

SCHEDULE

AGREEMENT ON SOCIAL SECURITY BETWEEN THE SECRETARY OF STATE FOR SOCIAL SECURITY, THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND AND THE LIEUTENANT-GOVERNOR OF THE ISLE OF MAN, WITH THE ADVICE AND CONSENT OF THE ISLE OF MAN DEPARTMENT OF HEALTH AND SOCIAL SECURITY, OF THE FIRST PART, THE SOCIAL SECURITY COMMITTEE, WITH THE CONSENT OF THE STATES OF JERSEY, OF THE SECOND PART, AND THE GUERNSEY SOCIAL SECURITY AUTHORITY, WITH THE CONSENT OF THE STATES OF GUERNSEY, OF THE THIRD PART

Modifications etc. (not altering text)

- C1 Sch. modified (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), art. 1, [Sch. 2](#)

PART IV

BENEFIT PROVISIONS

Section 1

Provisions for Sickness, Maternity, Invalidity and Unemployment

Article 13 Sickness Benefit and Maternity Allowance

(1) Where a person has, since his last arrival in the territory of one Party, completed a contribution period under the legislation of that Party, then for the purpose of any claim for sickness benefit or maternity allowance made under the legislation of that Party, an insurance period completed under the legislation of any other Party shall be treated in accordance with Article 12 as if it were an insurance period completed under the legislation of the former Party.

(2) Where a person is employed in the territory of one Party and the legislation of any other Party applies to him in accordance with any of the provisions of Articles 6 to 11, he shall be treated under that legislation for the purpose of any claim to sickness benefit or maternity allowance as if he were in the territory of that other Party.

(3) Subject to paragraph (5), where a person would be entitled to receive sickness benefit or maternity allowance under the legislation of one Party if he were in the territory of that Party, he shall be entitled to receive that sickness benefit or maternity allowance while he is in the territory of any other Party if:

- (a) his condition necessitates immediate treatment during a stay in the territory of that Party and within six days of commencement of incapacity for work, or such longer period as the competent authority may allow, he submits to the competent authority of the former Party a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or
- (b) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the former Party he is authorised by the competent authority of that Party to return to the territory of any other Party where he resides, or to transfer his residence to the territory of any other Party; or

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- (c) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the former Party he is authorised by the competent authority of that Party to go to the territory of any other Party to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (b) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health, or to the receipt of medical treatment.

(4) Subject to paragraph (5), where a person would, if he were in Great Britain or Northern Ireland, be entitled to receive statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he shall, provided that he satisfies all the conditions for entitlement to, and payment of, sickness benefit or maternity allowance under the legislation of Great Britain or Northern Ireland, with the exception of any conditions as to residence and presence in Great Britain or Northern Ireland, be entitled to receive that sickness benefit or maternity allowance while he is in the territory of any other Party if:

- (a) his condition necessitates immediate treatment during a stay in the territory of any other Party and within six days of commencement of incapacity for work, or such longer period as the competent authority or insurance authority may allow, he submits to the competent authority or insurance authority of Great Britain or Northern Ireland a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or
- (b) having become entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he is authorised by the competent authority of Great Britain or Northern Ireland to return to the territory of any other Party where he resides, or to transfer his residence to the territory of any other Party; or
- (c) having become entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland he is authorised by the competent authority of Great Britain or Northern Ireland to go to the territory of any other Party to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (b) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health, or to the receipt of medical treatment.

(5) Nothing in this Article shall permit the payment of statutory sick pay or statutory maternity pay outside Great Britain or Northern Ireland.

(6) Where a person who is resident in the territory of one Party claims but is not entitled to receive sickness benefit or maternity allowance under the legislation of that Party but would be entitled to receive sickness benefit or maternity allowance under the legislation of any other Party if he were in the territory of that Party, he shall be entitled to receive that sickness benefit or maternity allowance while he is in the territory of the former Party provided that, since his last arrival in the territory of that Party, he has not completed a contribution period under its legislation.

(7) Where, but for this paragraph, a person would be entitled to receive for the same period, whether by virtue of this Agreement, or otherwise:

- (a) sickness benefit, including industrial injury benefit under the legislation of Guernsey, or maternity allowance under the legislation of more than one Party, or
- (b) statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, and sickness benefit or maternity allowance under the legislation of any other Party,

that benefit, allowance or payment shall be granted only under the legislation under which the person was last insured before entitlement arose.

Article 14 Maternity Grant Under the Legislation of Jersey and Guernsey

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(1) In this Article “Party” means Jersey or Guernsey, as the case may be.

(2) For the purpose of a claim to maternity grant under the legislation of one Party, a woman who is confined in the territory of the other Party shall be treated as if she were in, or confined in, the territory of the former Party and any grant to which she may be entitled under the legislation of that Party shall be payable as if she were in, or confined in, the territory of that Party and not as if she were in, or confined in, the territory of the latter Party.

(3) Where a woman would be entitled to a maternity grant under the legislation of both Parties in respect of the same confinement, whether by virtue of this Agreement or otherwise:

- (a) the grant shall be payable only under the legislation of the Party in whose territory the confinement occurs; or
- (b) if the confinement does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the woman or, if relevant to the claim, her husband was last insured before the confinement.

(4) Where a woman would not be entitled to a maternity grant under the legislation of either Party then, for the purposes of a claim under the legislation of the Party in whose territory she was confined or, if she was not confined in the territory of either Party under the legislation of the territory in which she or her husband was last insured before her confinement, any insurance period completed under the legislation of the other Party shall be treated, in accordance with Article 12, as an insurance period completed under the legislation of the Party to whom the claim is appropriate.

Article 15 Invalidity Benefit

Where a person has been insured under the legislation of more than one Party, the competent authority in the territory of the Party whose legislation was applicable when incapacity for work followed by invalidity began shall determine, in accordance with its legislation, whether the person concerned satisfies the conditions for entitlement to invalidity benefit taking account, where appropriate, of any insurance period which that person has completed under the legislation of any other Party as if it were an insurance period completed under its legislation.

Article 16 Unemployment Benefit Under the Legislation of the United Kingdom and Guernsey

(1) In this Article “Party” means the United Kingdom or Guernsey, as the case may be.

(2) Where a person has, since his last arrival in the territory of one Party, completed a contribution period under the legislation of that Party, then for the purpose of any claim for unemployment benefit made under the legislation of that Party, any insurance period, or period of employment, completed under the legislation of the other Party shall be treated in accordance with Article 12 as if it were an insurance period, or period of employment, completed under the legislation of the former Party.

(3) Where paragraph (2) applies, any unemployment benefit paid to a person for a period by one Party before the day for which a claim is made for unemployment benefit under the legislation of the other Party shall be taken into account for determining the duration of the payment under the legislation of the latter Party.

(4) Periods of employment in the territory of one Party shall be taken into account for the purpose of determining whether a person who has previously exhausted his right to unemployment benefit under the legislation of the other Party requalifies for it.

(5) This Article shall not apply to a person who claims unemployment benefit under the legislation of Guernsey and who has not paid 26 contributions as an employed person under the legislation of Guernsey.

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Section 2

Retirement Pension and Widow's Benefit

Article 17 General Provisions

(1) Subject to paragraphs (2) to (4), where a person is entitled to a basic retirement pension under the legislation of any Party otherwise than by virtue of this Agreement, that pension shall be payable and Article 18 shall not apply under that legislation.

(2) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of the United Kingdom, shall also be entitled to have any Category A retirement pension entitlement determined in accordance with Article 18.

(3) Notwithstanding paragraph (1), a married woman entitled to a retirement pension solely on her husband's contributions under the legislation of Jersey or Guernsey shall also be entitled to have any pension entitlement based entirely on her own insurance determined in accordance with Article 18. Such a married woman shall be entitled to receive only the benefit of her choice.

(4) Entitlement to a retirement pension in the circumstances referred to in paragraph (1) shall not preclude the competent authority of any other Party from taking into account in accordance with paragraph (3) of Article 18 insurance periods completed under the legislation of any other Party.

Article 18 Pro-rata Pensions

(1) Subject to Articles 17 and 19 to 21, this Article shall apply to determine a person's entitlement to retirement pension, including any increase for dependants, under the legislation of any Party.

(2) In accordance with Article 12, the competent authority of any Party shall determine:

- (a) the amount of the theoretical pension which would be payable if all the relevant insurance periods completed under the legislation of all Parties had been completed under its own legislation;
- (b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed under the legislation of that Party bears to the total of all the relevant insurance periods completed under the legislation of all Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable by the competent authority.

(3) For the purpose of the calculation in paragraph (2), where all the insurance periods completed by any person under the legislation of:

- (a) the United Kingdom amount to less than one reckonable year or, as the case may be, one qualifying year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 50 weeks, or
- (b) Jersey amount to less than an annual contribution factor of 1.00, or
- (c) Guernsey amount to less than 50 weeks,

those periods shall be treated in accordance with paragraph (4).

(4) Insurance periods under paragraph (3) shall be treated as follows:

- (a) as if they had been completed under the legislation of any Party under which a pension is, or if such periods are taken into account, would be, payable, or
- (b) where a pension is, or would be, payable under the legislation of two or more Parties as if they had been completed under the legislation of that Party which, at the date on which entitlement first arose or arises, is paying, or would pay, the greater, or greatest, amount.

(5) Where no pension is, or would be, payable under paragraph (4), insurance periods under paragraph (3) shall be disregarded.

(6) Any increase of benefit payable under the legislation of the United Kingdom because of deferred retirement or deferred entitlement shall be based on the amount of the pro-rata pension calculated in accordance with this Article.

Article 19 Insurance Periods to be taken into Account

For the purpose of applying Article 18 the competent authority of any Party shall take account only of insurance periods completed under the legislation of any other Party which would be taken into account for the determination of pensions under the legislation of that Party if they had been completed under its legislation, and shall, where appropriate, take into account, in accordance with its legislation, insurance periods completed by a spouse, or former spouse, as the case may be.

Article 20 Overlapping Periods

For the purpose of applying Article 18:

- (a) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of any other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of any other Party under paragraph (2) of Article 18 shall be increased by the amount by which the pension payable under the legislation of that Party would have been increased if all voluntary contributions paid under that legislation had been taken into account;
- (b) where a contribution period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of any other Party, only the contribution period shall be taken into account;
- (c) where an equivalent period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of any other Party, account shall be taken only of the equivalent period completed under the legislation under which the insured person was last insured before the day when the periods in question began or, if he was never insured before that day, under the legislation under which he first became insured after the day when the periods in question ended;
- (d) where a compulsory contribution period completed under the legislation of one Party coincides with a compulsory contribution period completed under the legislation of any other Party, each Party shall take into account only the compulsory contribution period completed under its own legislation;
- (e) where a voluntary contribution period completed under the legislation of one Party coincides with a voluntary contribution period completed under the legislation of any other Party, each Party shall take into account only the voluntary contribution period completed under its own legislation;
- (f) where it is not possible to determine accurately the period of time in which certain insurance periods were completed under the legislation of one Party, such insurance periods shall be treated as if they did not overlap with insurance periods completed under the legislation of any other Party and shall be taken into account to the best advantage of the beneficiary.

Article 21 Benefits to be Excluded

For the purpose of applying Article 18 no account shall be taken of the following benefits payable under the legislation of the United Kingdom:

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- (a) any additional pension payable;
- (b) any graduated retirement benefit payable by virtue of any graduated contributions paid before 6 April 1975;
- (c) any invalidity allowance payable;

but any such benefit shall be added to the amount of any benefit payable under that legislation in accordance with paragraph (2) of Article 18.

Article 22 Non-simultaneous Entitlement

Where a person does not simultaneously satisfy the conditions for entitlement to a retirement pension under the legislation of two or more Parties, his entitlement from each Party shall be established as and when he satisfies the conditions applicable under the legislation of that Party, taking account, where appropriate, of Article 18.

Article 23 Widow's Benefit

(1) Articles 17 to 22 shall also apply, with such modifications as the differing nature of the benefits shall require, to widow's benefit.

(2) Where widow's benefit would be payable under the legislation of one Party if a child were in the territory of that Party, it shall be payable while the child is in the territory of any other Party.

Section 3

Benefits for Industrial Accidents and Industrial Diseases

Article 24 General Provisions

(1) Where a person is employed in the territory of one Party and the legislation of any other Party applies to him in accordance with any of the provisions of Articles 7 to 11, he shall be treated under that legislation for the purpose of any claim to benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of any other Party. Where benefit would be payable in respect of that claim if the person were in the territory of that Party, it shall be payable while he is in the territory of the former Party.

(2) Where a person leaves the territory of one Party to go in the course of his employment to the territory of any other Party, but before he arrives in that territory sustains an accident, then, for the purpose of any claim for benefit in respect of that accident:

- (a) the accident shall be treated as if it had occurred in the territory of the Party whose legislation was expected to apply to him in respect of his employment in that territory; and
- (b) his absence from the territory of that Party shall be disregarded in determining whether his employment was as an employed person under that legislation.

(3) Where, because of a death resulting from an industrial accident or an industrial disease, a benefit would be payable under the legislation of one Party in respect of a child if that child were in the territory of that Party, that benefit shall be payable while the child is in the territory of any other Party.

Article 25 Dual Attribution and Aggravation of an Industrial Disease

(1) In this Article "Party" means the United Kingdom or Guernsey, as the case may be.

(2) Subject to paragraph (3), where a person contracts an industrial disease, after having been employed in the territories of both Parties in an occupation to which, under the legislation of both Parties, the disease may be attributed and he would be entitled to receive benefit in respect of that disease under the legislation of both Parties, whether by virtue of this Agreement or otherwise, the benefit shall be payable only under the legislation of the Party in whose territory he was last employed in that occupation before the disease was diagnosed.

(3) Where a person has suffered an aggravation of an industrial disease for which benefit has been paid in accordance with paragraph (2), the following provisions shall apply:

- (a) if the person has not had further employment in an occupation to which the disease or the aggravation may be attributed, or has had such employment only in the territory of the Party under whose legislation benefit has been paid, any additional benefit to which he may become entitled as a result of such aggravation shall be payable only under that legislation;
- (b) if the person makes a claim under the legislation of the Party in whose territory he is employed on the ground that he has suffered an aggravation of the disease while he was employed in the territory of that Party in an occupation to which, under the legislation of that Party, the aggravation may be attributed, the competent authority of that Party shall be liable to pay benefit only in respect of the aggravation as determined under the legislation of that Party.

Article 26 Dual Entitlement

A person shall not be entitled, whether by virtue of this Agreement or otherwise, to receive sickness benefit, including industrial injury benefit under the legislation of Guernsey, invalidity benefit or maternity allowance under the legislation of one Party for any period during which he is entitled to benefit, other than a pension, under the legislation of any other Party in respect of incapacity for work which results from an industrial accident or an industrial disease.

Section 4

Family Benefits

Article 27 Orphan's Benefit under the Legislation of the United Kingdom and Guernsey

(1) In this Article "Party" means the United Kingdom or Guernsey, as the case may be.

(2) For the purpose of any claim for orphan's benefit under the legislation of the United Kingdom any period of presence in the territory of Guernsey shall be treated as if it were a period of presence in the territory of the United Kingdom.

(3) For the purpose of any claim for orphan's benefit under the legislation of Guernsey a person who has completed an insurance period under the legislation of the United Kingdom shall be treated as an insured person under the legislation of Guernsey.

(4) Where orphan's benefit would be payable to a person under the legislation of one Party if that person, or the orphan for whom the benefit is claimed, were ordinarily resident in the territory of that Party, it shall be paid while that person, or the orphan, is in the territory of the other Party as if he were in the territory of the former Party.

(5) Where, but for this paragraph, a person would be entitled to receive orphan's benefit under the legislation of both Parties in respect of the same orphan, whether by virtue of this Agreement or otherwise, he shall be entitled to receive benefit only under the legislation of the Party in whose territory the orphan is ordinarily resident.

Article 28 Child Benefit

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(1) Subject to paragraph (6), where a person is present or resident in the territory of one Party and the legislation of any other Party applies to him in accordance with any of the provisions of Articles 6 to 11, he or his spouse residing with him shall be treated for the purpose of any claim to child benefit under that legislation:

- (a) as if he were present or resident, as the case may be, in the territory of that Party, and
- (b) as if any child of his family or any child for whom he is responsible were present or resident, as the case may be, in the territory of that Party if the child is present or resident, as the case may be, in the territory of any other Party.

(2) Where a person is resident in the territory of one Party together with any child of his family or any child for whom he is responsible and the legislation of no other Party is applicable to him in accordance with Articles 6 to 11, then for the purpose of a claim to child benefit under the legislation of the former Party in respect of that child, any period of presence or residence, as the case may be, completed in the territory of any other Party, shall be treated as if it were a period of presence or residence respectively completed by that person in the territory of the former Party.

(3) Where a person is resident in the territory of one Party and his family is present or resident in the territory of any other Party and the legislation of no other Party is applicable to him in accordance with Articles 6 to 11, his entitlement to child benefit shall be determined only under the legislation of the Party in whose territory the family is present or resident. For the purpose of determining that entitlement, a period of presence or residence, as the case may be, completed in the territory of the former Party shall be treated as if it were a period of presence or residence respectively completed in the territory of the latter Party.

(4) Where, but for this paragraph, child benefit would be payable under the legislation of more than one Party for the same period in respect of the same child, whether by virtue of this Agreement or otherwise, child benefit shall be paid only under the legislation of the Party in whose territory that child is ordinarily resident.

(5) Subject to paragraph (1), a person who claims child benefit under the legislation of Jersey who becomes ordinarily resident in Jersey and who immediately before his arrival in Jersey was resident in the United Kingdom or Guernsey and would have satisfied the residence and presence conditions for child benefit under the legislation of either of those Parties, or was in receipt of child benefit under the legislation of either of those Parties, shall be eligible for child benefit under the legislation of Jersey from the date of the arrival of his family in Jersey or the cessation of child benefit under the legislation of the United Kingdom or Guernsey, whichever is the later.

(6) Child benefit shall not be payable under the legislation of Jersey unless and until the provisions of the legislation of Jersey concerning the income of the family are satisfied.

(7) For the purpose of any claim to child benefit under the legislation of Guernsey or Jersey, a person whose place of birth was in the territory of any Party shall be treated as if his place of birth were in Guernsey or Jersey, as the case may be.

Section 5

Attendance Benefit and Death Grant

Article 29 Attendance Benefit

(1) For the purpose of determining entitlement to attendance benefit under the legislation of any Party, any period of residence or presence, as the case may be, in the territory of any other Party shall be treated as if it had been a period of residence or presence, as the case may be, in the territory of the former Party.

(2) Where, but for this paragraph, a person would be entitled to receive attendance benefit under the legislation of more than one Party for the same period he shall be entitled to receive payment only under the legislation of the Party in which he is currently ordinarily resident.

Article 30 Death Grant Under the Legislation of Jersey or Guernsey

(1) In this Article “Party” means Jersey or Guernsey, as the case may be.

(2) For the purpose of any claim to death grant under the legislation of either Party any insurance period completed under the legislation of one Party shall be treated in accordance with Article 12 as if it were an insurance period completed under the legislation of the other Party.

(3) Where a person dies in the territory of either Party his death shall be treated, for the purpose of any claim for a death grant under the legislation of one Party, as if it had occurred in the territory of that Party.

(4) Where there would be entitlement to death grant under the legislation of both Parties, whether by virtue of this Agreement or otherwise:

- (a) the grant shall be payable only under the legislation of the Party in whose territory the death occurs; or
- (b) if the death does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the person on whose insurance the right to the grant is determined was last insured before the death.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order modified by [S.I. 1995/767 art. 2Sch. 12](#)
- Order modified by [S.I. 1996/1928 art. 2Sch. 12](#)
- Act modified by [S.I. 1996/1928 art .2 Schs.1](#)