

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 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 dependents, 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.

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- (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 Party 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

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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

- (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.