

SCHEDULE 1

Convention between the Government of The United Kingdom of Great Britain and Northern Ireland and The Government of Jamaica on Social Security

Part II

Provisions which determine the legislation applicable concerning Contribution Liability

Article 6

General Provisions

(1) Subject to paragraphs (2) to (12) and Articles 7 to 11, 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 both Parties 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 both Parties 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 the 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 Great Britain, Northern Ireland or the Isle of Man.

(6) Where a person is not gainfully employed, any liability for contributions shall be determined under the legislation of Guernsey if he is ordinarily resident in Guernsey, or under the legislation of Jersey if he is ordinarily resident in Jersey.

(7) Where, but for this paragraph, a person would be entitled to pay contributions voluntarily under the legislation of both Parties 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 the 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 United Kingdom and the legislation of Jamaica 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 United Kingdom shall apply to him as if he were ordinarily resident in the United Kingdom.

(10) A person who is entitled to receive invalidity benefit or injury benefit for any period under the legislation of Jamaica while he is in Jersey or Guernsey, shall be excepted from liability to pay a contribution in respect of that period, other than as an employed or self-employed person, under the legislation of Jersey or Guernsey.

(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 Jamaica, shall not be credited with a Class 3 contribution in respect of every week during

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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.

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 with a place of business in the territory of that Party, is sent by that employer, either from the territory of that Party, or from a third country not party to this Convention, to work in the territory of the 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 the other Party is not expected to last for more than three years, and the legislation of the latter Party shall not apply to him.