

## SCHEDULE

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

#### Part VI

##### TRANSITIONAL AND FINAL PROVISIONS

##### ARTICLE 35 **Prior Acquisition of Rights — Old Convention Replaced by New Convention**

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

(2) Any right to benefit acquired by a person in accordance with the former Conventions 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 Conventions at the date of entry into force of this Convention shall be settled in accordance with the Convention in force at the date of entitlement.

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

(5) Benefit, other than lump sum payments, shall be payable in accordance with this Convention 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 Convention, be treated as an industrial accident or an industrial disease if it would not have been so treated under any legislation or Convention having effect at the time of its occurrence or development. For the purpose of determining claims in accordance with this Convention, 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 Convention.

(7) For the purpose of paragraph (2) and for applying the first sentence of paragraph (5):

- (a) any right to benefit may, at the request of the person concerned, be determined afresh under this Convention with effect from its date of entry into force provided that the request has been made within two years of that date and, if applicable, benefit awarded at the higher rate from the latter date;
- (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 Convention payment of benefit, and the payment of any arrears, shall be made in accordance with the legislation concerned.

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

##### ARTICLE 36 **Ratification**

This Convention shall be ratified and the instruments of ratification shall be exchanged in London as soon as possible. The Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

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

**ARTICLE 37 Life of the Convention**

This Convention shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six months' notice in writing to the other Party.

**ARTICLE 38 Rights on termination of this Convention not replaced by another**

In the event of the termination of this Convention and unless a new Convention containing provisions regulating the matter is made, any right to benefit acquired by a person in accordance with this Convention 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.