

## 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 VI

### TRANSITIONAL AND FINAL PROVISIONS

#### ARTICLE 36

##### ***Prior Acquisition of Rights — Former Agreement Replaced by this Agreement***

(1) Upon the entry into force of this Agreement the former Agreements shall terminate and shall be replaced by this Agreement.

(2) Any right to benefit acquired by a person in accordance with the former Agreements shall be maintained. For the purposes of this paragraph “any right to benefit acquired” includes any right which a person would have had but for his failure to claim timeously where a late claim is allowed.

(3) Any rights in course of acquisition under the former Agreements at the date of entry into force of this Agreement shall be settled in accordance with the Agreement in force at the date of entitlement.

(4) Where, from the date of entry into force of this Agreement, any claim to benefit has not been determined and entitlement arises before that date, the claim shall be determined in accordance with the former Agreements and shall be determined afresh in accordance with this Agreement from its date of entry into force. The rate determined under this Agreement shall be awarded from the date of its entry into force if this is more favourable than the rate determined under the former Agreements.

(5) Benefit, other than lump sum payments, shall be payable in accordance with this Agreement in respect of events which happened before the date of its entry into force, except that an accident which occurred or a disease which developed before that date shall not, solely by virtue of this Agreement, be treated as an industrial accident or an industrial disease if it would not have been so treated under any legislation or Agreement having effect at the time of its occurrence or development. For the purpose of determining claims in accordance with this Agreement, account shall be taken, where appropriate, of insurance periods and periods of residence, employment or presence, completed before the date of its entry into force.

(6) Paragraph (5) shall not confer any right to receive payment of benefit for any period before the date of entry into force of this Agreement.

(7) For the purpose of applying the first sentence of paragraph (5)

- (a) any right to benefit acquired by a person in accordance with the former Agreements may, at the request of the person concerned, be determined afresh in accordance with the provisions of this Agreement with effect from the date of entry into force of this Agreement provided that the request has been made within two years of the date it enters into force and, if applicable, benefit awarded at the higher rate from the latter date;

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(b) where the request for the benefit to be determined afresh is made more than two years after the date of entry into force of this Agreement, payment of benefit, and the payment of any arrears, shall be made in accordance with the legislation concerned.

(8) No provision of this Agreement shall diminish any rights or benefits which a person has properly acquired under the legislation of any Party before the date of entry into force of this Agreement.

#### *ARTICLE 37*

##### ***Coming into Force and Life of the Agreement***

This Agreement shall come into force on 2 November 1994 and shall remain in force for an indefinite period. Any of the Parties may denounce it by giving six months notice in writing to both of the other Parties.

#### *ARTICLE 38*

##### ***Rights on Termination of this Agreement not Replaced by Another***

In the event of the termination of this Agreement and unless a new Agreement containing provisions regulating the matter is made, any right to benefit acquired by a person in accordance with this Agreement shall be maintained and negotiations shall take place for the settlement of any other rights then in course of acquisition by virtue of its provisions.