

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

PART II

PROVISIONS WHICH DETERMINE, THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

ARTICLE 6

General Provisions

(1) Subject to paragraphs (2) to (13) and Articles 7 to II, where a person is gainfully employed, liability for contributions for him shall be determined under the legislation of the Party in whose territory he is so employed.

(2) Where a person is employed in the territory of more than one Party for the same period, liability for contributions for him shall be determined only under the legislation of the Party in whose territory he is ordinarily resident.

(3) Where a person is self-employed in the territory of more than one Party for the same period, liability for contributions for him shall be determined only under the legislation of the Party in whose territory he is ordinarily resident.

(4) Where a person is employed in the territory of one Party and self-employed in the territory of any other Party for the same period, liability for contributions for him shall be determined only under the legislation of the former Party.

(5) No provision of this Article shall affect a person's liability to pay a Class 4 contribution under the legislation of the United Kingdom.

(6) Where a person is not gainfully employed, any liability for contributions shall be determined under the legislation of the Party in whose territory he is ordinarily resident.

(7) Where, but for this paragraph, a person would be entitled to pay contributions voluntarily under the legislation of more than one Party for the same period, he shall be entitled to pay contributions only under the legislation of one Party according to his choice.

(8) Where under Articles 7, 8(a) or (b), or 9(2), a person is employed in the territory of one Party while remaining liable for contributions under the legislation of any other Party, the legislation of the former Party shall not apply to him and he shall not be liable, nor entitled, to pay contributions under the legislation of the former Party.

(9) Where a person is gainfully employed in the territory of a Party and the legislation of any other Party does not apply to him in accordance with paragraphs (1) and (4) or ceases to apply to him under Articles 7, 8(a) or (b), or 9(2), the legislation of the former Party shall apply to him as if he were ordinarily resident in the territory of that Party.

(10) A person who is entitled to receive sickness benefit, maternity allowance, invalidity benefit or injury benefit for any period under the legislation of one Party, or 100% disablement benefit for any period under the legislation of Jersey, shall be excepted from liability to pay a contribution in

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respect of that period, other than as an employed or self-employed person, under the legislation of any other Party.

(11) A person who is entitled to receive widow's benefit under the legislation of Jersey shall be awarded credits only for periods during which that person is ordinarily resident in Jersey.

(12) A woman who is entitled to receive widow's benefit under the legislation of Guernsey while she is in the territory of any other Party shall not be credited with a Class 3 contribution in respect of every week during which that benefit is payable to her, but shall be credited, for the purposes of entitlement to retirement pension or death grant, in respect of each year during the whole or part of which such benefit is payable, with a number of Class 3 contributions equal to her husband's yearly average of reckonable contributions at the date of his death. If the rate of retirement pension payable to such a woman would be less than the rate of widow's benefit formerly payable it shall be increased to that of the widow's benefit.

(13) For the purpose of determining whether a person is entitled to be credited with a Class I contribution under the legislation of Guernsey in respect of any week of unemployment, any insurance period completed under the legislation of the United Kingdom, or any period of employment completed under the legislation of any Party shall be treated as a contribution period or period of employment, as the case may be, under the legislation of Guernsey.

ARTICLE 7

Detached Workers

Subject to Articles 8 and 9, where a person insured under the legislation of one Party and employed by an employer in the territory of that Party is sent by that employer to work in the territory of any other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him as if he were employed in the territory of that Party, provided that the employment in the territory of any other Party is not expected to last for more than three years, and the legislation of that other Party shall not apply to him.

ARTICLE 8

Travelling Personnel

Subject to Article 9, the following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of passengers or goods whether for another undertaking or on its own account:

- (a) subject to sub-paragraphs (b) and (c), where a person is employed by an undertaking which has its principal place of business in the territory of one Party, the legislation of that Party concerning liability for contributions shall apply to him as if he were employed in its territory even if he is employed in the territory of any other Party;
- (b) subject to sub-paragraph (c), where the undertaking has a branch or agency in the territory of one Party and a person is employed by that branch or agency, the legislation of that Party concerning liability for contributions shall apply to him;
- (c) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, the legislation of that Party concerning liability for contributions shall apply to him, even if the undertaking which employs him does not have a place of business or branch or any agency in that territory.

ARTICLE 9

Mariners and others Employed on Board a Ship or Vessel

(1) Subject to paragraphs (2) to (4), where a person is employed on board any ship or vessel of one Party the legislation of that Party concerning liability for contributions shall apply to him as if

any conditions relating to residence were satisfied in his case, provided that he is ordinarily resident in the territory of any Party.

(2) Where a person who is insured under the legislation of one Party and employed either in the territory of that Party or on board any ship or vessel of that Party, is sent by his employer in the territory of that Party to work on board a ship or vessel of any other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him provided that his employment on board the ship or vessel of that other Party is not expected to last for a period of more than one year.

(3) Where a person who is not normally employed at sea is employed other than as a member of the crew, on board a ship or vessel of one Party, in the territorial waters of, or at a port of, any other Party, the legislation concerning liability for contributions of the Party in whose territory he is ordinarily resident shall apply to him as if any conditions relating to residence were satisfied in his case.

(4) Where a person who is ordinarily resident in the territory of one Party and employed on board any ship or vessel of any other Party is paid remuneration in respect of that employment by a person who is ordinarily resident in, or by an undertaking having a place of business in, the territory of the former Party, the legislation of the former Party concerning liability for contributions shall apply to him as if the ship or vessel were a ship or vessel of the former Party, and the person or undertaking by whom the remuneration is paid shall be treated as the employer for the purpose of such legislation.

ARTICLE 10

Government Servants

Where any person who is in the Government Service of one Party or in the service of any public corporation of that Party is employed in the territory of any other Party, the legislation of the former Party concerning liability for contributions shall apply to him as if he were employed in its territory.

ARTICLE 11

Modification Provisions

Exceptionally, the competent authorities of the Parties may agree to modify the application of Articles 6 to 10 in respect of particular persons or categories of persons.