

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 IV

Benefit Provisions

Section 2

Retirement Pension and Widow's Benefit

Article 14

General Provisions

(1) Subject to paragraphs (2) to (4), where a person is entitled to a basic retirement pension under the legislation of any part of either Party otherwise than by virtue of this Convention, that pension shall be payable and Article 15 shall not apply under that legislation.

(2) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of Great Britain, Northern Ireland or the Isle of Man shall also be entitled to have any Category A retirement pension entitlement determined in accordance with Article 15.

(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 15. 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 part of either Party from taking into account, in accordance with paragraphs (4) to (6) of Article 15, insurance periods completed under the legislation of any part of either Party.

Article 15

Pro-Rata Pensions

(1) Subject to Articles 14 and 16 to 20, this Article shall apply to determine a person's entitlement to retirement pension, including any increase for dependants, under the legislation of any part of either Party.

(2) In accordance with Article 12, the competent authority of any part of either 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 both 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 part of either Party bears to the total of all the relevant insurance periods completed under the legislation of both Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable by the competent authority.

(3) For the purpose of the calculation in paragraph (2), where all the insurance periods completed by any person under the legislation of—

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- (i) Great Britain, Northern Ireland and the Isle of Man 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 fifty weeks, or
 - (ii) Jersey amount to less than an annual contribution factor of 1.00, or
 - (iii) Guernsey amount to less than fifty weeks,
- those periods shall be treated in accordance with paragraph (4) or (5).
- (4) Insurance periods under paragraph (3) shall be treated as follows—
- (a) as if they had been completed under the legislation of any part of the United Kingdom 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 parts of the United Kingdom as if they had been completed under the legislation of that part 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 treated as if they had been completed under the legislation of Jamaica.
- (6) Where all the insurance periods completed by a person under the legislation of Jamaica amount to less than fifty-two weeks, those periods shall be treated as if they had been completed under the legislation of the United Kingdom in accordance with paragraph (4).
- (7) Any increase of benefit payable under the legislation of Great Britain, Northern Ireland or the Isle of Man 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 16

Insurance Periods to be taken into account

For the purpose of applying Article 15 the competent authority of either Party shall take account only of insurance periods (completed under the legislation of the other Party) which would be taken into account for the determination of pensions under its legislation 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 17

Overlapping Periods

For the purpose of applying Article 15—

- (a) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of the latter Party under paragraph (2) of Article 15 shall be increased by the amount by which the 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 the 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 the 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 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 the 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 the 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 the other Party and shall be taken into account to the best advantage of the beneficiary.

Article 18

Benefits to be excluded

(1) For the purpose of applying Article 15 no account shall be taken of the following benefits payable under the legislation of Great Britain, Northern Ireland or the Isle of Man—

- (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 and incapacity age addition 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 15.

(2) For the purpose of applying Article 15 no account shall be taken of wage-related pension payable under the legislation of Jamaica, but that pension shall be added to the amount of any benefit payable under that legislation in accordance with paragraph (2) of Article 15.

Article 19

Pre-Scheme Contributions

For the purpose of applying Articles 15 to 18 no account shall be taken under the legislation of Jamaica of any contribution paid or credited under the legislation of the United Kingdom for any period before 4 April 1966.

Article 20

Non-Simultaneous Entitlement

Where a person does not simultaneously satisfy the conditions for entitlement to a retirement pension under the legislation of both 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 15.

Article 21

Widow's Benefit

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

(1) Articles 14 to 20 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 the other Party.