapse (deterioration) the National Insurance Institution shall grant benefit in accordance with the provisions of sub-section (2) as long as is necessary. If, while staying in hospital, the injured person has a salary by reason of his employment relationship, the benefit shall, nevertheless, be equivalent to the pension in conformity with the provisions of section 12.

12. Disability Pension.

(1) If the occupational injury has resulted in complete incapacity for work, the injured person shall be entitled to full annual disability pension equivalent to 60 per cent of the income earned by the injured person at the time of the occurrence of the injury, cf. section 25.

In the event of a partial loss of capacity for work a proportionately reduced disability pension is granted. The injured person shall, however, not be entitled to a disability pension in cases when his capacity for work is reduced by less than 15 per cent.

(2) In appraising the loss of the capacity for work, regard shall be had to the injured person's prospects of professional income prior to and subsequent to the injury, including also income to which the injured person is entitled in case of illness by reason of his employment relationship. Particular regard may also be had to the medical nature and the extent of the injury.

(3) In the event of the injured person previously having been granted a disability pension in conformity with the present Act, one of the Acts respecting Accident Insurance, one of the Act respecting War Pension or in conformity with the Act respecting Disability Pensions for Military Personnel, the pension relating to the last case of injury shall be established on the basis of the difference between the total incapacity for work after the last injury and that in respect of which a pension has previously been established.

(4) As a general rule, the disability pension is established at the conclusion of the curative treatment. It may be temporarily established for certain periods. Insured persons mentioned under section 1, sub-section (1), item g) and section 5, sub-section (1), item b) shall not be entitled to a disability pension prior to their having attained the age of 18 years. If special reasons warrant it,

the National Insurance Institution may grant a complete or partial disability pension as from an earlier juncture.

(5) If a material change occurs in the circumstances which have been of decisive importance in the establishment of the disability pension, it may be examined anew and revised. An increase in the disability pension may only be granted in respect of the period subsequent to the making of a claim hereof. A resolution to reduce the pension may be put into effect earliest as from the day on which the person concerned is notified hereof.

13. Supplementary Disability Pension.

(1) In addition to a complete pension, an annual supplement of kr. 900,- is granted in respect of each child under the age of 18 years who is supported by the injured person (maintenance supplement). If both parents are entitled to a disability pension in conformity with this Act, the supplements in respect of each child must not exceed kr. 900,-.

In cases of a partial incapacity for work, the maintenance supplements are reduced accordingly. Supplements are not granted if the capacity for work of the injured person is reduced by less than 30 per cent.

(2) If the injured person is in need of particular attention and care, the person concerned may be granted an annual supplement to the pension, not exceeding kr. 2.400,-.

(3) In cases of complete infirmity, the disability pension with supplements according to sub-section (1) shall not in the aggregate exceed 90 per cent of the earned income or a proportionately reduced amount in the event of a lower degree of incapacity.

(4) The provisions of section 22, sub-sections (2), (3) and (5) shall apply correspondingly to maintenance supplements.

14. Artificial Limbs.

The injured person is entitled to necessary and serviceable means (artificial limbs) in order to remedy the defect and to maintenance and renewal of the same.

15. Redemption of the Capital Value of Small Pensions.

If the degree of disability is finally evaluated at less than 30 per cent, the pension shall be redeemed once and for all with an amount equivalent to three times the annual pension.

The capital value is payable in a lump sum or by instalments,

according to the decision of the National Insurance Institution in each individual case.

16. Redemption of the Capital Value of Disability Pensions.

On application, the National Insurance Institution may redeem the disability pension with supplements in conformity with section 13, sub-section (1), first paragraph, either as a whole or partially with a correspondingly amount of the capital value, if such redemption can contribute to give the injured person a permanently salaried employment or in any other way help to relieve the consequences of the occupational injury. As a general rule, redemption of the capital value shall not take place in cases where it must be presumed that a running pension is in the best interests of the applicant. The National Insurance Institution may specify certain conditions for the redemption.

17. Contributions for Vocational Training.

The National Insurance Institution may grant the injured person contributions for education, vocational training or assistance in gaining employment. The total amount of the contributions granted to an injured person must not in the aggregate exceed the maximum annual pension pursuant to this Act.

18. Deaths.

In the event of the occupational injury having resulted in death, the insurance shall grant a pension to the dependents of the deceased in conformity with the provisions of sections 19 - 23, cf. however, section 24.

19. Widow's Pension.

(1) A widow who has custody of children under 18 years of age who are entitled to pensions, is granted a pension on the death of her husband. The widow's pension shall constitute 40 per cent of the insured earned income of the husband, cf. section 25.

(2) A widow who on the death of her husband has not custody of children entitled to pensions, is granted a pension as from the age of 40. If, on the death of her husband, the widow is younger, she shall be entitled to a transitory support equal to 2 years' pension. If she is older than 38 years the transitory support shall be reduced accordingly.

(3) The National Insurance Institution may grant a complete

or partial pension to:

- a) a disabled widow who is not entitled to a pension pursuant to subsection (2),
- b) a woman who was not married to the deceased if she has custody of the deceased's children and was supported by him.
- c) a wife, provided the marriage has been dissolved by decree of Court by reason of desertion on the part of the husband.
- d) a widow who is not entitled to a pension pursuant to subsection (2) if she has custody of a permanently disabled child above the age of 18 years.

(4) The rules laid down in the legislation respecting married people shall apply to the rights of a divorced wife to a widow's pension. As a general rule, however, the pension of a divorced wife shall not exceed the maintenance allowance to which she was entitled at the time of her husband's death. The pension of the wife to whom the injured person was married at the time of his death shall not be less than half the amount of the widow's pension.

If special reasons warrant it, the National Insurance Institution may grant exemption from the provisions of the first paragraph.

(5) The right to a widow's pension does not have effect if the marriage took place subsequent to the occurrence of the accident. In such cases, however, a complete or partial pension may be granted if, in the opinion of the National Insurance Institution, special reasons warrant it.

(6) A widower who is permanently disabled and who was supported by his wife, is granted a pension from the date of her death by 40 per cent of her insured earned income, cf. section 25. The National Insurance Institution may grant a partial pension or in special circumstances a complete pension to the widower who at the time of the death of his wife was partly disabled and dependent on maintenance by his wife.

20. Widow's Pension in the Event of Re-marriage.

The widow's pension shall lapse if the widow re-marries.

In the event of her again becoming a widow, or her new marriage being dissolved, the National Insurance Institution may, provided her financial position warrants it, grant her a pension consisting of the difference between a widow's pension pursuant to the provisions of this Act and the maintenance or pension which she may be secured through her last marriage.

The provisions of this section shall apply correspondingly to a

widower's pension.

21. The Redemption of the Capital Value of a Widow's Pension.

Subject to the conditions mentioned under section 16, part of the widow's pension or the widower's pension may be redeemed in such a way that the capital value of the redeemed amount corresponds to three times the maximum widow's pension pursuant to this Act.

22. Children's Pension.

(1) Children under 18 years of age are entitled to a pension as from the death of the supporter.

The pension amounts to kr. 900, - a year in respect of each child.

If both parents are dead, the pension for the first child shall be equal to the widow's pension. In respect of the remaining children, the annual pension amounts to kr. 900, -. Pension in respect of two or more children is considered to be granted with an equal amount for each child.

If both parents are dead as a result of occupational injuries covered by this Act, the children shall be entitled to a pension after whichever of the parents whose earned income qualifies for the highest pension.

(2) The National Insurance Institution may also grant a children's pension after the child has attained the age of 18 years but not beyond the age of 21 years, if in the opinion of the National Insurance Institution, this is reasonable out of regard to the child's education. The same shall apply if the insured person dies subsequent to the child's having attained the age of 18 years.

(3) In special circumstances, the National Insurance Institution may grant a complete or partial pension to a permanently incapacitated child after the age of 18 years, provided the remaining conditions are fulfilled.

(4) In the event of the deceased leaving children of two or more marriages who at the time of his death are being brought up separately, the children's pension is computed separately for the children of each marriage. For such children whose parents have both died, the pension is determined in conformity with sub-section (1), third paragraph.

(5) Children whose parents are not married and children in respect of whom the deceased was liable for maintenance in con-

formity with the legislation respectin children born out of wedlock, shall have the same right as children born in wedlock. The same shall apply to adopted children and foster children, provided the deceased had gratuitously undertaken the bringing up of the children prior to the injury. The right of such children to children's pension in respect of their real parents shall lapse.

If more persons are liable for maintenance in respect of the same child, the National Insurance Institution shall decide whether a pension shall be granted and the amount of the same.

(6) The children's pension together with the widow's pension, if any, must in the aggregate not exceed 90 per cent of the insured person's earned income.

23. Ascendent Pension, etc.

If the deceased leaves relatives in a direct line of ascent or brothers or sisters, the National Insurance Institution may grant a pension as long as they need it, provided in the opinion of the National Insurance Institution, special reasons warrant it and the person concerned was dependent on the deceased for support. Adoptive parents and foster-parents shall have equal status with relatives in a direct line of ascent.

The pensions mentioned above must not in the aggregate exceed the amount of the widows's pension in conformity with section 19, sub-section (1).

24. Benefit in Case of War Accidents.

If the insured person sustains a physical injury or dies as a result of a war accident which is not covered by the current legislation respecting war-pensions or as a result of a pirate attack on a vessel, the insurance scheme shall grant benefit in conformity with the provisions of the legislation mentioned above. Benefits for medical treatment and funerals abroad, however, are granted in conformity with the provisions of the Health Insurance Act.

CHAPTER IV.

INSURED EARNED INCOME.

25.

(1) Insured earned income must not exceed kr. 14.000,-. It is stipulated as follows:

a) in respect of persons liable to be insured as mentioned under

section 1, sub-section (1), items a)-d) and sub-section (1), item h) and i), the insured earned income shall equal the estimated annual earned income.

In respect of an insured person who is on board a fishing or hunting vessel of 50 to 100 gross register tons and who is not one of the actual crew, the insured earned income shall, however, be kr. 10.000,- and in respect of a person on board a vessel of 100 tons or more it shall be kr. 13.000,- in both cases with the addition of the amount in respect of which a voluntary supplementary insurance may have been taken out pursuant to section 6.

In respect of young people who by reason of incomplete education, lack of practice, etc., had a small income at the time of the injury, the insured earned income shall be kr. 6.000,- to be gradually increased in accordance with the earned income which it is assumed he would have attained if the occupational injury had not occurred.

- b) In respect of a person liable to be insured as mentioned under section 1, sub-section (1), item f), the insured earned income shall be kr. 6.000,- with the addition of the amount in respect of which a voluntary supplementary insurance may have been taken out pursuant to section 6.
- c) In respect of a person liable to be insured as mentioned under section 1, sub-section (1), items e) and g) and in respect of a voluntarily insured person as mentioned under section 5, sub-section (1), item b), the insured earned income shall be stipulated in a manner corresponding to that laid down in respect of young people under sub-section (1), item a), third paragraph. In respect of pupils who have not been trained for any particular occupation, the insured earned income shall be stipulated at kr. 6.000,- from the age of 18 increasing by kr. 2.000,- a year to kr. 12.000,-.
- d) In respect of a voluntarily insured person as mentioned under section 5, sub-section (1), item a), the insured earned income shall equal the estimated annual earned income in the professional activity.

(2) If part of the earned income consists of payments in kind, these shall be assessed in accordance with the same rules as are laid down pursuant to section 28 of the Health Insurance Act. In other cases, the Ministry may stipulate what is to be considered insured earned income.

(3) The Crown may assign the insured persons mentioned under sub-section (1), item a) to classes with a fixed annual earned income for each class.

CHAPTER V.

FINANCING.

26. Premiums and Funds.

(1) Expenses incidental to this Act are covered by premiums in conformity with the provisions of the present chapter. The annual premium income shall be sufficient to cover the capital value of the capital value of the expenses in connection with the injuries which occur in the course of the year and other current expenses for which there is no capital cover.

Surplus, if any, is transferred to the adjustment fund of the insurance. The means of the fund are employed to secure to the greatest possible extent an even premium in respect of the individual class of risk.

(2) Each year one per thousand of the premium income of the insurance is transferred to a contingency fund. From the fund's means, contributions may be made to work for the prevention of occupational injuries, to rehabilitation work, and similar measures. Further rules concerning the use of the means of the contingency fund shall be laid down by the Ministry.

(3) For a period of up to three years at a time, the Ministry shall determine the extent of the premium income of the insurance which shall be annually transferred to the adjustment fund of the Health Insurance in return for the expenses in connection with medical treatment.

(4) The insurance is guaranteed by the State.

27. Rate of Premium.

The rate of the premium shall be determined by the Crown.

The insured persons may be assigned to classes with particular rates of premium for each class.

The Crown may establish rules regarding reduction of premium for insured persons in firms which take special action for preventing occupational injuries.

28. Liability for Premiums.

(1) The premium in respect of persons covered by section 1,

sub-section (1), items a), b), d), e) and h) and who are liable to be insured, shall be borne by the employer and may not be charged to the expenditure of the employees, cf. section 3.

(2) The premium in respect of persons covered by section 1, sub-section (1), item c) and who are liable to be insured, shall be borne by the ship-owner.

(3) Each year, kr. 4, - is covered by the Fishing Fund of 1920 and kr. 8, - by the State of the premium to compulsory insurance in respect of insured persons covered by section 1, sub-section (1), item f). The remainder is furnished by the insured person.

(4) The premium in respect of insured persons covered by section 1, sub-section (1), item g) is furnished by the State.

(5) The premium in respect of a voluntarily insured person pursuant to section 5, sub-section (1), item a) is furnished by the insured person.

(6) The premium in respect of a voluntarily insured persons pursuant to section 5, sub-section (1), item b) is furnished by the relevant school or course.

(7) The premium in respect of a voluntarily supplementary insurance pursuant to section 6 is furnished by the insured person.

(8) The Crown shall determine who shall furnish the premium in respect of persons who are insured pursuant to section 1, sub-section (2).

29. Payment of Premiums.

(1) The periods, the due dates and the time allowed for payment of premium shall be determined by the National Insurance Institution. The National Insurance Institution may demand advance payment of the premium and may determine that it shall be wholly or partly collected together with and for the same period as the premium due to the Health Insurance.

(2) The Ministry may determine that premiums in respect of insured persons employed in the loading and unloading of foreigngoing ships shall be collected by the Customs, if the ship is not engaged in regular service. The Ministry shall lay down further rules concerning the collection and rendering of accounts. The National Insurance Institution shall pay 5 per cent of the collected amounts in return for the collection.

(3) The premium is recoverable in conformity with the same rules and with the same preferential rights as are laid down in the case of taxes. The Health Insurance Act, section 86, sub-section (2) shall

apply correspondingly in respect of premiums due to compulsory insurance payable by the insured person. Such premiums may be deducted in benefits payable pursuant to this Act.

The provisions of the Health Insurance Act respecting distraint shall apply correspondingly. The right of distraint shall stand until the claim, being statute-barred, no longer holds good.

In cases where the premiums are payable by a ship-owner, the National Insurance Institution shall have a lien on the ship which shall rank in priority before maritime liens and all other charges. However, the lien shall become void unless the distraint is registered within two years from the distraint a petition has been filed for a forced auction which is furthered without undue delay.

(4) The National Insurance Institution may determine that an interest at the rate of five per cent shall be payable on the premiums which are not paid when due.

(5) Delay or default in payment of premiums is of no consequence for the insured person's rights pursuant to this Act as far as compulsory insurance is concerned.

30. The Liability of Making Statements.

(1) The employer shall submit to the National Insurance Institution the statements required as foundation of the premium calculations within two months of the expiry of the calendar year. When special reasons are present, the National Insurance Institution may determine that the statements shall be submitted in respect of a shorter period than the calendar year and with a time-limit to be stipulated by the National Insurance Institution.

The person who shall submit the reports is bound to keep lists or book of the insured persons and their income.

If the business has ceased, or the vessel is laid up without any engaged crew on board, the reports shall be submitted within one month of its occurrence.

If, in any year, a registered business has not had work which is covered by this Act, the employer shall, nevertheless, submit a report on this.

Other reports which are considered necessary by the National Insurance Institution.

The hiring authority shall be instrumental in obtaining the reports which the National Insurance Institution make request for.

(2) If the employer fails to supply the reports required by the National Insurance Institution, or if in the opinion of the National

CHAPTER XI.

TRANSITIONAL RULES AND THE COMING INTO FORCE OF THE ACT.

53. Benefits in respect of injuries sustained prior to the coming into force of the Act.

(1) Disability benefits, widow's benefits and children's benefits in respect of cases of injuries covered by

- a) the Act of 23 July 1894 respecting Accident Insurance for Factory Workers etc., the Act of 13 August 1915 respecting Accident Insurance for Industrial Workers etc. and the Act of 24 June 1931 respecting Accident Insurance for Industrial Workers etc.,
- b) The Act of 18 August 1911 respecting Accident Insurance for Seamen and the Act of 24 June 1931 respecting Accident Insurance for Seamen,
- c) the Act of 10 December 1920 respecting Accident Insurance for Fishermen,

are converted into pensions according to the rates of the present Act. In respect of such cases of injury the provisions of sections 12 - 14, 16, 17 and 19 - 22 are applicable.

The provisions of section 13, sub-section (1) and section 22 are applicable even though the maintenance allowance or children's benefit has lapsed prior to the enforcement of this Act because the child concerned has attained the age of 16 years.

If special reasons warrant it, the National Insurance Institution may grant an ascendent pension in conformity with the provisions of section 23 instead of an ascendent annuity.

(2) No conversion in conformity with sub-section (1) is effected if

- a) the extent of disability in conformity with the estimate of sub-section (3), item b) is below 30 per cent,
- b) the injured party has attained the age of 70 years on the enforcement of this Act.

(3) When converting

- a) the working income on which the establishment of the amount of benefit was originally based shall be adapted with regard to subsequent alterations in the level of wages. The Crown shall issue further rules regarding the adjustment.
- b) the extent of disability (the extent of invalidity) shall be re-established in conformity with the provisions of section 12, sub-section (2) and (3).

Insurance Institution there is reason to assume that a submitted report is incorrect, it has the right to examine his account books and lists which furnish information respecting the insured persons, their salaries and positions.

31. The Approximate Fixing of the Premiums.

If a person neglects his duty to submit reports, the National Insurance Institution may carry out an approximate calculation of premiums.

If the necessary reports are submitted at a later date the National Insurance Institution may disregard the neglect and carry out a new calculation of premiums if it considers special reasons to be present.

CHAPTER VI.

STATEMENTS.

32. Registration of Activities.

Directly on the inception of his activities, the employer shall submit a written report on this to the relevant health insurance fund.

If alterations take place in an enterprise which may be of importance to the liability of insuring or the calculation of premiums, the proprietor shall immediately report this to the health insurance fund.

On the signing on of a crew and exhibition of crew lists (cf. section 2 of the Act of 11 July 1947 respecting Engagement of Seamen) the engaging authorities shall see to it that the vessel has been reported for insurance. If this has not been done, it shall directly notify the health insurance fund.

33. When the Insurance is in Force.

(1) Any person liable to be insured is included in the insurance, regardless of the reports mentioned under section 32 having been submitted or not.

If the employer has failed to submit such a report in due time, the National Insurance Institution may claim reimbursement from him for any amount up to kr. 1.000,- of its expenses in connection with occupational injuries which have occurred in the establishment prior to its registration. The amount is recoverable in the same way as prescribed for premiums.

(2) Voluntary insurance and voluntary supplementary insurance

is contingent upon the advance payment of the premiums pursuant to rules established by the National Insurance Institution.

34. Notification of Injury.

(1) If an insured person sustains physical injury or an illness which qualifies for support pursuant to this Act, an immediate notification of the injury shall be sent by the employer or his representative to the health insurance fund of which the insured person is a member. In addition, the shipmaster shall include in the log a description of the injury and its immediate circumstances. A transcript of the log shall be sent to the health insurance fund together with the notice of injury. Notice of injury in respect of a foreign seaman who is not a member of a Norwegian health insurance fund shall be sent to the particular health insurance fund mentioned in the Health Insurance Act, section 154.

(2) If the insured person has no employer, notification of the injury shall be sent to the health insurance fund either by himself or his relatives.

(3) The health insurance fund shall immediately send notification of occupational injuries to the local labour supervision provided it concerns the range of activities of the supervision.

CHAPTER VII.

RESOLUTIONS AND PAYMENTS.

35. Resolutions of the National Insurance Institution.

As soon as the National Insurance Institution has received the necessary information, it shall decide whether the injury qualifies for benefit pursuant to this Act, and, if so, the size of the same.

The person who has claimed benefit shall be notified of the resolution in writing and its foundation.

36. Payment of Pensions.

(1) Pensions shall be payable in advance for each month or for each quarter, if in the opinion of the National Insurance Institution this is more suitable and in the manner prescribed by the National Insurance Institution. The periodic amounts are to be rounded up to the nearest krone.

Transitory benefit pursuant to section 19, sub-section (2) is payable in such periodic amounts and in the manner prescribed by the National Insurance Institution.

(2) No refundment of received benefits may be claimed if the pensioner dies in the course of the month or the quarter, or, if the pension should lapse for some other reason.

(3) If the pensioner resides abroad, the National Insurance Institution may determine that a running pension shall be payable in other periods than mentioned above or that he shall be granted a lump sum instead of a running pension. The Ministry may give further rules concerning the granting of such a lump sum.

(4) If special reasons warrant it, the Ministry may determine that the pension shall be wholly or partly payable to a person other than the pensioner.

(5) A children's pension is payable to the person who has custody of the child unless the National Insurance Institution determines otherwise due to special reasons.

CHAPTER VIII.

LIMITATION AND LOSS OF RIGHTS.

37. Pension During the Serving of a Sentence etc.

The pension shall lapse if and so long as the pensioner is serving a sentence, is placed in a penal workhouse or reformatory or something similar, or is detained in custody for longer period than 30 days. After-payment of pensions shall take place in respect of pensioners who have been detained in custody provided the criminal case results in acquittal or a probationary sentence.

If the person concerned supports a wife or children who are eligible for a maintenance supplement in conformity with section 13, sub-section (1), the pension shall be payable to them.

38. Incorrect Information.

The National Insurance Institution may reject a claim for benefit, or stop or withhold an approved pension wholly or partly, in cases where the person concerned intentionally or by gross negligence supplies incorrect information, suppresses material facts or without reasonable cause fails to comply with instructions given by the National Insurance Institution.

39. Time of Notice.

A claim for benefit in accordance with this Act shall lapse if it

has not been lodged with the National Insurance Institution within one year of the occurrence of the occupational injury or death.

The National Insurance Institution may disregard this time limit if special reasons warrant it. If so, the benefit may only be granted in respect of the period subsequent to the claim being made.

CHAPTER IX.

DISPUTES.

40. The Board of Appeal.

The resolutions made by the National Insurance Institution in conformity with this Act may be referred to a Board of Appeal with its office in Oslo. An appeal must be entered within two months of the reception of the resolution. The term of appeal may be disregarded if special reasons warrant it.

The Board of Appeal shall consist of seven members. Three of these, viz. : a chairman learned in law, a doctor and a person proficient in rehabilitation and vocational guidance work, together with their deputies, are appointed by the Crown - the chairman subject to six months notice and the others for a period of four years. The remaining four, of which one shall be an employee and one shall be an employer with personal deputies are appointed by Parliament for four years at a time.

The Ministry shall employ necessary secretarial assistance and office staff.

Experts may be summoned when the Committee deems it necessary.

The Committee shall submit advice and opinions on matters relating to the insurance should the competent authorities demand it.

The members are entitled to remuneration for their meetings as the Ministry may determine, and to a travelling allowance and subsistence money according to the usual scales. The remuneration due to experts and secretarial assistance is determined by the Ministry.

41. The Findings of the Board of Appeal.

The decision against which an appeal has been entered may be altered by the Board of Appeal both for and against the appellant.

The resolutions of the Board shall be final in as far as they are based on discretion. Disputes regarding questions which do not con-

cern a matter of discretion may be referred to the court of law provided the dispute has previously been tried by the Board.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

42. The Liability of Employers and Third Parties, etc.

(1) Accidents covered by this Act shall not involve liability on the part of the employer, his authorized agent, labour supervisor, master etc., ship-owner, shipmaster or other officers in charge on board to pay compensation either personally or of the ship's assets (ship and cargo) unless it is established by a penal sentence that the person in question has caused the damage wilfully or by gross negligence.

The above-mentioned right to compensation may also be advanced without the case having been settled by sentence provided the omission of putting forward the criminal liability is due to the death or absence of the guilty party or another reason which is due to him.

The above-mentioned shall be of no consequence in respect of the shipowner's liability in conformity with the Seamen's Act, to pay wages, board and expenses incidental to nursing together with expenses in connection with the funeral when any of the crew lose their lives as the result of an accident.

(2) The employer, shipowner or officer in charge on board is not vicariously liable for their subordinates in the instances mentioned under sub-section (1).

(3) In respect of accidents which entail the right to compensation by virtue of section 30 of the Act of 20 February 1926 respecting Motor Vehicles with subsequent amendments and supplements, the provisions of sub-sections (1) and (2) regarding limitation of liability shall only apply to that part of the liability which is covered by the National Insurance Institution in conformity with this Act and that part of the remaining liability which might exceed the guarantee amount pursuant to the Motor Vehicle Act, section 11.

(4) The Liability of a third person who is not included in the occupational injuries insurance, for accidents covered by this Act, shall not be affected by the provisions of the Act, cf. however sub-section (5).

(5) Even if the employer, shipowner or another person is liable

wholly or in part for an accident covered by this Act, the injured party or his surviving relatives shall in any case be entitled to compensation from the National Insurance Institution as prescribed by the Act.

The compensation which the injured party or his surviving relatives may claim from others in conformity with the provisions previously stated in this section, shall be established in the form of a lump sum according to the general rules of the legislation. The claim of those entitled to compensation is transferred to the National Insurance Institution and the appropriate health insurance fund inasmuch as the injury entails expenses or liability for these, cf. the Health Insurance Act, section 130. This, however, does not apply to that part of the compensation pursuant to the Motor Vehicle Act as mentioned under sub-section (3). If the whole of the adjudicated amount of damages is not recoverable, the injured party or the surviving relatives shall first be paid the amount of damages due to them, before the National Insurance Institution and the health insurance fund are covered.

(6) The particular provisions regarding liability contained in this section are not applicable insured as mentioned in section 1, sub-section (1), item f), sustains, or causes such injuries as are included in this Act.

43. Agreements Contrary to this Act.

An employer may not lawfully exclude or limit the application of this Act by agreements or regulations.

44. Duty of Disclosure etc.

(1) It is the duty of the official and commercial authorities to supply the National Insurance Institution and the health insurance funds with such information as the authority concerned may be acquainted by virtue of its position. This information shall be put to use for the decision of cases according to this Act.

(2) The National Insurance Institution may claim that the labour supervision shall examine and submit opinions on all activities which are covered by the Workers' Protection Act.

45. Legal Testimony.

The National Insurance Institution, when it deems it expedient for a decision in cases covered by this Act, may order a hearing of a maritime declaration or the taking of evidence according to the pro-

visions contained in the Litigation Act.

46. Duty of Secrecy.

Any person who according to this Act is acquainted with another's personal matters or the arrangements or business relations of an activity or establishment is bound to preserve secrecy regarding the same.

47. Penal Provisions.

Any employer or other person who fails to comply in due time with the requirements of the present Act or who supplies incorrect information regarding conditions of importance for the liability to insure or the premium, or who makes a reduction or deduction in the salary in respect of the premium is fined unless, according to its nature, the condition is covered by a more rigorous penal provision.

If, after having been fined, the person concerned persists in neglecting his duties, he may be fined anew.

Infringement of the provision of section 46 is punishable in conformity with the provisions of the Criminal Law regarding public officials.

48. Payment of Writ-servers.

In cases affected by this Act, the payment of the writ-servers is disbursed by the public authorities.

49. Capital Values.

The technical basis of the insurance for the computation of the capital values of the benefits is established by the Ministry.

50. Mutual Agreements.

The Crown may conclude agreements with other countries regarding reciprocity in the matter of occupational injuries insurance and may, in this connection, make exemptions from the provisions of the Act.

51.

Rights by virtue of this Act may be altered, limited, or abolished by subsequent legislation.

52. The Enforcement of the Act.

The Ministry may issue further regulations regarding the enforcement of this Act.

(4) In the re-adjustment according to the provisions of this section, the amount of pension may not be stipulated below that which is prescribed in the legislation mentioned under sub-section (1), items a) - c) and the Act of 17 July 1953 respecting the re-adjustment of contributions to certain benefit-holders according to the legislation respecting Accident Insurance for Industrial Workers etc. , Fishermen and Seamen.

(5) If, according to the legislation mentioned under sub-section (1), items a) - c), the extent of disability has been finally established at less than 30 per cent, the National Insurance Institution, on application by the injured party, may pay the benefit in a lump sum equivalent to the capital value with a deduction of 20 per cent. This is not the case if the degree of disability according to point 3 b is stipulated to 30 per cent or more.

Payment may be made in a lump sum or by instalments according to the regulations of the National Insurance Institution in each individual case.

54. The Enforcement of the Act.

This Act shall come into force on 1 January 1960. As from the same time the following are repealed:

- a) the Act of 17 July 1953 respecting Re-adjustment of Contributions to certain Benefit Holders according to the Legislation respecting Accident Insurance for Industrial Workers etc. , Fishermen and Seamen,
- b) the temporary Act of 8 June 1956 respecting supplements to
 - 1) Act of 10 December 1920 respecting Accident Insurance for Fishermen
 - 2) Act of 24 June 1931 respecting Accident Insurance for Industrial Workers etc. , and
 - 3) Act for 24 June 1931 respecting Accident Insurance for Seamen.

This Acts enumerated in section 53, sub-section (1), items a) - c) are not applicable to injuries which occur subsequent to the enforcement of the present Act. However, the specific arrangements which prior to the enforcement of the present Act are established in conformity with section 4, sub-section (2) of the Act of 24 June 1931 respecting Accident Insurance for Industrial Workers etc. , shall remain in force until otherwise provided by the Crown. In any case the contributions in accordance with the specific arrangements must at least equal the contributions in conformity with the present Act.