

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF BARBADOS

Part IV

Benefit Provisions

ARTICLE 12

Sickness Benefit and Maternity Allowance

(1) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 6 to 10, 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 the latter Party.

(2) Subject to the provisions of paragraph (7) and Article 32, where a person would be entitled to receive sickness benefit or maternity allowance under the legislation of the territory of the United Kingdom if he were in that territory, he shall be entitled to receive that sickness benefit or maternity allowance while he is in Barbados if:

- (a) his condition necessitates immediate treatment during a stay in Barbados 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 United Kingdom 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 United Kingdom, he is authorised by the competent authority of that Party to return to Barbados where he resides, or to transfer his residence to Barbados; or
- (c) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the United Kingdom, he is authorised by the competent authority of that Party to go to Barbados 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 the receipt of medical treatment.

(3) Subject to the provisions of paragraph (4) and Article 32, where a person would, if he were in Great Britain or Northern Ireland, be entitled to 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 that sickness benefit or maternity allowance while he is in Barbados, if:

- (a) his condition necessitates immediate treatment during a stay in Barbados, 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 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

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of Great Britain or Northern Ireland to return to Barbados, where he resides, or to transfer his residence to Barbados; 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 Barbados, to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (b) of this paragraph 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) Nothing in this Article shall permit the payment of statutory sick pay or statutory maternity pay outside Great Britain or Northern Ireland.

(5) Subject to the provisions of paragraph (7) and Article 32, where a person would be entitled to receive sickness benefit under the legislation of Barbados, if he were in Barbados, he shall be entitled to receive that sickness benefit while he is in the territory of the United Kingdom if:

- (a) his condition necessitates immediate treatment during a stay in the territory of the United Kingdom 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 Barbados 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 under the legislation of Barbados, he is authorised by the competent authority of that Party to return to the territory of the United Kingdom where he resides or to transfer his residence to the territory of the United Kingdom; or
- (c) having claimed and become entitled to sickness benefit under the legislation of Barbados, he is authorised by the competent authority of that Party to go to the territory of the United Kingdom 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 the receipt of medical treatment.

(6) Where by virtue of contributions made under the legislation of Barbados a person would be entitled to receive maternity benefit if she were in the territory of Barbados, she shall be entitled to receive that maternity benefit while she is in the territory of the United Kingdom.

(7) Where a seasonal worker, who is entitled to sickness benefit under the legislation of Jersey or Guernsey or Barbados, returns to the territory in which he is ordinarily resident, he shall be entitled to continue to receive such benefit for a period of not more than thirteen weeks from the date of departure from Jersey, Guernsey or Barbados, as the case may be.

ARTICLE 13

Maternity Grant under the Legislation of Jersey, Guernsey or Barbados

(1) "Party" in this Article shall mean Jersey, Guernsey, or Barbados.

(2) For the purpose of a claim for 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 Convention 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) Maternity grant may also be paid under the legislation of Barbados notwithstanding that the confinement has taken place in Great Britain, Northern Ireland or the Isle of Man.

ARTICLE 14

Invalidity Benefit

(1) Where a person would be entitled to receive for the same incapacity and for the same period invalidity benefit under the legislation of both Parties, or invalidity benefit under the legislation of one Party and sickness benefit under the legislation of the other Party, including statutory sick pay under the legislation of Great Britain or Northern Ireland, or industrial injury benefit under the legislation of Guernsey, whether by virtue of this Convention or otherwise, he shall be entitled to receive only the invalidity benefit, sickness benefit, statutory sick pay or industrial injury benefit, as the case may be, under the legislation of the Party in whose territory the incapacity began.

(2) If under paragraph (1) payment is made under the legislation of the United Kingdom, and, but for its provision, entitlement would also arise under the legislation of Barbados, the competent authority of Barbados may pay the difference between the amount of United Kingdom invalidity benefit payable and the amount of Barbados invalidity benefit payable if the latter is greater.

ARTICLE 15

Retirement Pension and Widows' Benefit

(1) Subject to the provisions of paragraphs (2) to (4), where a person is entitled to a basic retirement pension under the legislation of any part of either Party otherwise than by virtue of this Convention, that pension shall be payable and Article 16 shall not apply under that legislation.

(2) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of Great Britain, Northern Ireland or the Isle of Man, shall also be entitled to have any Category A retirement pension entitlement calculated in accordance with Article 16.

(3) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of Jersey or Guernsey shall also be entitled to have any Category A retirement pension entitlement calculated in accordance with Article 16. Such a person 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 part of either Party from taking into account in accordance with paragraph (3) of Article 16 insurance periods completed under the legislation of any part of either Party.

ARTICLE 16

Pro-Rata Pensions

(1) Subject to the provisions of Articles 17 to 20, the provisions of this Article shall apply for the purpose of determining entitlement to retirement pension, including any increase for dependants, in respect of a person under the legislation of any part of either Party under which there is no entitlement in respect of that person in accordance with the provisions of Article 15.

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(2) In accordance with the provisions of Article 11, the competent authority of any part of either 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 both 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 part of either Party bears to the total of all the relevant insurance periods completed under the legislation of both 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):

- (a) where all the insurance periods completed by any person under the legislation of:
 - (i) either Great Britain, Northern Ireland or the Isle of Man 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
 - (ii) Jersey amount to less than an annual contribution factor of 1.00, or
 - (iii) Guernsey amount to less than 50 weeks,

those periods shall be treated as if they had been completed under the legislation of any other part of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or, where two such pensions are or would be payable, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater amount. Where no such pension is or would be payable by any other part of the United Kingdom, the periods shall be treated as if they had been completed under the legislation of Barbados;

- (b) where all the insurance periods completed by any person under the legislation of Barbados amount to less than 50 weeks those periods shall be treated as if they had been completed under the legislation of that part of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or where such a pension is or would be payable under the legislation of two or more parts of the United Kingdom, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater or greatest amount.

ARTICLE 17

Insurance Periods to be taken into Account

For the purpose of applying the provisions of Article 16 the competent authority of the United Kingdom shall take account only of insurance periods completed under the legislation of either Party which would be taken into account for the determination of pensions under the legislation of the United Kingdom if they were completed under that legislation and shall, where appropriate, take into account in accordance with that legislation, insurance periods completed by a spouse or former spouse as the case may be.

ARTICLE 18

Overlapping Periods

For the purpose of applying the provisions of Article 16:

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- (a) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of the latter Party under paragraph (2) of Article 16 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, other than a voluntary contribution period, completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the 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 the 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 the 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 the 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 the other Party and shall be taken into account to the best advantage of the beneficiary.

ARTICLE 19

Benefits to be Excluded

For the purpose of applying the provisions of Article 16, no account shall be taken of the following benefits payable under the legislation of Great Britain, Northern Ireland or the Isle of Man:

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

but any such benefits shall be added to the amount of any benefit payable under that legislation in accordance with paragraph (2) of Article 16.

ARTICLE 20

Pre-Scheme Contributions

For the purpose of applying the provisions of this Convention, no account shall be taken under the legislation of Barbados of any contribution paid or credited under the legislation of the United Kingdom for any period before 5 June 1967.

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ARTICLE 21

Non-Simultaneous Entitlement

Where a person does not simultaneously satisfy the conditions for entitlement to a retirement pension under the legislation of both 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 the provisions of Article 16.

ARTICLE 22

Widow's Benefit

(1) The provisions contained in Articles 15 to 21 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 the United Kingdom if a child were in the territory of the United Kingdom, it shall be payable while the child is in the territory of Barbados.

ARTICLE 23

Benefits for Industrial Accidents and Industrial Diseases

(1) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 7 to 10, he shall be treated under that legislation for the purpose of any claim for 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 the latter Party. Where benefit would be payable in respect of that claim if the person were in the territory of the latter 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 the other Party but before he arrives in the latter 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 applied to him at the time the accident occurred; 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 the other Party.

ARTICLE 24

Dual Attribution and Aggravation of an Industrial Disease

(1) 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 Convention 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.

(2) Where a person has suffered an aggravation of an industrial disease for which benefit has been paid in accordance with paragraph (1), the following provisions shall apply:

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- (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 25

Dual Entitlement

(1) Where, but for the provisions of this Article, and subject to Article 24(2)(b), a person would have been entitled to any benefit payable in respect of an industrial accident or an industrial disease under the legislation of both Parties, that benefit shall be payable only under the legislation of the Party in whose territory the person was last employed.

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

ARTICLE 26

Orphan's Benefit

(1) In relation to the territory of the United Kingdom, "Party" in this Article shall mean Great Britain, Northern Ireland, the Isle of Man and Guernsey.

(2) 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 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.

ARTICLE 27

Child Benefit

(1) Subject to the provisions of paragraph (2), where a person is present or resident in the territory of Barbados and the legislation of Great Britain, Northern Ireland, the Isle of Man or Jersey applies to him in accordance with any of the Articles 6 to 10, he or his spouse residing with him shall be treated for the purpose of any claim for child benefit under that legislation:

- (a) as if he were present or resident, as the case may be, in the territory of Great Britain, Northern Ireland, the Isle of Man or Jersey, 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 Great Britain, Northern Ireland, or the Isle of Man if the child is present or resident, as the case may be, in the territory of Barbados.

(2) In the case of Jersey, family allowance shall be paid only in respect of a child who is ordinarily resident in Jersey.

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ARTICLE 28

Death Grant under the Legislation of Jersey, Guernsey or Barbados

- (1) “Party” in this Article shall mean Jersey, Guernsey or Barbados.
- (2) Where a person dies in the territory of Jersey, Guernsey or Barbados, 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.
- (3) Where there would otherwise be entitlement to death grant under the legislation of both Parties, whether by virtue of this Convention 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.

ARTICLE 29

Recovery of Advance Payments and Overpayments of Benefit

- (1) Where a competent authority of one Party has made a payment of any benefit to a person for any period, or event, in advance of the period, or event, to which it relates or has paid him any benefit for a period, or event, whether by virtue of this Convention or otherwise, and the competent authority of the other Party afterwards decides that the person is entitled to benefit for that period, or event, under its legislation, the competent authority of the latter Party, at the request of the competent authority of the former Party, shall deduct from the benefit due for that period, or event, under its legislation any overpayment which, by virtue of the provisions of this Convention, results from the advance payment of benefit or from the benefit paid by the competent authority of the former Party and shall, where appropriate, transmit this sum to the competent authority of the former Party.
- (2) Where a person has received social assistance under the legislation of Great Britain, Northern Ireland or the Isle of Man for a period for which that person subsequently becomes entitled to any benefit under the legislation of Barbados, the competent authority of Barbados, at the request of and on behalf of the competent authority of Great Britain, Northern Ireland or the Isle of Man, shall withhold from the benefit due for that period the amount by which the social assistance paid exceeded what would have been paid had the benefit under the legislation of Barbados been paid before the amount of social assistance was determined, and shall transmit the amount withheld to the competent authority of Great Britain, Northern Ireland or the Isle of Man.