

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 VI

Transitional and Final Provisions

Article 32

Prior Acquisition of Rights — Old Agreement replaced by New Convention

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

(2) Any right to benefit acquired by a person in accordance with the former Agreement 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 later claim is allowed.

(3) Any rights in course of acquisition under the former Agreement at the date of entry into force of this Convention shall be determined under this Convention.

(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 under the former Agreement and shall be determined afresh under 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 Agreement.

(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 Agreement, having effect at the time of its occurrence or development. For the purpose of determining claims under 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 purposes 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 the date of its 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 that 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 33

Status: This is the original version (as it was originally made).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

Entry into Force

The Convention shall enter into force on a date to be specified in Notes exchanged by the Parties through the Diplomatic Channel notifying each other that all constitutional procedures as are necessary to give effect to this Convention have been finalised.

Article 34

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 35

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.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Convention.

Done in duplicate at London this 12th day of November 1996.

For the Government of the United Kingdom of Jamaica:

Nic Bonsor

For the Government of Great Britain and Northern Ireland:

Portia Simpson