

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 IV

BENEFIT PROVISIONS

SECTION I

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
- (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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

(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.