

SCHEDULE 2

PROTOCOL

Arrangements for the Implementation of the Convention on Social Security between the United Kingdom of Great Britain and Northern Ireland and Jamaica

The Government of the United Kingdom and the Government of Jamaica, with the aim of improving the administrative efficiency, cost effectiveness and financial integrity of their social security programmes as they apply to persons covered by the Convention hereby agree to the Administrative Arrangements and Programmes of Mutual Assistance contained in this Protocol:

Part 1

Article 1

General

(1) The Administrative Arrangements (Part 2) and the Programmes of Mutual Assistance (Part 3) contained in this Protocol are concluded in conformity with Article 28 of the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica.

(2) The competent authorities designated in Article 3(1) shall agree upon joint procedures and forms necessary for the implementation of the Administrative Arrangements set out in Part 2, and the Management Committee designated in Article 3(2) shall agree upon the instruments necessary for the implementation of the Programmes of Mutual Assistance provided for in Part 3.

Article 2

(1) In accordance with this Protocol and instruments concluded under its terms, the competent authorities of the Parties shall assist each other in administering the laws (and regulations, rules and administrative practices thereunder) in Article 2 of the Convention and, when appropriate, the Convention itself.

(2) The competent authorities shall not carry out administrative measures or practices that are at variance with the statutes, regulations or administrative practices of either Party.

(3) All documents required to be tendered for official purposes under the Convention, and/or arising out of this Protocol or future arrangements and instruments, shall be presumed to be official documents so long as they are on official stationery or they bear the official seal or stamp of the relevant Party.

Article 3

Establishment

(1) For the purposes of Part 2

(i) the following bodies have been designated the competent authorities for the purposes of the application of the Convention:

(a) in the United Kingdom:

(i) in Great Britain:

For all contingencies, including pension claims for Northern Ireland, except Articles 5 to 10,

Department of Social Security

Pensions and Overseas Benefits Directorate

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Tyneview Park
Whitley Road
Benton
Newcastle upon Tyne
England
NE98 1BA
For Articles 5 to 10,
Contributions Agency
Overseas Contributions (RA)
Department of Social Security
Longbenton
Newcastle upon Tyne
England
NE98 1YX

(ii) in Northern Ireland:

For all contingencies except pension claims,
Social Security Agency
Overseas Branch
Commonwealth House
Castle Street
Belfast
Northern Ireland
BT1 1DX

(iii) in the Isle of Man:

For all provisions of the Convention,
Isle of Man Department of Health and Social Security
Markwell House
Market Street
Douglas
Isle of Man

(iv) in Jersey:

For all provisions of the Convention,
Employment and Social Security Department
Philip Le Feuvre House
La Motte Street
St Helier
Jersey
Channel Islands

(v) in Guernsey:

For all provisions of the Convention,
Guernsey Social Security Authority

Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
Channel Islands
GY1 3WH

- (b) in Jamaica:
Ministry of Labour, Social Security and Sport
14 National Heroes Circle
PO Box 10
Kingston 5
Jamaica.

(ii) In accordance with Article 28 of the Convention the following bodies have been designated liaison offices between the competent authorities of both Parties for the purpose of applying the Convention:

- (a) in the United Kingdom:
The competent authorities listed in Article 3(1)(i)(a).

- (b) in Jamaica:
The competent authority listed in Article 3(1)(i)(b).

(iii) The competent authorities may communicate directly with one another and with any person or institution affected by the Convention or with their legal representative.

(iv) The competent authorities shall decide the texts of any certificates, reports and forms to be used for the purpose of undertaking the tasks laid down in these Arrangements.

(2) For the purpose of Part 3

(i) The Programme of Mutual Assistance shall be under the general direction of a Management Committee (hereinafter referred to as the “Committee”), whose function shall be to undertake the ongoing reviews of the policy and procedures relating to the programme.

(ii) The Committee shall consist of four members:

(a) For the UK:

(i) The Territorial Director, Benefits Agency, Department of Social Security, or his designee.

(ii) The Head of International Relations Branch, Department of Social Security, or his designee.

(b) For Jamaica:

(i) The Hon. Minister of Labour, Social Security and Sport or his/her designees.

(ii) The Hon. Attorney-General or his/her designees.

Part 2

Article 4

Administrative Arrangements

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(1) In cases arising under Articles 7 and 9(2) of the Convention, the competent authority of the Party whose legislation is being applied shall issue to the insured person or to his employer, on application, a certificate showing that the insured person remains liable for contributions under that legislation.

(2) Where the last sentence of Article 9(2), or Article 11 of the Convention, applies and the employer has made an application to the competent authority whose legislation is being applied for an extension of the period of liability, the application shall be dealt with by correspondence between the competent authorities of the two Parties.

(3) Where a person is employed in the territory of one Party but chooses that the legislation of the other Party shall apply to him in accordance with Article 10(3) of the Convention, the competent authority of the latter Party shall notify the competent authority of the former Party of the choice the person has made.

Article 5

Application of the Special Provisions for Invalidity Pension

(1) For the implementation of Article 13 of the Convention, the competent authority of one Party shall provide the competent authority of the other Party with such information as may be required.

(2) When a person claims Invalidity Pension under the legislation of one Party and Article 13(3) of the Convention may apply, the competent authority which received the claim shall satisfy itself whether or not a claim for Invalidity Pension has been made under the legislation of the other Party.

Article 6

Application of the Special Provisions for Retirement Pensions

(1) Where a claim to benefit under Articles 14, 15 and 21 of the Convention is received by the competent authority of one Party and the person declares that insurance has been paid under the legislation of the other Party, details of the claim and all relevant information shall be issued to other interested competent authorities as follows:

(i) Where the claim is made to one of the competent authorities in the United Kingdom that competent authority shall:

- (a) send two copies of the appropriate liaison form to the competent authority in Jamaica;
- (b) liaise with any other competent authority in the United Kingdom under whose legislation the claimant has been insured.

The latter competent authority, or competent authorities, in the United Kingdom shall send two copies of the appropriate liaison form to the competent authority in Jamaica;

(c) the competent authority in Jamaica shall return one copy of the liaison forms which it receives to the competent authority which issued the form and provide the information requested.

(ii) Where the claim is made to the competent authority in Jamaica that competent authority shall:

- (a) send two copies of the appropriate liaison form to each of the competent authorities in the United Kingdom with which the claimant has been insured;
- (b) where necessary, each of the competent authorities in the United Kingdom shall liaise to exchange insurance records;
- (c) each of the competent authorities in the United Kingdom shall return one copy of the liaison form to the competent authority in Jamaica and provide the information requested.

(2) Information on liaison forms about the claimants, the insured person and any dependants shall, where necessary, be verified by the issuing competent authority.

(3) The competent authority of each Party shall thereafter notify each other of any fact relevant to the determination of the claim.

(4) The decision on a pension claim shall be sent direct to the claimant by the competent authority.

Article 7

Application of the Special Provisions for Industrial Accidents and Industrial Diseases

(1) For the implementation of Articles 22, 23 and 24 of the Convention, the competent authority of one Party shall provide the competent authority of the other Party with such information as may be required or as may be possible to be secured.

(2) Where a person resident in the territory of one Party claims benefit in respect of an industrial accident or industrial disease under the legislation of the other Party, and Article 23 of the Convention may apply, the competent authority of the latter Party shall enquire, from the competent authority of the former Party, whether a claim to benefit in respect of an industrial accident or industrial disease has been made to that Party.

Article 8

Application of the Special Provisions for Orphan's Benefit

For the implementation of Article 25 of the Convention, the competent authority of one Party shall provide the competent authority of the other Party with such information as may be required.

Article 9

Application of the Special Provisions for Death Grant under the Legislation of (i) Jersey and Guernsey, and (ii) Jamaica

(1) For the implementation of Article 26(2) of the Convention, the competent authority of one Party shall, on request, provide the competent authority of the other Party with such information regarding periods of insurance as may be required.

(2) Where a person resident in the territory of one Party claims Death Grant under the legislation of the other Party, and Article 26(4) of the Convention may apply, the competent authority of the latter Party shall enquire, from the competent authority of the former Party, whether a claim to Death Grant has been made to that Party.

Article 10

Recovery of Overpaid Benefit

(1) For the implementation of Article 27 of the Convention the competent authority which has overpaid an amount of benefit and wishes to recover that overpayment from the arrears of benefit held by the other Party, shall notify the latter Party of its request either by the appropriate form or by letter.

(2) The arrears of benefit available when the request is received, or which later become available after the request, shall be sent to the competent authority which is to make the recovery. After recovering the appropriate amount under Article 27 the balance of the arrears shall be paid to the beneficiary. Confirmation of the amount received and the amount paid to the beneficiary shall be notified to the competent authority which sent the arrears.

Article 11

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Medical Examination

(1) The competent authority of one Party wishing to have a person medically examined whilst resident in the territory of the other Party shall provide the competent authority of the latter Party with details of the medical examination it requires to be made.

(2) The competent authority of the latter Party shall make the necessary arrangements for the medical examination of the person and forward the resulting reports to the competent authority of the former Party.

Article 12

Miscellaneous Provisions

(1) Any claim or appeal to the competent authorities of the territory in which a person resides but proper to the competent authorities of the other Party shall be endorsed with the date of its receipt and sent to the competent authorities of the other Party.

(2) The competent authority of one Party shall obtain, where necessary, from the competent authority of the other Party, any declaration or other information which may be required concerning any person for the purpose of the application of the Convention.

(3) Where a competent authority of one Party is unable to collect contributions from an employer (or person) in the territory of the other Party, the competent authority of the latter Party shall provide assistance to collect the contributions. The assistance shall be limited to passing the demand for contributions, with instructions on how the contributions can be paid, to the liable employer (or person).

Part 3

Programmes of Mutual Assistance

Article 13

Functions of the Committee

(1) The Committee, established under Part 1, Article 3(2), shall be responsible for the co-ordination and any modification of the Programmes of Mutual Assistance to be set out in Instruments in accordance with this Protocol. The Committee shall review the various periods stipulated for performance of the functions to be set out in additional instruments in order to ensure that required standards are met to the extent possible or to modify the stipulated periods, where appropriate.

(2) Any modification to the programme of Mutual Assistance shall be set out in writing. Additional instruments to the Protocol shall be signed by the members of the Committee, or their designees.

(3) The Committee shall be responsible, inter alia, for exchanging information and statistics related to the workloads and other administrative matters associated with the programme of assistance. The form and content of the information and statistics to be exchanged shall be settled by the Committee at its first meeting. The Committee may modify such form and content as may be appropriate in given circumstances.

(4) The Committee shall meet, as required, to review progress and establish programme guidance and priorities, provided however that such meetings shall not normally be held more than once every two years. Meetings of the Committee shall normally be held alternatively in Jamaica and the United Kingdom.

Article 14

Expenses

(1) Subject to paragraph (3) below, in applying Article 2 of the Convention the assistance rendered under this Protocol shall be without charge to either Party. The foregoing notwithstanding, the Committee shall periodically review the expenses involved in providing such assistance with a view towards balancing the costs incurred by each side.

(2) The United Kingdom undertakes to assist the competent authorities of Jamaica in the areas of technical assistance to enhance the capabilities of the latter Party to carry out fully its obligations pursuant to this Protocol.

(3) The Committee may decide, on a case by case basis, that items of assistance which fall to be implemented in the context of the programme are susceptible to attracting a User Fee, to be negotiated on the basis of cost to the Party executing a particular request.

Article 15

Confidentiality of Information

(1) Pursuant to Article 28(10) of the Convention, information conveyed by either Party about an individual and required solely for the purposes of implementing this Protocol shall be used exclusively for the purpose of administering the Convention. Such information shall be governed by the laws applicable in either Party for the protection of privacy and confidentiality of personal data.

(2) In no case shall a competent authority of either Party be expected to furnish information which is not obtainable under the laws of that, or the other Party.

Article 16

Interpretation or Application

Any disagreement regarding the interpretation or application of this Protocol or its Instruments shall be resolved by the Committee, or failing that, by such other methods as may be resorted to, pursuant to Article 31(1) of the Convention. This Article is without prejudice to the rights and obligations of either Party under Article 31(2) and (3) of the Convention.

Article 17

Entry into Force and Period of Operation

(1) This Protocol shall enter into force at the same time as the Convention and shall form an integral part of the Convention.

(2) This Protocol shall remain in force for an indefinite period. The competent authorities of the United Kingdom and Jamaica undertake to initiate the programme of assistance specified in this Protocol and to be set out in future instruments as soon as is practicable.

(3) The competent authorities of either Party may terminate programmes of assistance by providing written notification to the competent authorities of the other Party. Such notice of termination shall not affect either Party's rights or obligations under the Convention, or those arising under this Protocol.

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

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

For the Government of the United Kingdom of Great Britain and Northern Ireland:

Nic Bonsor

For the Government of Jamaica:

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Portia Simpson