

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF BARBADOS

PART I

GENERAL PROVISIONS

ARTICLE 1

DEFINITIONS

(1) For the purpose of this Convention except where the context otherwise requires: “additional pension” payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, means any additional pension based on the payment of insurance contributions above the level required for entitlement to basic pension;

“Barbados” means the Island of Barbados;

“benefits for industrial accidents and industrial diseases” means—

- (i) a pension or benefit payable to a person for loss of physical or mental faculty as a result of an industrial accident or an industrial disease arising out of, and in the course of, employed earner’s employment under the legislation of Great Britain, Northern Ireland or the Isle of Man or Jersey, and, in addition, accident benefit payable under the legislation of Jersey;
- (ii) a benefit payable to a person for personal injury or for loss of physical or mental faculty as a result of an accident arising out of, and in the course of, an insured person’s employment or self-employment, or an industrial disease under the legislation of Guernsey;
- (iii) employment injury benefits payable to a person in insurable employment for loss of physical or mental faculty, as a result of an accident or disease arising out of, and in the course of, such employment, or in respect of death resulting therefrom, under the legislation of Barbados;

“Category A retirement pension” means either, or both, a basic retirement pension and an additional pension based on a person’s own insurance contributions or, for certain persons whose marriages have ended by divorce or widowhood, a basic retirement pension based on the former spouse’s insurance contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension based on a person’s own insurance contributions or, for certain persons whose marriages have ended by divorce or widowhood, based on the former spouse’s contributions, payable under the legislation of Jersey or Guernsey;

“Category B retirement pension” means a basic retirement pension payable to a married woman on her husband’s contributions, or, for a widow or widower, either, or both, a basic retirement pension and an additional pension based on the late spouse’s contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension payable to a married woman under the legislation of Jersey or Guernsey by virtue of the contributions of her husband while he is alive;

“child benefit” means child benefit payable under the legislation of Great Britain, Northern Ireland or the Isle of Man or family allowance payable under the legislation of Jersey;

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“competent authority” means, in relation to the territory of the United Kingdom, the Department of Social Security for Great Britain, the Department of Health and Social Services for Northern Ireland, the Department of Health and Social Security of the Isle of Man, the Social Security Committee of the States of the Island of Jersey or the States of Guernsey Insurance Authority as the case may require, and, in relation to Barbados, the Minister responsible for National Insurance, the National Insurance Board or the Director, National Insurance Scheme, as the context requires;

“contribution period” means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation in question;

“death grant” means a death grant payable under the legislation of Jersey or Guernsey, or a funeral grant payable under the legislation of Barbados;

“dependant” means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependant under the legislation concerned;

“employed person” means—

- (i) , except for the purposes of Articles 23 to 25, a person who, in the applicable legislation, comes within the definition of an employed earner or of an employed person or is treated as such, and the words “person is employed” shall be construed accordingly;
- (ii) , for the purposes of Articles 23 to 25, a person who is, or who is treated as being, an employed person under the legislation of Great Britain, Northern Ireland, the Isle of Man or Barbados, or an employed or self-employed person under the legislation of Jersey or Guernsey;

“employment” means employment as an employed person and the words “employ”, “employed” or “employer” shall be construed accordingly;

“equivalent period” means a period for which contributions appropriate to the benefit in question have been credited under the legislation of one or the other Party;

“gainfully employed” means employed or self-employed;

“Guernsey” means the Islands of Guernsey, Alderney, Herm and Jethou;

“insurance period” means a contribution period or an equivalent period;

“insured” means, in relation to both Parties, that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned;

“invalidity benefit” means invalidity pension, additional pension and invalidity allowance payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, invalidity benefit payable under the legislation of Jersey or Guernsey, and invalidity pension or grant payable under the legislation of Barbados;

“Jersey” means the Island of Jersey;

“legislation” means, in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of a Party, or in any part of the territory of that Party;

“maternity allowance” means maternity allowance payable under the legislation of the United Kingdom, and maternity benefit payable under the legislation of Barbados;

“maternity grant” means maternity grant payable under the legislation of Jersey, Guernsey or Barbados;

“orphan’s benefit” means guardian’s allowance payable under the legislation of Great Britain, Northern Ireland, the Isle of Man or Guernsey;

“Party” means the territory of the United Kingdom, including any part of the United Kingdom, or Barbados;

“pension”, “allowance” or “benefit” includes any increases of, or any additional amount payable with, a pension, allowance or benefit, respectively;

“retirement pension” means retirement pension or old age pension payable under the legislation of the United Kingdom, and old age contributory pension payable under the legislation of Barbados;

“seasonal worker” means a person subject to the legislation of Jersey or Guernsey or Barbados who goes to the territory of Jersey or Guernsey or Barbados (not being the one in which he is ordinarily resident) in order to carry out in that territory for an employer or undertaking with a place of business there, employment of a seasonal character which depends on the cycle of the seasons and which recurs automatically each year, and the duration of which cannot in any case exceed eight months, and who remains in that territory for the duration of his employment;

“self-employed person” means a person who, in the applicable legislation, comes within the definition of a self-employed earner or of a self-employed person or is treated as such, and the words “person is self-employed” shall be construed accordingly;

“sickness benefit” means sickness benefit payable under the legislation of either Party;

“social assistance” means income support payable under the legislation of Great Britain and Northern Ireland, and supplementary benefit payable under the legislation of the Isle of Man;

“statutory maternity pay” means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in connection with pregnancy and for a period before and after confinement;

“statutory sick pay” means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in respect of sickness;

“territory” means, in relation to the United Kingdom, Great Britain, Northern Ireland and also the Isle of Man, Jersey and Guernsey; and references to the “United Kingdom” or to “territory” in relation to the United Kingdom shall include the Isle of Man, Jersey and Guernsey where appropriate;

“widow’s benefit” means widow’s allowance, widow’s payment, widowed mother’s allowance and widow’s pension payable under the legislation of the United Kingdom and, in addition, widowed father’s allowance payable under the legislation of Jersey, and survivors’ pensions payable under the legislation of Barbados.

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

(3) Any reference in this Convention to “Article” means an Article of this Convention, and any reference to a “paragraph” is a reference to a paragraph of the Article in which the reference is made, unless it is stated to the contrary.

ARTICLE 2

SCOPE OF LEGISLATION

(1) The provisions of this Convention shall apply,

(a) in relation to the territory of the United Kingdom, to:

(i) the Social Security Acts 1975 to 1991 and the Social Security (Northern Ireland) Acts 1975 to 1991;

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- (ii) the Social Security Acts 1975 to 1991 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of Orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald);
- (iii) the Social Security (Jersey) Law 1974;
- (iv) the Social Insurance (Guernsey) Law 1978;
- (v) the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975, and the Child Benefit Act 1975 (an Act of Parliament) as that Act applies to the Isle of Man by virtue of Orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald); and the Family Allowances (Jersey) Law 1972; and the legislation which was repealed or consolidated by those Acts, Laws or Orders or repealed by legislation consolidated by them;

(b) in relation to Barbados to: the National Insurance and Social Security Act, Chapter 47.

(2) Subject to the provisions of paragraphs (3) and (4), this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1).

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits under the legislation specified in paragraph (1) at the date of entry into force of this Convention and for which specific provision is made in this Convention.

(4) This Convention shall not apply to legislation on social security of the Institutions of the European Community or to any convention on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) for the purpose of giving effect to such a convention, but shall not prevent either Party from taking into account under its legislation the provisions of any other convention which that Party has concluded with a third party.

ARTICLE 3

EQUAL TREATMENT

A person, together with his dependants and survivors, who is, or has been, subject to the legislation of one Party shall, while he is in the territory of the other Party, enjoy the provisions of the legislation of the other Party under the same conditions as a national of that Party, subject to the special provisions of this Convention.

ARTICLE 4

REFUGEES AND STATELESS PERSONS

This Convention shall apply to refugees, as defined by the Convention signed on 28 July 1951 relating to the Status of Refugees and by the Protocol signed on 31 January 1967 relating to the Status of Refugees, and to stateless persons, as defined by the Convention signed on 28 September 1954 relating to the Status of Stateless Persons, who are residing in the territory of either Party. It shall apply under the same condition to members of their families, and to their survivors, with respect to the rights they derive from those refugees or stateless persons. National provisions which are more favourable shall not be affected.

ARTICLE 5

PROVISIONS FOR THE EXPORT OF BENEFIT

(1) Subject to the provisions of paragraph (2) and Articles 15 to 25 and Article 32, a person who would be entitled to receive a retirement pension, widow's benefit or any pension or benefit payable

in respect of an industrial accident or an industrial disease other than reduced earnings allowance or retirement allowance under the legislation of one Party if he were in the territory of that Party shall be entitled to receive that pension or benefit while he is in the territory of the other Party, as if he were in the territory of the former Party.

(2) A person who is entitled to receive a retirement pension or widow's benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man, and who would be entitled to an increase in the rate of that pension or benefit if he were in Great Britain, Northern Ireland or the Isle of Man, shall, on the date of coming into force of this Convention, be entitled to receive any such increase prescribed on or after that date by that legislation if he is in Barbados, but nothing in this paragraph shall confer entitlement to receive any such increases prescribed before that date by that legislation.

(a) (3) (a) In this paragraph "Party" and "territory" shall mean in relation to the United Kingdom, Great Britain, Northern Ireland and the Isle of Man, and in relation to Barbados, the Island of Barbados.

(b) Subject to the provisions of Article 14, where a person would be entitled to receive invalidity benefit under the legislation of one Party if he were in the territory of that Party he shall be entitled to receive that benefit while he is in the territory of the other Party as if he were in the territory of the former Party provided that, at the time of leaving the territory of the former Party he was considered by the competent authority of that Party likely to be permanently incapable of work and that he continues to satisfy that authority that he remains incapable of work.

(4) Subject to the provisions of Article 12(2) and (3), a person who continues to be entitled to receive sickness benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man while he is in Barbados, may, after having received or been deemed to have received, 168 days sickness benefit, become entitled to receive invalidity benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man while he is in Barbados, provided that at the time of leaving the territory of the former Party, or at the date on which entitlement to sickness benefit ceased, he was considered by the competent authority of that Party likely to be permanently incapable of work, and that he continues to satisfy that authority that he remains incapable of work.

(5) Where a person is entitled to receive invalidity benefit under the legislation of Jersey or Guernsey, he shall be entitled to receive that benefit while he is in the territory of Barbados.

(6) Subject to the provisions of Article 12(2), a person who continues to be entitled to receive sickness benefit under the legislation of Jersey or Guernsey while he is in Barbados may:

(a) after receipt of 364 days sickness benefit, in the case of Jersey; or

(b) after receipt of 156 days sickness benefit in the case of Guernsey, become entitled to receive invalidity benefit under the legislation of Jersey or Guernsey while he is in Barbados.

(7) Where, under the legislation of the United Kingdom, an increase of any of the benefits for which specific provision is made in this Convention would be payable for a dependant if he were in the territory of the United Kingdom, it shall be payable while he is in Barbados.