

## SCHEDULES

### SCHEDULE 4

Amendments to Title 4: Implementation of the special provisions  
of the Regulation relating to the various categories of benefits

### PART 4

Amendments to Chapter 4: Accidents at work and occupational diseases

**32.** In Article 61—

- (a) in the heading for “other than” in the second place it occurs substitute “where the United Kingdom is”;
- (b) in paragraph 1 after “institution of the place of residence” in the first place it occurs insert “or, where that institution will not accept such an application, the competent institution in the United Kingdom.”;
- (c) in paragraph 2—
  - (i) for “shall immediately” substitute “may”;
  - (ii) for “. Such certificate shall state” substitute “, stating”;
  - (iii) for “and shall be forwarded” to the end of the paragraph substitute “. If the certificate is drawn up, the person concerned shall send it to the competent institution in the United Kingdom.”;
- (d) in paragraph 3—
  - (i) for “shall, as soon as possible” to “have him” substitute “may have the person concerned”;
  - (ii) for “shall” substitute “may”;
  - (iii) omit “within the three days following the date of the examination”;
- (e) in paragraph 4—
  - (i) for “shall” in the first place it occurs substitute “may”;
  - (ii) for “shall forthwith” substitute “may”;
- (f) after paragraph 4 insert—

“**4A.** Where paragraphs 1 and 2 do not apply, the person concerned shall arrange to be examined by a doctor and forward to the competent institution as soon as reasonably practicable a report from that doctor stating the probable duration of the incapacity for work.”;
- (g) in paragraph 8 for “competent State” substitute “United Kingdom”;
- (h) omit paragraph 9.

**33.** In Article 64 in the heading for “other than” in the second place it occurs substitute “where the United Kingdom is”.

*Status: This is the original version (as it was originally made).*

**34.** 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, when”;
  - (ii) omit “other than the competent State”;
  - (iii) for “competent State” substitute “United Kingdom”;
- (c) in paragraph 2—
  - (i) for “shall” substitute “may”;
  - (ii) after “competent institution” insert “in the United Kingdom”;
- (d) in paragraph 3—
  - (i) for “If” substitute “Where the United Kingdom is the competent State, if”;
  - (ii) omit “other than the competent State”;
  - (iii) after “competent institution” insert “in the United Kingdom”;
  - (iv) after “of that Member State” insert “and seek any necessary consent for the investigation”;
  - (v) for “shall” in the last place it occurs substitute “may”;
- (e) in paragraph 4—
  - (i) for “shall” in the first two places it occurs substitute “may”;
  - (ii) after “competent institution” in both places it occurs insert “in the United Kingdom”;
- (f) in paragraph 5 after “competent institution” insert “in the United Kingdom”.

**35.** In Article 67—

- (a) in the heading for “Member States” substitute “States”;
- (b) in paragraph 1—
  - (i) omit “either”;
  - (ii) for “in respect of occupational diseases of the Member State under whose legislation” substitute “in the United Kingdom if”;
  - (iii) after “an activity” insert “that was”;
  - (iv) after “disease in question” insert “under the legislation of the United Kingdom”;
  - (v) for “of the place of residence” substitute “in the United Kingdom if it is the place of residence”;
- (c) in paragraph 2—
  - (i) after “paragraph 1” insert “is the institution in the United Kingdom and it”;
  - (ii) for “another Member State” substitute “a Member State”;
- (d) in paragraph 3—
  - (i) for “When the institution of the Member State” substitute “Where the United Kingdom is the State”;
  - (ii) after “question,” insert “if the institution in the United Kingdom”;
- (e) in paragraph 4 for “the case should be referred back” substitute “the institution in the United Kingdom shall refer the case back”.

**36.** In Article 68—

- (a) in paragraph 1 for “Where” to “in question” substitute “Where the United Kingdom is one of the States under whose legislation the person suffering from the disease pursued an activity which might cause the occupational disease in question and where an appeal is lodged against a decision to reject a claim taken by the institution in the United Kingdom”;
  - (b) in paragraph 2 for “shall” in each place it occurs substitute “may”.
- 37.** In Article 69—
- (a) in point (a) for “the competent institution of the Member State under whose legislation cash benefits are granted pursuant to Article 57(1) of the Regulation” substitute “where cash benefits are granted pursuant to Article 57(1) of the Regulation under the legislation of the United Kingdom, the competent institution in the United Kingdom”;
  - (b) in point (b) for “shall” in the last two places it occurs substitute “may”;
  - (c) in point (d)—
    - (i) for “shall” in the second place it occurs substitute “may”;
    - (ii) omit “as soon as possible, and within three months at the latest”.
- 38.** In Article 70 in paragraph 1—
- (a) for “Member State” substitute “State” in each place it occurs;
  - (b) in the second paragraph for “shall” in the first place it occurs substitute “may”.
- 39.** In Article 71—
- (a) in paragraph 1 for “Member State from which he is claiming rights to benefits” substitute “United Kingdom”;
  - (b) omit paragraphs 2 to 4.
- 40.** In Article 72(1)—
- (a) in paragraph 1—
    - (i) for “a claimant shall” to “first diagnosed,” substitute “where a claimant was subject to the legislation of the United Kingdom at the time when the accident at work was sustained or the occupational disease was first diagnosed, he shall supply the competent institution in the United Kingdom”;
    - (ii) for “other Member State” substitute “Member State”;
  - (b) in paragraph 2—
    - (i) for “which it administers” substitute “of the United Kingdom”;
    - (ii) after “competent institution” insert “in the United Kingdom”;
  - (c) in paragraph 3—
    - (i) after “competent institution” in the first place it occurs insert “in the United Kingdom”;
    - (ii) for “shall” in the first place it occurs substitute “may”;
    - (iii) for “another Member State” substitute “the United Kingdom”;
    - (iv) for “second Member State” substitute “Member State”.
- 41.** In Article 73—
- (a) in the heading for “a Member State other than” substitute “the United Kingdom when it is not”;

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(1) Article 72 was amended by [Regulation No 1290/97](#), Council Regulation [\(EC\) No 1223/98](#) of 4 June 1998 (“[Regulation No 1223/98](#)”) and Regulation [\(EC\) No 1386/2001](#) of the European Parliament and of the Council of 5 June 2001 (“[Regulation No 1386/2001](#)”).

**Status:** This is the original version (as it was originally made).

- (b) in paragraph 1—
    - (i) for “and where, in the country of stay or residence” substitute “where the United Kingdom is the country of stay or residence and where, in the United Kingdom”;
    - (ii) for “territory of the Member State in which they are staying or residing” substitute “the United Kingdom”;
  - (c) in paragraph 2 for “territory of the Member” substitute “the United Kingdom, if that is the”.
- 42.** Omit Article 74 and the heading “Implementation of Article 62(2) of the Regulation”.
- 43.** In Article 75—
- (a) in paragraph 1—
    - (i) for “a Member State” substitute “the United Kingdom”;
    - (ii) for “another Member State” substitute “a Member State”;
    - (iii) omit “either”;
    - (iv) for “, or to the institution of the place of residence, which shall forward such claim to the competent institution” substitute “in the United Kingdom”;
  - (b) in paragraph 2 after “competent institution” insert “in the United Kingdom”.
- 44.** In Article 76—
- (a) for “shall” in the first place it occurs substitute “may”;
  - (b) after “competent institution” in the first place it occurs insert “in the United Kingdom”.
- 45.** In Article 77 for “Member State” in both places it occurs substitute “State”.