

- (d) Schedule 4 amends Title 6 (miscellaneous provisions);
- (e) Schedule 5 amends Title 7 (transitional and final provisions);
- (f) Schedule 6 amends the Annexes.

Amendment of Regulation (EC) No 859/2003

3.—(1) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality is amended as follows.

(2) In Article 1—

- (a) for “Member State” in both places it occurs substitute “State”;
- (b) at the end add the following paragraph—

“In this Regulation “State” means the United Kingdom or a Member State.”.

(3) In Article 2 for “Member State” in each place it occurs substitute “State”.

(4) After Article 3 omit “This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community”.

Revocation in relation to Regulation (EEC) No 1408/71

4. Titles 4 and 5 of Regulation (EEC) No 1408/71 are revoked.

Signed on behalf of the Secretary of State for Work and Pensions

	<i>Name</i>
	Minister of State for Employment
Date	Department for Work and Pensions

SCHEDULES

SCHEDULE 1

Regulation 2(a)

Amendments to Title 1: General provisions

1. In Article 1—

- (a) before point (a) insert—
 - “(za) “State” means the United Kingdom or a Member State;”;
- (b) in point (a)(a) for “Member State” in each place it occurs substitute “State”;
- (c) for point (b) substitute—

“(b) “frontier worker” means any person pursuing an activity as an employed or self-employed person:

- (i) in the United Kingdom and who resides in a Member State to which the person returns as a rule daily or at least once a week; or
- (ii) in a Member State and who resides in the United Kingdom to which the person returns as a rule daily or at least once a week,

(a) Point (a) was amended by Council Regulation (EC) No 1606/98 of 29 June 1998 (“Regulation No 1606/98”).

however, a frontier worker who is posted elsewhere in the territory of the same or another State by the undertaking to which he is normally attached, or who engages in the provision of services elsewhere in the territory of the same or another State, shall retain the status of frontier worker for a period not exceeding four months, even if he is prevented, during that period, from returning daily or at least once a week to the place where he resides;”;

(d) for point (c) substitute—

“(c) “seasonal worker” means any employed person who goes:

- (i) from the United Kingdom, where the person is resident, to the territory of a Member State; or
- (ii) from a Member State, where the person is resident, to the territory of the United Kingdom,

to do work there of a seasonal nature for an undertaking or an employer of that State for a period which may on no account exceed eight months, and who stays in the territory of the said State for the duration of this work; work of a seasonal nature shall be taken to mean work which, being dependent on the succession of the seasons, automatically recurs each year;”;

(e) in point (ca)(a) for “Member State” substitute “State”;

(f) in point (f)(b) for “Member State” in each place it occurs substitute “State”;

(g) in point (j)—

- (i) for “Member State” in both places it occurs substitute “State”;
- (ii) omit the words from “The term excludes” to “No 3 applied”;
- (iii) omit “also”;

(h) in points (ja)(c) and (k) for “Member States” in each place it occurs substitute “States”;

(i) in point (l) for “Member State” substitute “State”;

(j) omit point (m);

(k) in point (n) for “Member State” substitute “State”;

(l) in point (o)—

- (i) for “Member State” in both places it occurs substitute “State”;
- (ii) for “member State” substitute “State”;

(m) in points (p) and (q) for “Member State” substitute “State”.

2. After Article 1 insert—

“Article 1A

Performance of obligations dependent on Member State information

1. This Article applies where, in the view of the competent authority of the United Kingdom, performance of an obligation under this Regulation by an institution in the United Kingdom is wholly or partly dependent on information held by an institution or authority in a Member State.

2. The institution in the United Kingdom must take all reasonable steps to obtain the information from the institution or authority in the Member State.

3. If the institution in the United Kingdom complies with the duty in paragraph 2 but is unable to obtain the information and the institution considers that the claimant could

(a) Point (ca) was inserted by Council Regulation (EC) No 307/1999 of 8 February 1999 (“Regulation No 307/1999”).

(b) Point (f) was amended by Council Regulation (EC) No 1290/97 of 27 June 1997 (“Regulation No 1290/97”) and Regulation No 307/1999.

(c) Point (ja) was inserted by Regulation No 1606/98.

provide the information, it must inform the claimant that it has been unable to obtain the information and ask the claimant:

- (a) to take reasonable steps to obtain the information from the institution or authority in the Member State; or
- (b) where it is not possible for the claimant to obtain the information from the institution or authority in the Member State, to provide such relevant information or evidence as the claimant has.

4. The institution in the United Kingdom is not required to perform the obligation if complies with the duty in paragraphs 2 or 3 but is unable to obtain the information and:

- (a) the claimant does not provide it within a reasonable time; or
- (b) the claimant does provide it but the institution is of the view that the information is not accurate or is incomplete.”.

3. In Article 2(a) for “Member States” in each place it occurs substitute “States”.

4. Omit Article 3.

5. In Article 4(b) for “Member State” in each place it occurs substitute “State”.

6. Omit Articles 5 and 6.

7. In Article 7(c)—

- (a) in paragraph 1(a) for “Member States” substitute “States”;
- (b) in paragraph 2—
 - (i) omit “provisions of Article 6 notwithstanding, the”;
 - (ii) for “Member States” substitute “United Kingdom and a Member State”;
- (c) after paragraph 2 add—

“3. This Regulation does not apply to any matter within the scope of a convention in force between the United Kingdom and a Member State on or after exit day, to the extent that convention makes different provision.”.

8. Omit Article 8.

9. In Article 9—

- (a) for “The” substitute “Any”;
- (b) for “any Member State” substitute “the United Kingdom”;
- (c) for “territory of that State” substitute “United Kingdom”;
- (d) for “another Member State” in both places it occurs substitute “a Member State”;
- (e) for “first State” in both places it occurs substitute “United Kingdom”;
- (f) for “a Member State” substitute “the United Kingdom”.

10. In Article 9a(d)—

- (a) for “a Member State” substitute “the United Kingdom”;
- (b) for “that Member State” in both places it occurs substitute “the United Kingdom”;
- (c) for “another Member State” in both places it occurs substitute “a Member State”.

(a) Article 2 was amended by Regulation No 1290/97 and Regulation No 1606/98 and substituted by Regulation No 307/1999.
(b) Article 4 was amended by Regulation No 1606/98 and Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 (“Regulation No 647/2005”).
(c) Article 7 was amended by Regulation No 647/2005.
(d) Article 9a was amended Regulation No 307/1999 and substituted by Regulation No 647/2005.

11. In Article 10(a)—

- (a) for “one or more Member States” substitute “the United Kingdom”;
- (b) omit “other than that in which the institution responsible for payment is situated”;
- (c) omit paragraph 2.

12. In Article 10a(b)—

- (a) in paragraph 1—
 - (i) for “The persons” substitute “Where they reside in the United Kingdom, the persons”;
 - (ii) for “Member State in which they reside” substitute “United Kingdom”;
 - (iii) for “that State” substitute “the United Kingdom”;
 - (iv) for “place of residence” substitute “United Kingdom”;
- (b) in paragraph 2—
 - (i) for “The institution of a Member State under whose legislation” substitute “Where, under the legislation of the United Kingdom,”;
 - (ii) after “or residence” in the first place it occurs insert “, the competent institution in the United Kingdom”;
 - (iii) for “other Member State” substitute “Member State”;
 - (iv) for “first Member State” substitute “United Kingdom”;
- (c) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “other Member State” substitute “Member State”;
 - (iii) for “first Member State” substitute “United Kingdom”;
- (d) in paragraph 4—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”.

13. In Article 11 for “a Member State” substitute “the United Kingdom”.

14. In Article 12—

- (a) omit the second sentence of paragraph 1;
- (b) for “legislations of a Member State” substitute “legislation of the United Kingdom”;
- (c) for “another Member State” in each place it occurs substitute “a Member State”;
- (d) for “a Member State” substitute “the United Kingdom”;
- (e) omit paragraph 4.

SCHEDULE 2

Regulation 2(b)

Amendments to Title 2: Determination of the legislation applicable

1. Before Article 13 insert—

-
- (a) Article 10 was amended by Regulation No 307/1999.
 - (b) Article 10a was amended by Regulation No 647/2005.

“Article A13

Purpose of this Title

This Title contains provisions that determine for the purposes of this Regulation—

- (a) which persons to whom this Regulations applies are subject to the legislation of the United Kingdom; and
- (b) which persons to whom this Regulation applies are treated as being subject to the legislation of a Member State.”.

2. In Article 13—

- (a) for paragraph 1(a) substitute—

“1. The persons subject to the legislation of the United Kingdom, and the persons treated as being subject to the legislation of a Member State, are to be determined in accordance with this Title.

1A. 1A. The question of whether a person was subject to the legislation of the United Kingdom at a time before exit day is to be determined as it would have been determined immediately before exit day.”;

- (b) in paragraph 2 after “to 17,” insert “on or after exit day, the following persons are subject to the legislation of the United Kingdom”;
- (c) in paragraph 2(a)—
 - (i) for “one Member State shall be subject to the legislation of that State” substitute “the United Kingdom”;
 - (ii) for “another Member State” in both places it occurs substitute “a Member State”;
- (d) in paragraph 2(b)—
 - (i) for “one Member State shall be subjected to the legislation of that State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
- (e) in paragraph 2(c) for “a Member State shall be subject to the legislation of the State” substitute “the United Kingdom”;
- (f) in paragraph 2(d) for “shall be subject to the legislation of the Member State to which the administration employing them is subject” substitute “if the administration employing those persons is subject to the legislation of the United Kingdom”;
- (g) for paragraph 2(e) and (f) substitute—

“(e) a person called up or recalled for service in the armed forces, or for civilian service, in the United Kingdom (if entitlement under the legislation of the United Kingdom is subject to the completion of periods of insurance before entry into or after release from such military or civilian service, periods of insurance completed under the legislation of any Member State shall be taken into account, to the extent necessary, as if they were periods of insurance completed under the legislation of the United Kingdom. The employed or self-employed person called up or recalled for service in the armed forces or for civilian service shall retain the status of employed or self-employed person);
- (f) a person to whom sub-paragraphs (a) to (e) do not apply if:
 - (i) the person resides in the United Kingdom; and
 - (ii) the person is not treated as being subject to the legislation of a Member State in accordance with paragraph 4.”;
- (h) after paragraph 2 insert—

(a) Paragraph 1 of Article 13 was substituted by Regulation No 1606/98.

“3. The question of whether a person was subject to the legislation of a Member State (other than the United Kingdom) at a time before exit day is to be determined as it would have been determined immediately before exit day.

4. Subject to Articles 14 to 17, on or after exit day the following persons are treated as being subject to the legislation of a Member State:

- (a) a person employed in the territory of that Member State even if he resides in the territory of another State or if the registered office or place of business of the undertaking or individual employing him is situated in the territory of another State;
- (b) a person who is self-employed in the territory of that Member State even if he resides in the territory of another State;
- (c) a person employed on board a vessel flying the flag of that Member State;
- (d) civil servants and persons treated as such if the administration employing those persons is subject to the legislation of that Member State;
- (e) a person called up or recalled for service in the armed forces, or for civilian service, in that Member State;
- (f) a person to whom the legislation of a State ceases to be applicable, without the legislation of another State becoming applicable to him in accordance with one of the rules laid down in this Article or in accordance with one of the exceptions or special provisions laid down in Articles 14 to 17 if he resides in the territory of that Member State.”.

3. For Articles 14 to 14d(a) substitute—

“Article 14

Special rules applicable to persons, other than mariners, engaged in paid employment

Articles 13(2)(a) and 13(4)(a) shall apply subject to the following exceptions and circumstances:

1. (a) A person employed in the territory of the United Kingdom by a undertaking to which he is normally attached who is posted by that undertaking to the territory of a Member State to perform work there for that undertaking shall continue to be subject to the legislation of the United Kingdom, provided that the anticipated duration of that work does not exceed 12 months and that he is not sent to replace another person who has completed his term of posting.

(b) If the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the legislation of the United Kingdom shall continue to apply until the completion of such work.

1A. (a) A person employed in the territory of a Member State by a undertaking to which he is normally attached who is posted by that undertaking to the territory of the United Kingdom to perform work there for that undertaking shall continue to be treated as being subject to the legislation of that Member State, provided that the anticipated duration of that work does not exceed 12 months and that he is not sent to replace another person who has completed his term of posting.

(b) If the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the person shall be treated as being subject to the legislation of the Member State until the completion of such work.

2. Paragraphs 2A to 2E apply in the case of a person normally employed in the territory of two or more States.

(a) Paragraph 1 of Article 14d was substituted by Regulation No 1606/98.

2A. A person who is a member of the travelling or flying personnel of an undertaking which, for hire or reward or on its own account, operates international transport services for passengers or goods by rail, road, air or inland waterway and has its registered office or place of business in the territory of a State shall (subject to paragraphs 2B and 2C) be:

- (a) subject to the legislation of the United Kingdom if the undertaking has its registered office or place of business in the territory of the United Kingdom; or
- (b) treated as being subject to the legislation of a Member State if the undertaking has its registered office or place of business in the territory of a Member State.

2B. Where the undertaking in paragraph 2A has a branch or permanent representation in the territory of a State other than that in which it has its registered office or place of business, a person employed by such branch or permanent representation shall (subject to paragraph 2C) be:

- (a) subject to the legislation of the United Kingdom if such branch or permanent representation is situated in the territory of the United Kingdom; or
- (b) treated as being subject to the legislation of a Member State if such branch or permanent representation is situated in the territory of a Member State.

2C. Where a person is employed principally in the territory of the State in which he resides, he shall be:

- (a) subject to the legislation of the United Kingdom if he resides in the United Kingdom (even if the undertaking which employs him has no registered office or place of business or branch or permanent representation in the territory of the United Kingdom); or
- (b) treated as being subject to the legislation of a Member State if he resides in a Member State (even if the undertaking which employs him has no registered office or place of business or branch or permanent representation in the territory of that Member State).

2D. A person other than a person referred to in paragraphs 2A to 2C shall be:

- (a) subject to the legislation of the United Kingdom if:
 - (i) he resides in the territory of the United Kingdom, and
 - (ii) he pursues his activity partly in the territory of the United Kingdom, or he is attached to several undertakings or several employers who have their registered offices or places of business in the territory of different States; or
- (b) treated as being subject to the legislation of a Member State if:
 - (i) he resides in the territory of that Member State, and
 - (ii) he pursues his activity partly in the territory of that Member State, or he is attached to several undertakings or several employers who have their registered offices or places of business in the territory of different States.

2E. Where the person in paragraph 2D does not reside in the territory of the State in which he is pursuing his activity, he shall be:

- (a) subject to the legislation of the United Kingdom if the registered office or place of business of the undertaking or individual employing him is situated in the territory of the United Kingdom; or
- (b) treated as being subject to the legislation of a Member State if the registered office or place of business of the undertaking or individual employing him is situated in the territory of a Member State.

3. (a) A person who is employed in the territory of one Member State by an undertaking which has its registered office or place of business in the territory of the United Kingdom and which straddles the common frontier of those States shall be subject to the legislation of the United Kingdom.

- (b) A person who is employed in the territory of the United Kingdom by an undertaking which has its registered office or place of business in the territory of a Member State and which straddles the common frontier of those States shall be treated as subject to the legislation of a Member State.

Article 14a

Special rules applicable to persons, other than mariners, who are self employed

Articles 13(2)(b) and 13(4)(b) shall apply subject to the following exceptions and circumstances:

1. (a) A person normally self-employed in the territory of the United Kingdom and who performs work in the territory of a Member State shall continue to be subject to the legislation of the United Kingdom, provided that the anticipated duration of the work does not exceed 12 months.

(b) If the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the legislation of the United Kingdom shall continue to apply until the completion of such work.

1A. (a) A person normally self-employed in the territory of a Member State and who performs work in the territory of the United Kingdom shall be treated as being subject to the legislation of that Member State provided that the anticipated duration of such activity does not exceed 12 months.

(b) If the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the person shall be treated as being subject to the legislation of the Member State until the completion of such work.

2. A person normally self-employed in the territory of the United Kingdom and one or more Member States shall be subject to the legislation of the United Kingdom if he resides in the United Kingdom and if he pursues any part of his activity in the United Kingdom. If he does not pursue any activity in the territory of the United Kingdom, he shall be treated as being subject to the legislation of the Member State in whose territory he pursues his main activity. The criteria used to determine the principal activity are laid down in the Regulation referred to in Article 98.

3. (a) A person who is self-employed in the territory of one Member State by an undertaking which has its registered office or place of business in the territory of the United Kingdom and which straddles the common frontier of those States shall be subject to the legislation of the United Kingdom.

(b) A person who is self-employed in the territory of the United Kingdom by an undertaking which has its registered office or place of business in the territory of a Member State and which straddles the common frontier of those States shall be treated as subject to the legislation of a Member State.

Article 14b

Special rules application to mariners

Articles 13(2)(c) and 13(4)(c) shall apply subject to the following exceptions and circumstances:

1. A person employed by an undertaking to which he is normally attached, either in the territory of a Member State or on board a vessel flying the flag of a Member State, who is posted by that undertaking on board a vessel flying the flag of the United Kingdom to perform work there for that undertaking shall, subject to the conditions provided in Article 14(1), continue to be treated as being subject to the legislation of the Member State.

1A. A person employed by an undertaking to which he is normally attached, either in the United Kingdom or on board a vessel flying the flag of the United Kingdom, who is posted

by that undertaking on board a vessel flying the flag of a Member State to perform work there for that undertaking shall, subject to the conditions provided in Article 14(1), continue to be subject to the legislation of the United Kingdom.

2. A person normally self-employed, either in the territory of a Member State or on board a vessel flying the flag of a Member State and who performs work on his own account on board a vessel flying the flag of the United Kingdom shall, subject to the conditions provided in Article 14a(1), continue to be treated as being subject to the legislation of the Member State.

2A. A person normally self-employed, either in the United Kingdom or on board a vessel flying the flag of the United Kingdom and who performs work on his own account on board a vessel flying the flag of a Member State shall, subject to the conditions provided in Article 14a(1), continue to be subject to the legislation of the United Kingdom.

3. A person who, while not being normally employed at sea, performs work in the territorial waters or in a port of a Member State on a vessel flying the flag of the United Kingdom within those territorial waters or in that port, but is not a member of the crew of the vessel, shall be subject to the legislation of the Member State.

3A. A person who, while not being normally employed at sea, performs work in the territorial waters or in a port of the United Kingdom on a vessel flying the flag of a Member State within those territorial waters or in that port, but is not a member of the crew of the vessel, shall be subject to the legislation of the United Kingdom.

4. A person employed on board a vessel flying the flag of a Member State and remunerated for such employment by an undertaking or a person whose registered office or place of business is in the territory of another Member State shall be treated as being subject to the legislation of the latter Member State if he is resident in the territory of that State; the undertaking or person paying the remuneration shall be considered as the employer for the purpose of the said legislation.

4A. A person employed on board a vessel flying the flag of a Member State and remunerated for such employment by an undertaking or a person whose registered office or place of business is in the territory of the United Kingdom shall be subject to the legislation of the United Kingdom if he is resident in the territory of the United Kingdom; the undertaking or person paying the remuneration shall be considered as the employer for the purpose of the said legislation.

5. A person employed on board a vessel flying the flag of the United Kingdom and remunerated for such employment by an undertaking or a person whose registered office or place of business is in the territory of a Member State (“the employer’s Member State”) shall be subject to the legislation of the United Kingdom if he is resident in the United Kingdom or a Member State other than the employer’s Member State. The undertaking or person paying the remuneration shall be considered as the employer for the purpose of the said legislation.

5A. A person employed on board a vessel flying the flag of a Member State and remunerated for such employment by an undertaking or a person whose registered office or place of business is in the territory of the United Kingdom (“the employer’s Member State”) shall be treated as being subject to the legislation of a Member State if he is resident in a Member State other than the employer’s Member State. The undertaking or person paying the remuneration shall be considered as the employer for the purpose of the said legislation.

Article 14c

Special rules applicable to persons who are simultaneously employed in the territory of one State and self-employed in the territory of another State

1. A person who is simultaneously employed in the territory of one State and self-employed in the territory of another State shall:

- (a) be subject to the legislation of the United Kingdom if he is engaged in paid employment there; or
- (b) be treated as being subject to the legislation of a Member State if he is engaged in paid employment in that Member State.

2. Article 14(2), (2A) and (3) shall determine whether a person who is simultaneously employed in the territory of two States and self-employed in the territory of another State is subject to the legislation of the United Kingdom or treated as being subject to the legislation of a Member State.

Article 14d

Miscellaneous provisions

The person referred to in Article 14(1), (1A), (2), (2A) and (3), Article 14a(1), (1A), (2) and (3), Article 14b(1) and (2) and Article 14c shall be treated, for the purposes of application of the legislation laid down in accordance with these provisions, as if he pursued all his professional activity or activities in the State concerned.”.

4. Omit Articles 14e and 14f(a).

5. For Article 15 to 17a substitute—

“Article 15

Rules concerning voluntary insurance or optional continued insurance

Articles 13 to 14d shall not apply to voluntary insurance or to optional continued insurance.

Article 16

Special rules regarding persons employed by diplomatic missions and consular posts, and auxiliary staff of the European Communities

1. The provisions of Articles 13(2)(a) and 13(4)(a) shall apply to persons employed by diplomatic missions and consular posts and to the private domestic staff of agents of such missions or posts.

2. Auxiliary staff of the European Communities may opt to be subject to the legislation of the United Kingdom, in respect of benefits other than those relating to family allowances provided by virtue of their employment with the European Communities if they are:

- (a) employed in the United Kingdom;
- (b) subject to the legislation of the United Kingdom immediately before their last employment preceding the commencement of their employment with the European Communities; or
- (c) nationals of the United Kingdom.

3. This right of option, which may be exercised once only, shall take effect from the date of entry into employment with the European Communities.

Article 17

Exceptions to Articles 13 to 16

Exceptions to Articles 13 to 16 may be made in the interest of certain persons or categories of persons by common agreement between:

- (a) the United Kingdom and one or more Member States;
- (b) Her Majesty’s Revenue and Customs and the competent authority, or authorities, of one or more Member States; or

(a) Articles 14e and 14f were inserted by Regulation No 1606/98.

- (c) a body designated by Her Majesty’s Revenue and Customs and a body designated by the competent authority, or authorities, of one or more Member States.

Article 17a

Special rules concerning recipients of pensions due under the legislation of one or more Member States

The recipient of a pension due under the legislation of a Member State or of pensions due under the legislation of several Member States who resides in the United Kingdom may at his request be exempted from the legislation of the United Kingdom provided that he is not subject to that legislation because of the pursuit of an occupation.”.

SCHEDULE 3

Regulation 2(c)

Amendments to Title 3: Special provisions relating to the various categories of benefits

PART 1

Amendments to Chapter 1: Sickness and maternity

1. In Article 18—

- (a) in paragraph 1—
 - (i) for “The competent institution of a Member State whose legislation” substitute “Where the United Kingdom is the competent State and the legislation of the United Kingdom”;
 - (ii) after “residence” in the first place it occurs insert “, the competent institution in the United Kingdom”;
 - (iii) for “other Member State” substitute “Member State”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
- (b) in paragraph 2 for “competent State” substitute “United Kingdom”.

2. In Article 19—

- (a) in the heading for “other than” substitute “where the United Kingdom is”;
- (b) in paragraph 1—
 - (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
 - (ii) omit “other than the competent State,”;
 - (iii) for “competent State” in the second place it occurs substitute “United Kingdom”;
 - (iv) for “State” in the third place it occurs substitute “Member State”;
- (c) in paragraph 1(b)—
 - (i) after “competent institution” in the first place it occurs insert “of the United Kingdom”;
 - (ii) for “which it administers” substitute “of the United Kingdom”;
 - (iii) for “competent State” substituted “United Kingdom”;
- (d) in paragraph 2—
 - (i) for “The” substitute “Where the United Kingdom is the competent State, the”;
 - (ii) omit “other than the competent State”;
 - (iii) for “the State” substitute “the Member State”.

3. In Article 21—

- (a) in the heading for “competent State” substitute “United Kingdom”;
 - (b) in paragraph 1—
 - (i) for “The” substitute “Where the United Kingdom is the competent State, the”;
 - (ii) for “territory of the competent State” substitute “United Kingdom”;
 - (iii) for “that State” substitute “the United Kingdom”;
 - (c) in paragraph 4—
 - (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
 - (ii) for “territory of the competent State” substitute “United Kingdom”;
 - (iii) for “that State” substitute “the United Kingdom”.
- 4. In Article 22(a)—**
- (a) in the heading—
 - (i) for “competent State” substitute “United Kingdom”;
 - (ii) for “another Member State” in both places it occurs substitute “a Member State”;
 - (b) in paragraph 1—
 - (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
 - (ii) for “competent State” substitute “United Kingdom”;
 - (c) in paragraph 1(c)(ii)—
 - (i) after “competent institution” in the first place it occurs insert “of the United Kingdom”;
 - (ii) for “which it administers” substitute “of the United Kingdom”;
 - (iii) for “competent State” substitute “United Kingdom”;
 - (d) omit paragraph 1a;
 - (e) in paragraph 3 omit “, 1a”.
- 5. In Article 23(b)—**
- (a) in paragraph 1—
 - (i) for “The competent institution of a Member State whose legislation” substitute “If the legislation of the United Kingdom”;
 - (ii) after “average contributions,” insert “the competent institution in the United Kingdom”;
 - (b) in paragraph 2—
 - (i) for “The competent institution in a Member State whose legislation” substitute “If the legislation of the United Kingdom”;
 - (ii) after “standard earnings,” insert “the competent institution in the United Kingdom”;
 - (c) in paragraph 2a—
 - (i) after “competent institution” insert “in the United Kingdom”;
 - (ii) for “other Member States” substitute “Member States”;
 - (d) in paragraph 3—
 - (i) for “The competent institution of a Member State under whose legislation” substitute “If the legislation of the United Kingdom”;
 - (ii) after “the family,” insert “the competent institution”;
 - (iii) for “another Member State” substitute “a Member State”;

(a) Article 22 was amended by Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 (“Regulation No 631/2004”).

(b) Article 23 was amended by Regulation No 647/2005.

(iv) for “competent State” substitute “United Kingdom”.

6. In Article 25(a)—

- (a) in paragraph 1—
 - (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
 - (ii) for “competent State” substitute “United Kingdom”;
- (b) in paragraph 1(b)—
 - (i) after “by the competent institution” insert “in the United Kingdom”;
 - (ii) for “which it administers” substitute “of the United Kingdom”;
 - (iii) for “competent State” substitute “United Kingdom”;
- (c) omit paragraph 1a;
- (d) in paragraph 2—
 - (i) after “Article 71(1)(b)(ii) apply,” insert “and who resides in the United Kingdom,”;
 - (ii) for “Member State in whose territory he resides” substitute “United Kingdom”;
 - (iii) for “country of residence” substitute “United Kingdom”;
- (e) in paragraph 3—
 - (i) after “Where” insert “the United Kingdom is the competent State responsible for the cost of unemployment benefits for entitlement to sickness and maternity benefits, and where”;
 - (ii) for “Member State which is responsible for the cost of unemployment benefits for entitlement to sickness and maternity benefits” substitute “United Kingdom”;
 - (iii) for “Member State” in the second place it occurs substitute “State”;
 - (iv) for “Member State which is responsible for the cost of unemployment benefits” substitute “United Kingdom”;
 - (v) for “which it administers” substitute “of the United Kingdom”;
- (f) in paragraph 4—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) after “competent institution” insert “in the United Kingdom”;
 - (iii) for “administered by that institution” substitute “of the United Kingdom”.

7. In Article 25a—

- (a) for “The institution which” substitute “Where the competent institution in the United Kingdom”;
- (b) for “and which belongs to a Member State whose legislation” substitute “and where the legislation of the United Kingdom”;
- (c) after “maternity benefits” insert “, the competent institution”;
- (d) for “its” substitute “that”.

8. In Article 27—

- (a) in the heading—
 - (i) for “several” substitute “the United Kingdom and one or more Member”;
 - (ii) after “in the” insert “United Kingdom, as”;
- (b) for “A pensioner who” substitute “Where a pensioner resides in the United Kingdom, and”;
- (c) for “two” substitute “the United Kingdom and one”;

(a) Article 25 was amended by Regulation No 631/2004.

- (d) omit “of which one is that of the Member State in whose territory he resides,”;
- (e) for “latter Member State” in both places it occurs substitute “United Kingdom”;
- (f) for “place of residence” substitute “United Kingdom”.

9. In Article 28—

- (a) in the heading for “one or more” substitute “the United Kingdom and one or more Member”;
- (b) in paragraph 1—
 - (i) for “A pensioner” substitute “Where the United Kingdom is the competent State, a pensioner”;
 - (ii) for “one Member State” substitute “the United Kingdom”;
 - (iii) for “two” substitute “the United Kingdom and one”;
 - (iv) after “shall nevertheless receive such benefits” insert “from the competent institution in the United Kingdom”;
 - (v) for “Member State or at least one of the Member States” to “of such State” substitute “United Kingdom if he were resident in the United Kingdom”;
- (c) in paragraph 1(b) for “which it administers” substitute “of the United Kingdom”;
- (d) in paragraph 2—
 - (i) for “Member State” in both places it occurs substitute “State”;
 - (ii) for “two” substitute “the United Kingdom and one”.

10. In Article 29(a)—

- (a) in paragraph 1—
 - (i) for “Members” substitute “Where the United Kingdom is the competent State, members”;
 - (ii) for “Member State” in the first two places it occurs substitute “State”;
 - (iii) for “Member States” substitute “States”;
 - (iv) for “one Member State” substitute “the United Kingdom”;
- (b) in paragraph 1(b)—
 - (i) for “which it administers” substitute “of the United Kingdom”;
 - (ii) for “competent State” substitute “United Kingdom”;
- (c) in paragraph 2 for “Members” substitute “Where the United Kingdom is the competent State, members”;
- (d) in paragraph 2(b)—
 - (i) for “which it administers” substitute “of the United Kingdom”;
 - (ii) for “competent State” substitute “United Kingdom”.

11. In Article 31(b)—

- (a) in paragraph 1—
 - (i) for “A pensioner” substitute “Where the United Kingdom is the competent State, a pensioner”;
 - (ii) for “one Member State” substitute “the United Kingdom”;
 - (iii) for “two” substitute “the United Kingdom and one”;
 - (iv) for “one of those States” substitute “the United Kingdom”;

(a) Article 29 was amended by Council Regulation (EC) No 1223/98 of 4 June 1998 (“Regulation No 1223/98”).

(b) Article 31 was amended by Regulation No 1223/98 and substituted by Regulation No 631/2004.

- (v) for “Member State” substitute “State”;
 - (b) in paragraph 1(b)—
 - (i) for “which it administers” substitute “of the United Kingdom”;
 - (ii) for “legislation of the competent State” substitute “legislation of the United Kingdom”;
 - (c) omit paragraph 2.
- 12.** In Article 33(1) for “Member State” in both places it occurs substitute “State”;
- 13.** In Article 34 for “Member State” in each place it occurs substitute “State”.
- 14.** In Article 35(a)—
- (a) in paragraph 1—
 - (i) for “legislation of the country of stay or residence” substitute “United Kingdom is the country of stay or residence, and the legislation of the United Kingdom”;
 - (ii) for “place of stay or residence” substitute “United Kingdom”;
 - (b) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “the Member State” substitute “the State”;
 - (c) in paragraph 4—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “which administers that legislation” substitute “of the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”.

PART 2

Amendments to Chapter 2: Invalidity

- 15.** In Article 37 for “Member States” in both places it occurs substitute “States”.
- 16.** In Article 38—
- (a) for “a Member State” in each place it occurs substitute “the United Kingdom”;
 - (b) for “that Member State” substitute “the United Kingdom”;
 - (c) for “other Member State” substitute “Member State”;
 - (d) for “other Member States” in both places it occurs substitute “Member States”.
- 17.** In Article 39—
- (a) in paragraph 1—
 - (i) for “The institution of a Member State whose legislation” substitute “Where the legislation of the United Kingdom”;
 - (ii) after “occurred” insert “, the competent institution in the United Kingdom”;
 - (b) in paragraph 2 for “which it administers” substitute “of the United Kingdom”;
 - (c) for paragraph 3 substitute—

“3. Where the legislation of a Member State was applicable at the time when incapacity for work followed by invalidity occurred, and a person is not entitled to benefits in that Member State but is entitled under the legislation of the United Kingdom, that person shall

(a) Article 35 was amended by Regulation No 307/1999 and Regulation No 647/2005.

receive benefits under the legislation of the United Kingdom, taking into account, where appropriate, Article 38.”;

- (d) in paragraph 4—
 - (i) after “competent institution” insert “in the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “territory of the competent State” substitute “United Kingdom”;
- (e) in paragraph 6—
 - (i) after “Article 71(1)(b)(ii) applies” insert “who resides in the United Kingdom”;
 - (ii) for “Member State in whose territory he resides” substitute “United Kingdom”;
 - (iii) for “which it administers” in both places it occurs substitute “of the United Kingdom”;
 - (iv) for “country of residence” substitute “United Kingdom”;
 - (v) for “that institution applies legislation providing” substitute “the legislation of the United Kingdom provides”;
 - (vi) for “it shall be” substitute “that institution shall be”;
 - (vii) for “its legislation” in both places it occurs substitute “the legislation of the United Kingdom”;
 - (viii) for “which that institution administers” substitute “of the United Kingdom”.

18. In Article 40—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “States”;
 - (ii) omit “, taking into account the provisions of paragraph 4”;
- (b) in paragraph 2—
 - (i) for “a legislation” substitute “the legislation of the United Kingdom”;
 - (ii) omit from “, account being taken” to the end of the paragraph;
- (c) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “second Member State” in each place it occurs substitute “Member State”;
 - (iv) for “first Member State” in both places it occurs substitute “the United Kingdom”;
- (d) omit paragraph 4.

19. In Article 41—

- (a) in paragraph 1—
 - (i) for “a single Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” in both places it occurs substitute “a Member State”;
 - (iii) for “first State” in both places it occurs substitute “United Kingdom”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
 - (v) omit “of the other”;
 - (vi) after “amounts” insert “, if that institution is the competent institution in the United Kingdom”;
 - (vii) omit point (d);
 - (viii) for “State” substitute “United Kingdom”;
- (b) in paragraph 2 for “Member States” substitute “States”.

20. In Article 42—

- (a) for “institution or institutions which were” substitute “competent institution in the United Kingdom where it was”;
- (b) after “If” insert “the United Kingdom is the competent State and”.

21. In Article 43—

- (a) in paragraph 1—
 - (i) for “Invalidity benefits” substitute “Where invalidity benefits have been granted under the legislation of the United Kingdom, they”;
 - (ii) omit “or legislations”;
- (b) in paragraph 2—
 - (i) for “one or more Member States” substitute “the United Kingdom”;
 - (ii) after “any institution” insert “in the United Kingdom”;
 - (iii) omit “under the legislation of a Member State”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
- (c) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “one or more national legislations” substitute “the legislation of the United Kingdom”;
 - (iii) for “this or these Member States” substitute “the United Kingdom”;
 - (iv) for “national legislations concerned” substitute “legislation of the United Kingdom”;
 - (v) omit “or legislations”;
- (d) in paragraph 4 for “another Member State” substitute “Member State”.

22. In Article 43a(a)—

- (a) in paragraph 2—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that Member State” in each place it occurs substitute “the United Kingdom”;
- (b) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”.

PART 3

Amendments to Chapter 3: Old age and death (pensions)

23. In Article 44(b)—

- (a) in the heading and paragraph 1 for “Member States” substitute “States”;
- (b) in paragraph 2—
 - (i) after “claim” insert “by the United Kingdom”;
 - (ii) omit the last sentence.

24. In Article 45—

- (a) in paragraph 1—
 - (i) for “a Member State” substitute “the United Kingdom”;

(a) Article 43a was inserted by Regulation No 1606/98.

(b) Article 44 was amended by Council Regulation (EC) No 1399/1999 of 29 April 1999 (“Regulation No 1399/1999”).

- (ii) for “that Member State” substitute “the United Kingdom”;
- (iii) for “other Member State” substitute “Member State”;
- (iv) for “its own legislation” substitute “the legislation of the United Kingdom”;
- (b) in paragraphs 2 and 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “other Member States” substitute “Member States”;
- (c) in paragraph 4—
 - (i) for “another Member State” substitute “the United Kingdom”;
 - (ii) for “latter State” substitute “United Kingdom”;
- (d) in paragraph 5—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
- (e) for paragraph 6—

“6. Where a worker to whom the first sentence of Article 71(1)(a)(ii) or (b)(ii) applies resides in the United Kingdom, a period of full employment shall be taken into account by the competent institution in the United Kingdom in accordance with the legislation of the United Kingdom, as if that legislation applied to him during his last employment.

Where the legislation of the United Kingdom provides for deduction of contributions payable by unemployed persons to cover old age pensions and death, the competent institution in the United Kingdom shall be authorised to make such deductions in accordance with the provisions of the legislation of the United Kingdom.

If the legislation of the United Kingdom provides that the period of full unemployment in the United Kingdom can be taken into account only if contribution periods have been completed in the United Kingdom, this condition shall be deemed to be fulfilled if the contribution periods have been completed in a Member State.”.

25. In Article 46—

- (a) in paragraphs 1 and 2—
 - (i) after “Where” insert “the United Kingdom is the competent State and where”;
 - (ii) for “a Member State” substitute “the United Kingdom”;
 - (iii) after “competent institution” in each place it occurs insert “in the United Kingdom”;
 - (iv) for “which it administers” in each place it occurs substitute “of the United Kingdom”;
 - (v) for “each Member State” substitute “each State”;
 - (vi) for “State in question” substitute “United Kingdom”;
 - (vii) for “Member States” in the second place it occurs substitute “States”;
- (b) in paragraphs 3 for “each Member State” substitute “the United Kingdom”;
- (c) in paragraph 4—
 - (i) for “Member States” in both places it occurs substitute “States”;
 - (ii) omit “referred to in Article 6(b)”.

26. In Article 46a—

- (a) in the heading for “legislations of the Member States” substitute “legislation of the United Kingdom”;
- (b) in paragraph 3 for “a Member State” substitute “the United Kingdom”;
- (c) in paragraph 3(a)—
 - (i) for “another Member State” in both places it occurs substitute “a Member State”;

- (ii) for “first Member State” substitute “United Kingdom”;
- (d) in paragraph 3(b) and (c) for “another Member State” substitute “a Member State”;
- (e) in paragraph 3(d)—
 - (i) for “only one Member State” substitute “the United Kingdom”;
 - (ii) for “other Member States” in each place it occurs substitute “Member States”;
 - (iii) for “first Member State” substitute “United Kingdom”.

27. In Article 46b—

- (a) in the heading and in the first place it occurs for “two” substitute “the United Kingdom and one”;
- (b) for “a Member State” in both places it occurs substitute “the United Kingdom”.

28. In Article 46c—

- (a) in the heading omit “, where two or more Member States are concerned”;
- (b) in paragraph 1 for “Member States concerned” substitute “United Kingdom”;
- (c) in paragraph 2—
 - (i) for “other Member States” substitute “Member States”;
 - (ii) for “Member State” substitute “United Kingdom”;
- (d) in paragraph 3 for “Member States concerned” substitute “United Kingdom”;
- (e) in paragraph 4—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
- (f) in paragraph 5—
 - (i) for “one or more Member States” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”.

29. In Article 47—

- (a) in paragraph 1(a)—
 - (i) for “Member States” substitute “States”;
 - (ii) for “one of these States” substitute “the United Kingdom”;
 - (iii) after “full benefit,” insert “and where the United Kingdom is one of these States,”;
 - (iv) for “that State” substitute “the United Kingdom”;
 - (v) for “which it administers” substitute “of the United Kingdom”;
- (b) in paragraph 1(c)—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;
 - (iii) for “said State” substitute “United Kingdom”;
- (c) in paragraph 1(d)—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “State” substitute “United Kingdom”;
 - (iii) for “other Member States” substitute “Member States”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
- (d) in paragraph 1(e)—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;
 - (iii) for “other Member States” substitute “Member States”;

- (iv) for “which it administers” substitute “of the United Kingdom”;
- (e) in paragraph 1(f)—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;
 - (iii) for “other Member States” in both places it occurs substitute “Member States”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
- (f) in paragraph 1(g)—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) after “competent institution” insert “in the United Kingdom”;
 - (iii) for “said State” substitute “United Kingdom”;
- (g) in paragraph 2—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that state” substitute “the United Kingdom”;
 - (iii) for “other Member States” substitute “Member States”;
- (h) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”;
 - (iv) for “competent State” substitute “United Kingdom”;
- (i) in paragraph 4—
 - (i) for “which the competent institution of a Member State administers” substitute “of the United Kingdom”;
 - (ii) for “this Member State” substitute “the United Kingdom”;
 - (iii) for “that Member State” substitute “the United Kingdom”;
 - (iv) for “which it administers” substitute “of the United Kingdom”.

30. In Article 48—

- (a) in paragraph 1 for “a Member State” substitute “the United Kingdom”;
- (b) in paragraph 2 for “each of the Member States concerned” substitute “the United Kingdom”;
- (c) in paragraph 3—
 - (i) for “Member States” substitute “States”;
 - (ii) after “the legislation of the” insert “United Kingdom if it is”;
 - (iii) for “that State” substitute “the United Kingdom”.

31. In Article 49—

- (a) in the heading omit “or when he has expressly requested a postponement of the award of old age benefits”;
- (b) in paragraph 1—
 - (i) for “Member States” substitute “States”;
 - (ii) after “the following provisions shall apply” insert “where the United Kingdom is the competent State”;
 - (iii) for “each of the competent institutions administering a legislation whose conditions” substitute “the competent institution in the United Kingdom, when the conditions of its legislation,”;
 - (iv) for “one legislation” substitute “the legislation of the United Kingdom”;

- (v) for “whose conditions are satisfied, taking” substitute “of the United Kingdom, taking”;
- (vi) omit the words from “The provisions” to the end of the paragraph;
- (c) in paragraph 2—
 - (i) after “Article 46,” insert “by the competent institution in the United Kingdom,”;
 - (ii) omit the final sentence;
- (d) in paragraph 3 after “with paragraph 1” insert “by the competent institution in the United Kingdom,”.

32. In Article 50—

- (a) in the heading for “Member States” substitute “States”;
- (b) after “applies” insert “, who is resident in the United Kingdom and to whom a benefit is payable under the legislation of the United Kingdom,”;
- (c) omit “, in the State in whose territory he resides and under whose legislation a benefit is payable to him,”;
- (d) for “that State” substitute “the United Kingdom”;
- (e) for “its territory” substitute “the United Kingdom”.

33. In Article 51a(a)—

- (a) for “a Member State” in both places it occurs substitute “the United Kingdom”;
- (b) for “that Member State” in each place it occurs substitute “the United Kingdom”;
- (c) for “that State” substitute “the United Kingdom”.

PART 4

Amendments to Chapter 4: Accidents at work and occupational diseases

34. In Article 52—

- (a) in the heading for “other than the competent Member State” substitute “where the United Kingdom is the competent State”;
- (b) for “An” substitute “Where the United Kingdom is the competent State, an”;
- (c) omit “other than the competent State”;
- (d) after “receive in the” insert “Member”;
- (e) for “in accordance with the provisions of the legislation which it administers” substitute “of the United Kingdom in accordance with the provisions of the legislation of the United Kingdom”;
- (f) for “competent State” substitute “the United Kingdom”.

35. In Article 53—

- (a) for “A” substitute “Where the United Kingdom is the competent State, a”;
- (b) for “territory of the competent State” substitute “United Kingdom”;
- (c) for “that State” substitute “the United Kingdom”.

36. In Article 54—

- (a) in the heading for “competent State” substitute “United Kingdom”;
- (b) for “An”, in both places it occurs substitute “Where the United Kingdom is the competent State, an”;

(a) Article 51a was inserted by Regulation No 1606/98.

- (c) for “territory of the competent State” in both places it occurs substitute “United Kingdom”;
- (d) for “that State” in both places it occurs substitute “the United Kingdom”.

37. In Article 55—

- (a) in the heading—
 - (i) for “competent State” substitute “United Kingdom”;
 - (ii) for “another Member State” in both places it occurs substitute “a Member State”;
- (b) in paragraph 1 for “An” substitute “Where the United Kingdom is the competent State and an”;
- (c) in paragraph 1(a) for “competent State” substitute “United Kingdom”;
- (d) in paragraph 1(b) after “competent institution” insert “in the United Kingdom”;
- (e) in paragraph 1(c)(ii)—
 - (i) after “competent institution” insert “of the United Kingdom”;
 - (ii) for “which it administers” substitute “of the United Kingdom”;
 - (iii) for “competent State” substitute “United Kingdom”.

38. In Article 56—

- (a) omit “other than the competent State”;
- (b) for “territory of” in the second place it occurs substitute “territory of the United Kingdom, where the United Kingdom is the”.

39. In Article 57—

- (a) for “Member States” in the heading and the first place it occurs substitute “States”;
- (b) for “a Member State” in each place it occurs substitute “the United Kingdom”;
- (c) for “its territory” substitute “the United Kingdom”;
- (d) for “another Member State” substitute “a Member State”;
- (e) for “that State” substitute “the United Kingdom”;
- (f) for “other Member State” in both places it occurs substitute “Member State”;
- (g) for “first State” in both places it occurs substitute “United Kingdom”;
- (h) for “the State” substitute “the United Kingdom”;
- (i) for “shall be divided among the competent institutions of the Member” substitute “payable by the competent institution in the United Kingdom shall be divided by the number of”;
- (j) omit paragraph 6.

40. In Article 58—

- (a) for “The competent institution of a Member State whose legislation” in each place it occurs substitute “Where the United Kingdom is the competent State and legislation of the United Kingdom”;
- (b) after “average earnings” in the first place it occurs insert “the competent institution in the United Kingdom”;
- (c) after “standard earnings” in the first place it occurs insert “the competent institution in the United Kingdom”;
- (d) after “in the family” insert “the competent institution in the United Kingdom”;
- (e) for “another Member State” substitute “a Member State”;
- (f) for “competent State” substitute “United Kingdom”.

41. In Article 59—

- (a) for “The competent institution of a Member State whose legislation” in both places it occurs substitute “Where the United Kingdom is the competent State and legislation of the United Kingdom”;
- (b) after “hospital,” insert “the competent institution in the United Kingdom”;
- (c) for “another Member State” in both places it occurs substitute “a Member State”;
- (d) for “the competent institution of a Member State whose legislation” substitute “where the United Kingdom is the competent State and its legislation”;
- (e) after “burial” insert “the competent institution in the United Kingdom”;
- (f) for “which it administers” substitute “of the United Kingdom”.

42. In Article 60—

- (a) in paragraph 1—
 - (i) for “a Member State” in the first place it occurs substitute “the United Kingdom”;
 - (ii) for “another Member State” in both places it occurs substitute “a Member State”;
 - (iii) for “first Member State” in the first three places it occurs substitute “United Kingdom”;
 - (iv) for “which it administers” in the first three places it occurs substitute “the United Kingdom”;
 - (v) omit the final sentence of point (b);
 - (vi) omit “or from a disease determined under Article 57(6)”;
 - (vii) for “second Member State” substitute “Member State”;
 - (viii) omit the final sentence of point (c);
 - (ix) omit point (d);
- (b) in paragraph 2—
 - (i) after “application of the provisions of Article 57(5),” insert “and where the United Kingdom is the competent State,”;
 - (ii) after “competent institution” in the first place it occurs insert “in the United Kingdom”;
 - (iii) for “which it administers” substitute “of the United Kingdom”;
 - (iv) for “continue to be divided between the institutions which shared the costs of former benefits” substitute “be divided by the number of States in whose territory the person concerned pursued an activity likely to cause the disease”;
 - (v) for “Member States” substitute “States”;
 - (vi) for “Member State” substitute “State”;
 - (vii) after “such State” insert “, where that State is the United Kingdom,”.

43. In Article 61—

- (a) in paragraphs 5 and 6—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”;
 - (iv) for “which it administers” substitute “of the United Kingdom”;
- (b) in paragraph 6(2) for “other Member State” substitute “Member State”.

44. In Article 62—

- (a) for “If the legislation of the country of stay or residence” substitute “Where the United Kingdom is the country of stay or residence and the legislation of the United Kingdom”;
- (b) for “a Member State” substitute “the United Kingdom”;

- (c) for “which administers that legislation” substitute “of the United Kingdom”;
- (d) for “another Member State” substitute “a Member State”.

PART 5

Amendments to Chapter 5: Death grants

45. In Article 64—

- (a) for “The competent institution of a Member State whose legislation” substitute “Where the United Kingdom is the competent State and legislation of the United Kingdom”;
- (b) after “completion of periods of insurance or residence” insert “, the competent institution in the United Kingdom”;
- (c) for “other Member State” substitute “Member State”;
- (d) for “which it administers” substitute “of the United Kingdom”.

46. In Article 65—

- (a) in the heading for “other than” substitute “where the United Kingdom is”;
- (b) in paragraph 1—
 - (i) for “When” substitute “Where the United Kingdom is the competent State and”;
 - (ii) omit “other than the competent State”;
 - (iii) for “competent State” substitute “United Kingdom”;
- (c) in paragraph 2—
 - (i) for “The competent institution” substitute “Where the United Kingdom is the competent State, the competent institution in the United Kingdom”;
 - (ii) for “which it administers” substitute “of the United Kingdom”;
 - (iii) omit “other than the competent State”.

47. In Article 66—

- (a) in the heading for “a Member State other than the one” substitute “The United Kingdom which is not the State”;
- (b) for “one Member State” substitute “the United Kingdom”;
- (c) for “two” substitute “the United Kingdom and one”;
- (d) for “a Member State other than the one whose institution” substitute “the United Kingdom and an institution in a Member State”;
- (e) for “, death grants payable” to the end of the paragraph substitute “(as it applies in the European Union), the United Kingdom is not responsible for the payment of death grants”.

PART 6

Amendments to Chapter 6: Unemployment benefits

48. In Article 67—

- (a) for “The competent institution of a Member State whose legislation” in both places it occurs substitute “Where the United Kingdom is the competent State and the legislation of the United Kingdom”;
- (b) before “shall take into account” in both places it occurs insert “, the competent institution in the United Kingdom”;
- (c) for “other Member State” in both places it occurs substitute “Member State”;

- (d) for “which it administers” in both places it occurs substitute “of the United Kingdom”;
- (e) after “provisions of the legislation” insert “of the United Kingdom”.

49. In Article 68—

- (a) for “The competent institution of a Member State whose legislation”, in both places it occurs, substitute “Where the United Kingdom is the competent State and the legislation of the United Kingdom”;
- (b) before “shall take into account” in both places it occurs insert “, the competent institution in the United Kingdom”;
- (c) for “territory of that State” substitute “United Kingdom”;
- (d) for “that territory” substitute “the United Kingdom”;
- (e) for “another Member State” in both places it occurs substitute “a Member State”;
- (f) for “territory of the competent State” substitute “United Kingdom”.

50. In the heading to Section 2 of Chapter 6 to Title 3 for “other than” substitute “where the United Kingdom is”.

51. In Article 69(a)—

- (a) for “An” substitute “Where the United Kingdom is the competent State, an”;
- (b) for “a Member State” substitute “the United Kingdom”;
- (c) for “other Member States” substitute “Member States”;
- (d) for “competent State” in each place it occurs substitute “United Kingdom”;
- (e) after “competent services or institutions” in each place it occurs insert “in the United Kingdom”;
- (f) after “He must” insert “take reasonable steps to”;
- (g) for “State he left” substitute “United Kingdom”;
- (h) for “State which he left” substitute “United Kingdom”;
- (i) for “that State” in both places it occurs substitute “United Kingdom”.

52. For Article 70 substitute—

“In the cases referred to in Article 69(1) where the United Kingdom is the competent State, benefits shall be provided by the competent institution in the United Kingdom.”.

53. In the heading to Section 3 of Chapter 6 to Title 3 for “Member State” substitute “State”.

54. In Article 71—

- (a) in paragraph 1 for “Member State” in the first place it occurs substitute “State”;
- (b) in paragraph 1(a)(i)—
 - (i) for “A” substitute “Where the United Kingdom is the competent State, a”;
 - (ii) for “competent State” substitute “United Kingdom”;
 - (iii) for “territory of that State” substitute “United Kingdom”;
 - (iv) after “competent institution” insert “in the United Kingdom”;
- (c) in paragraph 1(a)(ii)—
 - (i) for “A” substitute “Where the State he resides is the United Kingdom, a”;
 - (ii) for “Member State in whose territory he resides” substitute “United Kingdom”;
 - (iii) for “place of residence” substitute “United Kingdom”;
- (d) in paragraph 1(b)(i)—

(a) Article 69 was amended by Regulation No 647/2005.

- (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
- (ii) for “territory of the competent State” substitute “United Kingdom”;
- (iii) for “that State” substitute “the United Kingdom”;
- (iv) for “its territory” substitute “the United Kingdom”;
- (v) after “competent institution” insert “in the United Kingdom”;
- (e) in paragraph 1(b)(ii)—
 - (i) for “An” substitute “Where the State he resides is the United Kingdom, an”;
 - (ii) for “territory of the Member State in which he resides, or who returns to that territory” substitute “United Kingdom, or who returns to the United Kingdom”;
 - (iii) for “that State” substitute “the United Kingdom”;
 - (iv) for “place of residence” substitute “United Kingdom”;
 - (v) omit the final two sentences;
- (f) in paragraph 2 for “Member State” substitute “State”.

55. In Article 71a(a)—

- (a) for “An” substitute “Where the United Kingdom is the competent State, an”;
- (b) omit “other than the competent State”;
- (c) for “competent State” substitute “United Kingdom”;
- (d) for “territory of that State” substitute “United Kingdom”;
- (e) after “competent institution” insert “in the United Kingdom”.

PART 7

Amendments to Chapter 7: Family benefits

56. In Article 72—

- (a) for “a Member State” substitute “the United Kingdom”;
- (b) for “that State” substitute “the United Kingdom”;
- (c) for “other Member State” substitute “Member State”;
- (d) for “which it administers” substitute “of the United Kingdom”.

57. In Article 72a—

- (a) for “territory of the same Member State as he” substitute “United Kingdom”;
- (b) for “State” substitute “United Kingdom”;
- (c) for “place of residence” substitute “United Kingdom”;
- (d) for “that institution applies legislation providing” substitute “the legislation of the United Kingdom provides”;
- (e) for “it” substitute “the institution in the United Kingdom”;
- (f) for “its legislation” substitute “the legislation of the United Kingdom”.

58. In Articles 73 and 74—

- (a) in the heading for “other than” substitute “where the United Kingdom is”;
- (b) for “a Member State” substitute “the United Kingdom”;
- (c) for “another Member State” substitute “a Member State”;
- (d) for “former State” substitute “United Kingdom”;

(a) Article 71a was inserted by Regulation No 1606/98.

(e) for “that State” substitute “the United Kingdom”.

59. In Article 75—

- (a) in paragraph 1—
 - (i) for “Family” substitute “Where the United Kingdom is the competent State, family”;
 - (ii) for “Article 73” insert “Articles 73 and 74”;
 - (iii) for “State to the legislation” to “receives unemployment benefits” substitute “United Kingdom”;
 - (iv) for “such institutions” substitute “the competent institution in the United Kingdom”;
 - (v) for “competent State” substitute “United Kingdom”;
 - (vi) for “another Member State” substitute “a Member State”;
- (b) in paragraph 2 after “the competent institution” insert “in the United Kingdom”;
- (c) omit paragraph 3.

60. In Article 76—

- (a) in the heading for “the Member State” substitute “State”;
- (b) for “another Member State” substitute “the United Kingdom”;
- (c) for “first Member State” in both places it occurs substitute “Member State”;
- (d) for “other Member State” substitute “the United Kingdom”.

PART 8

Amendments to Chapter 8: Benefits for dependent children of pensioners and for orphans

61. In Article 77—

- (a) in paragraph 2 for “Member State” in the first place it occurs substitute “State”;
- (b) in paragraph 2(a)—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) for “Member State responsible for the pension” substitute “United Kingdom”;
- (c) in paragraph 2(b) for “Member State” in the first place it occurs substitute “State”;
- (d) in paragraph 2(b)(i)—
 - (i) at the beginning insert “if he resides in the United Kingdom,”;
 - (ii) for “whichever of these States he resides in” substitute “the United Kingdom”;
 - (iii) for “that State” substitute “the United Kingdom”;
- (e) in paragraph 2(b)(ii)—
 - (i) for “Member State” substitute “United Kingdom provided that the legislation”;
 - (ii) after “period of time” insert “is that of the United Kingdom and”;
 - (iii) omit from “if no right” to the end of the Article.

62. In Article 78(a)—

- (a) in paragraph 2 for “Member State” in the first place it occurs substitute “State”;
- (b) in paragraph 2(a)—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;

(a) Article 78 was amended by Regulation No 1399/1999.

- (c) in paragraph 2(b) for “Member States” in the first place it occurs substitute “States”;
- (d) in paragraph 2(b)(i)—
 - (i) at the beginning insert “where the orphan resides in the United Kingdom,”;
 - (ii) for “Member State in whose territory the orphan resides” substitute “United Kingdom”;
 - (iii) for “that Member State” substitute “the United Kingdom”;
- (e) in paragraph 2(b)(ii)—
 - (i) for “Member State” substitute “United Kingdom, provided that the”;
 - (ii) after “period of time” insert “is that of the United Kingdom and”;
 - (iii) for “that State” substitute “the United Kingdom”;
 - (iv) omit the words from “if no right” to the end of point (ii);
- (f) in paragraph 2 in the last sentence—
 - (i) for “the legislation of the Member State” substitute “where the legislation of the United Kingdom is the legislation”;
 - (ii) after “children” insert “, that legislation”.

63. In Article 79(a)—

- (a) in paragraph 1—
 - (i) for “determined by applying” to “such legislation” substitute “of the United Kingdom by the competent institution in the United Kingdom”;
 - (ii) for “competent State” substitute “United Kingdom”;
 - (iii) for “that legislation” in both places it occurs substitute “the legislation of the United Kingdom”;
- (b) omit paragraph 2;
- (c) in paragraph 3 for “national legislation or under the provisions of paragraph 2 and” substitute “legislation of the United Kingdom or”.

64. In Article 79a(b) for “that Member State” substitute “the United Kingdom”.

SCHEDULE 4

Regulation 2(d)

Amendments to Title 6: Miscellaneous provisions

1. In Article 84—

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3 for “Member States” substitute “States”;
- (c) in paragraph 4—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) omit the final sentence;
- (d) after paragraph 4 insert—

“4A. The United Kingdom may provide or exchange all data necessary for establishing and determining the rights and obligations of any person to whom this Regulation applies,

(a) Article 79 was amended by Regulation No 1399/1999.

(b) Article 79a was inserted by Regulation No 1606/98 and amended Regulation No 1399/1999.

including the establishing and determining of those rights and obligations by a Member State applying this Regulation as it applies in the European Union.”;

- (e) in paragraph 5—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “Member State providing the data” substitute “United Kingdom”;
 - (iv) for “Any” substitute “Where personal data is communicated to the United Kingdom, any”;
 - (v) for “receiving Member State” substitute “United Kingdom”.

2. In Article 84a(a)—

- (a) in the heading after “the institutions” insert “of the United Kingdom”;
- (b) after “The institutions” in the first two places it occurs insert “of the United Kingdom”;
- (c) after “queries” insert “from persons covered by this Regulation”;
- (d) for “national law” substitute “the law of the United Kingdom”;
- (e) omit paragraph 3.

3. In Article 85(b)—

- (a) in paragraph 1—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) for “that State” substitute “the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”;
- (b) in paragraph 3—
 - (i) for “another Member State” substitute “the United Kingdom”;
 - (ii) for “receiving institution” substitute “institution of the United Kingdom”;
 - (iii) for “one social security institution to another” substitute “a social security institution in the United Kingdom to another social security institution”;
 - (iv) for “relevant Community provisions” substitute “law of the United Kingdom”.

4. In Article 86—

- (a) in the heading for “Member State” substitute “State”;
- (b) for paragraph 1 substitute—

“1. In the event that an authority, institution or tribunal in the United Kingdom receives a claim, declaration or appeal which should have been submitted to a corresponding authority, institution or tribunal in a Member State, reasonable steps shall be taken to forward that claim, declaration or appeal to the authority, institution or tribunal in that Member State. Alternatively the claim, declaration or appeal shall be returned to the individual with a request that the individual forward it to the authority, institution or tribunal in that Member State.

1A. In the event that a claim, declaration or appeal which should have been submitted to an authority, institution or tribunal in the United Kingdom is submitted to an authority, institution or tribunal in a Member State, the date on which such claim, declaration or appeal was submitted to the authority, institution or tribunal of the Member State shall be considered as the date of its submission to the competent authority, institution or tribunal in the United Kingdom.”;

- (c) in paragraph 2—

(a) Article 84a was inserted by Regulation No 631/2004.
(b) Article 85 was amended by Regulation No 1290/97.

- (i) after “Where” insert “the United Kingdom is the competent State, and where”;
- (ii) after “tribunal” insert “in the United Kingdom”;
- (iii) for “Member State which is” substitute “United Kingdom as the State”;
- (iv) for “that State” substitute “the United Kingdom”;
- (v) for “first Member State” substitute “Member State”.

5. In Article 87—

- (a) in paragraph 1—
 - (i) for “Member State” in both places it occurs substitute “State”;
 - (ii) for “Member States” substitute “States”;
- (b) in paragraph 2—
 - (i) for “Medical” substitute “Where the United Kingdom is the competent State, medical”;
 - (ii) for “competent State” substitute “United Kingdom”.

6. In Article 88—

- (a) in the heading for “Member State” substitute “State”;
- (b) for “the relevant agreements” substitute “any relevant agreements”;
- (c) for “Member States” in the first place it occurs substitute “States”;
- (d) omit the final sentence.

7. In Article 89 for “Member States” substitute “States”.

8. In Article 91—

- (a) for “competent State” (including in the heading) substitute “United Kingdom”;
- (b) for “An” substitute “Where the competent State is the United Kingdom, an”;
- (c) after “contributions” insert “in the United Kingdom”;
- (d) omit “other than the competent State”.

9. In Article 92—

- (a) for “one Member State” substitute “a Member State”;
- (b) for “another Member State” substitute “the United Kingdom”;
- (c) for “latter State” substitute “United Kingdom”;
- (d) for “Member States” substitute “States”.

10. In Article 93—

- (a) in paragraph 1—
 - (i) for “one Member State” substitute “one State”;
 - (ii) for “each Member State” in both places it occurs substitute “the United Kingdom”;
- (b) in paragraph 2—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) after “competent institution” insert “in the United Kingdom”;
 - (iv) after “rights of the institution” insert “in the United Kingdom”;
- (c) omit paragraph 3.

SCHEDULE 5

Regulation 2(e)

Amendments to Title 7: Transitional and final provisions

1. In Article 94—
 - (a) for “Member State” in each place it occurs substitute “State”;
 - (b) in paragraphs 6 and 7 omit the second subparagraph;
 - (c) omit paragraph 9.
2. In Article 95—
 - (a) for “Member State” in each place it occurs substitute “State”;
 - (b) in paragraphs 6 and 7 omit the second subparagraph.
3. In Article 95a for “Member State” in each place it occurs substitute “State”.
4. In Article 95b—
 - (a) for “Member State” in each place it occurs substitute “State”;
 - (b) omit paragraph 12.
5. In Articles 95c, 95d and 95e(a) for “Member State” in each place it occurs substitute “State”.
6. Omit Articles 95f(b) to 97.
7. After Article 99 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

SCHEDULE 6

Regulation 2(f)

Amendments to the Annexes

1. In Annex 3(c)—
 - (a) in the heading to Annex 3 omit “notwithstanding Article 6 of the Regulation”;
 - (b) in the sub-heading in brackets for “Articles 7(2)(c) and 3(3)” substitute “Article 7(2)(c)”;
 - (c) under the heading “General comments” in paragraph 3—
 - (i) for “Account being taken of the provisions of Article 6 of this Regulation, it” substitute “It”;
 - (ii) for “Member States” substitute “States”;
 - (d) in the heading to Part A omit “notwithstanding Article 6 of the Regulation”.
2. In Annex 4—
 - (a) in Part C under the heading AA. UNITED KINGDOM for “another Member State” in both places it occurs substitute “a Member State”;
 - (b) in Part D(d)—

-
- (a) Article 95c was inserted by Regulation No 1606/98. Article 95d was inserted by Regulation No 307/1999. Article 95e was inserted by Regulation No 1399/1999.
 - (b) Articles 95f and 95g were inserted by Regulation No 647/2005.
 - (c) Relevant amendments to Annex 3 were made by Regulation No 647/2005.
 - (d) Relevant amendments to Annex 4 were made by Regulation No 1223/98, Regulation No 1399/1999, the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (“the Accession Act”), Regulation (EC) No 629/2006 of the European Parliament and of the Council of 4 April 2006 (“Regulation No 629/2006”). Council Regulation (EC) No 1791/2006 of 20 November 2006 (“Regulation No 1791/2006”) and Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006 (“Regulation 1992/2006”).

- (i) in paragraph 1 omit points (b) to (i);
- (ii) omit paragraphs 2 and 3.

3. Omit Annex 5.

4. In Annex 6(a)—

- (a) in the heading of Annex 6 for “Member States” substitute “States”;
- (b) under the heading AA. UNITED KINGDOM—
 - (i) in points 1, 5 and 13.2 omit “other than the United Kingdom”;
 - (ii) in point 2 for “Member States” substitute “States”;
 - (iii) in points 3, 13.1, 17, 19 and 20 for “another Member State” in each place it occurs substitute “a Member State”;
 - (iv) in point 13.2(a) and point 19(a) for “other Member State” substitute “Member State”.

5. Omit Annex 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (the “EU(W)A”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2) and section 8(3)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. This is one of the EU Regulations which makes provision for the coordination of social security. In particular they make amendments to prevent, remedy or mitigate the deficiencies in section 8(2)(a), (b), (c) and (d) and under section 8(3) of the EU(W)A in relation to cash benefits, pensions and the determination of applicable law.

It also makes amendments to Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality. This is another EU Regulation which makes provision for the coordination of social security.

An impact assessment has not been prepared for this instrument as it has no impact on businesses, charities or the public sector.

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(a) Annex 6 was amended by Regulation No 1290/97, Regulation No 1223/98, Regulation No 1606/98, Regulation No 1399/1999, Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001, the Accession Act, Regulation No 647/2005, Regulation No 629/2006, Regulation No 1791/2006, Regulation 1992/2006 and Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008.

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