

SCHEDULE 2

Article 2

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND THE GOVERNMENT OF IRELAND

[No. 1]

3 July 2007

Your Excellency

I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, which was signed at Dublin on 14 December, 2004 and to propose that the following amendments should be made in the text of the Convention:

(A) In Article 1(1) the definition of “Category A retirement pension” and “Category B retirement pension” shall be replaced as follows:

*““Category A retirement pension” means either, or both, a basic retirement pension and an additional pension based on a person’s own insurance contributions, or for certain persons whose marriages have ended by divorce or widowhood, or for certain persons whose civil partnerships have ended by dissolution or by the death of a civil partner; a basic retirement pension based on the former spouse’s or civil partner’s insurance contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension based on a person’s own contributions or, for certain persons whose marriages have ended by divorce or widowhood, based on the former spouse’s contributions, payable under the legislation of Jersey or Guernsey;*

*““Category B retirement pension” means a basic retirement pension payable to a married person or civil partner on the spouse’s or civil partner’s contributions or, for a widow, widower or surviving civil partner, either, or both, a basic retirement pension and an additional pension based on the late spouse’s or civil partner’s contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension payable under the legislation of Jersey or Guernsey to a married woman by virtue of the contributions of her husband while he is alive;”.*

(B) In Article 1(1) the definition of “invalidity benefit” shall be replaced as follows:

*““invalidity benefit” means—*

- (i) long-term incapacity benefit, additional pension, invalidity allowance and incapacity age addition payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or*
- (ii) invalidity benefit payable under the legislation of Guernsey, or*
- (iii) invalidity benefit, long term incapacity allowance or incapacity pension payable under the legislation of Jersey, or*
- (iv) invalidity pension payable under the legislation of Ireland;”.*

(C) In Article 1(1) the definition of “sickness benefit” shall be replaced as follows:

*““sickness benefit” means—*

- (i) short-term incapacity benefit at the lower, higher or long-term rate payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or*
- (ii) sickness benefit and industrial injury benefit payable under the legislation of Guernsey, or*
- (iii) short term incapacity allowance payable under the legislation of Jersey, or*
- (iv) disability benefit payable under the legislation of Ireland.”.*

*Status: This is the original version (as it was originally made).*

(D) Article 6, paragraph (3) shall be replaced as follows:

*“(3) Subject to Article 15(3) to (5), a person who continues to be entitled to receive sickness benefit under the legislation of Jersey while he is in Ireland may, after having received, or been deemed to have received, 364 days sickness benefit, become entitled to receive long term incapacity allowance under the legislation of Jersey provided that he continues to satisfy the insurance authority of Jersey of a loss of physical or mental faculty.”.*

(E) In Article 15 a new paragraph shall be inserted as follows:

*“(3) Where a person is entitled to incapacity pension under the legislation of Jersey, only contribution periods completed, or deemed to be completed, under the legislation of Jersey shall be taken into consideration in the calculation of the rate of incapacity pension.”.*

(F) In Article 19, paragraph (1) after the words “*completed by a spouse*” there shall be added the words “*or civil partner*” and after the words “*or former spouse*” there shall be added the words “*or former civil partner*”.

If the foregoing proposals are acceptable to the Government of Ireland, I have the honour to suggest that this Note, together with Your Excellency’s reply to that effect, shall constitute an Agreement between our two Governments which shall enter into force at the same time as the Convention.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Win Harris

Director, Joint International Unit of the Department for Work and Pensions and the Department for Education and Skills

[No. 2]

3 July 2007

Win Harris

Director, Joint International Unit of the Department for Work and Pensions and the Department for Education and Skills

I have the honour to acknowledge the receipt of your note dated 3 July 2007 which reads as follows:

*[the Note here sets out the text for No. 1]*

I have the honour to confirm that the foregoing is acceptable to the Government of Ireland and that they agree that your Note together with this reply shall constitute an Agreement between our two Governments in this matter, which shall enter into force at the same time as the Convention.

I avail myself of this opportunity to renew assurances of my highest consideration.

Dáithí O’Ceallaigh

Ambassador of Ireland, London