

SCHEDULES

SCHEDULE 3

Regulation 2(c)

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

PART 1

Amendments to Chapter 1: Sickness, maternity and equivalent paternity benefits

1. For Article 21 substitute—

“Article 21

Cash benefits

Where the United Kingdom is the competent State, an insured person and members of the person’s family residing or staying in a Member State shall be entitled to cash benefits provided by the competent institution in the United Kingdom in accordance with the legislation of the United Kingdom.”.

2. In Article 29—

- (a) for “Member States” substitute “States”;
- (b) for “Member State” in each place it occurs substitute “State”.

3. In Article 30—

- (a) in paragraph 1—
 - (i) for “The institution of a Member State which” substitute “Where an institution in the United Kingdom”;
 - (ii) for “it applies” substitute “of the United Kingdom”;
 - (iii) for “paternity benefits,” substitute “paternity benefits it”;
- (b) in paragraph 2 for “a Member State in which” substitute “the United Kingdom and the United Kingdom is where”.

4. In Article 31 for “Member State” substitute “State”.

PART 2

Amendments to Chapter 2: Benefits in respect
of accidents at work and occupational diseases

5. In Article 36(2)(1)—

(1) Paragraph 2a was inserted by [Regulation No 988/2009](#) and amended by [Regulation \(EU\) No 465/2012](#) of the European Parliament and of the Council of 22 May 2012 (“[Regulation No 465/2012](#)”).

Status: This is the original version (as it was originally made).

- (a) after “Member State” in the first place it occurs insert “other than when the United Kingdom is”;
 - (b) for “Member State” in the second place it occurs substitute “State”.
6. In Article 37 for “Member State” in each place it occurs substitute “State”.
7. In Article 38—
- (a) for “Member States” in each place it occurs (including in the heading) substitute “States”;
 - (b) omit “exclusively”;
 - (c) after “the legislation of” insert “the United Kingdom, where the United Kingdom is”;
 - (d) for “whose” substitute “under whose legislation those”.
8. In Article 39—
- (a) for “a Member State” in the first place it occurs substitute “the United Kingdom”;
 - (b) in points (a) and (b)—
 - (i) for “another Member State” substitute “a Member State”;
 - (ii) for “the first Member State” substitute “the United Kingdom”;
 - (c) in point (b) omit the final sentence;
 - (d) in point (c)—
 - (i) for “Member State” substitute “State”;
 - (ii) for “Member States” substitute “States”;
 - (e) after point (c) insert—

“In the event of the aggravation of an occupational disease for which a person suffering from such a disease has received or is receiving benefits under the legislation of a Member State, where the person concerned, while in receipt of benefits, has pursued such an activity under the legislation of the United Kingdom, the competent institution in the United Kingdom shall grant a supplement to the person concerned, the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation if the disease in question had occurred under the legislation of the United Kingdom.”.
9. In Article 40(3)—
- (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “other Member State” substitute “Member State”.
10. For Article 41 (including the heading) substitute—

“Article 41

Reimbursements between institutions

1. Where the benefits provided under this chapter by the institution in the United Kingdom on behalf of the institution in a Member State, the institution in the United Kingdom may seek reimbursement.

Where benefits are provided under this chapter by the institution in a Member State on behalf of the United Kingdom, the United Kingdom shall reimburse those costs.

2. The reimbursements referred to in paragraph 1 shall be determined and effected in accordance with the arrangements set out in the Implementing Regulation, either on

production of proof of actual expenditure, or on the basis of fixed amounts for States the legal or administrative structures of which are such that the use of reimbursement on the basis of actual expenditure is not appropriate.

3. Two or more States, or their competent authorities, may provide for other methods of reimbursement or waive all reimbursement between the institutions coming under their jurisdiction.”.

PART 3

Amendments to Chapter 3: Death Grants

11. In Article 42—

- (a) in the heading for “Member State” in both places it occurs substitute “State”;
- (b) in paragraph 1 for “Member State” in each place it occurs substitute “State”;
- (c) for paragraph 2 substitute—

“2. Where the United Kingdom is the competent State, the competent institution in the United Kingdom shall be obliged to provide death grants payable under the legislation of the United Kingdom, even if the person entitled resides in a Member State.”.

12. In Article 43—

- (a) for “one Member State” substitute “the United Kingdom”;
- (b) for “two” substitute “the United Kingdom and one”;
- (c) for “a Member State other than that of the institution” substitute “the United Kingdom and an institution in a Member State”;
- (d) for “, the death grants payable” to the end of the paragraph substitute “(as they apply in the European Union) after “Articles 24 and 25” insert “(as they apply in the European Union), the United Kingdom is not responsible for the payment of death grants”.

PART 4

Amendments to Chapter 4: Invalidity benefits

13. In Article 44—

- (a) in paragraph 1 for “Member State” substitute “State”;
- (b) in paragraph 2—
 - (i) for “Member States” substitute “States”;
 - (ii) for “Member State” substitute “State”;
 - (iii) after “occurred,” insert “where that is the United Kingdom,”;
- (c) in paragraph 3—
 - (i) after “benefits” insert “from a Member State”;
 - (ii) after “paragraph 2,” insert “except where it is a consequence of the United Kingdom leaving the European Union,”;
 - (iii) for “another Member State” substitute “the United Kingdom”.

14. In Article 45—

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

- (a) for “The competent institution of a Member State whose legislation” substitute “If the legislation of the United Kingdom”;
 - (b) after “residence” insert “the competent institution in the United Kingdom”.
- 15.** In Article 46—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “States”;
 - (ii) omit “taking into account paragraph 3”;
 - (b) in paragraph 2—
 - (i) for “a type A legislation” substitute “the legislation of United Kingdom”;
 - (ii) for “that legislation” substitute “the legislation of the United Kingdom”;
 - (c) omit paragraph 3.
- 16.** In Article 47—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “States”;
 - (ii) for “Member State” substitute “State”;
 - (b) in paragraph 2 after “payment” insert “, where that institution is in the United Kingdom,”;
 - (c) in paragraph 3—
 - (i) for “Member State” in both places it occurs substitute “State”;
 - (ii) after “previously competent” insert “, where that State is the United Kingdom”;
 - (iii) after “45” insert “, except where the lack of entitlement is a consequence of the United Kingdom leaving the European Union”.
- 17.** In Article 48—
- (a) in paragraph 2 —
 - (i) for “Member States” substitute “States”;
 - (ii) for “a Member State” substitute “the United Kingdom”;
 - (b) in paragraph 3—
 - (i) for “one of more of the other Member States” substitute “the United Kingdom”;
 - (ii) for “that or those Member States” substitute “the United Kingdom”;
 - (c) in paragraph 4 for “Member State” substitute “State”.

PART 5

Amendments to Chapter 5: Old-age and survivors’ pensions

- 18.** In Article 50—
- (a) in paragraph 1—
 - (i) for “All the competent institutions shall determine entitlement to benefit” substitute “Where the United Kingdom is competent, entitlement to benefit shall be determined”;
 - (ii) for “Member States” in both places it occurs substitute “States”;
 - (b) in paragraph 2—

- (i) for “Member States” substitute “States”;
- (ii) for “the institutions” substitute “where the United Kingdom is competent and the institution in the United Kingdom is”;
- (iii) after “satisfied” insert “, it”.

19. In Article 51(2)—

- (a) in paragraph 1—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “of that Member State” substitute “in the United Kingdom”;
 - (iii) for “other Member States” substitute “Member States”;
- (b) in paragraph 2—
 - (i) for “another Member State” substitute “the United Kingdom”;
 - (ii) for “latter Member State” substitute “United Kingdom”;
- (c) in paragraph 3—
 - (i) for “a Member State” substitute “the United Kingdom”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (iii) for “another Member State” in both places it occurs substitute “a Member State”.

20. In Article 52(3)—

- (a) in paragraph 1—
 - (i) for “The” in the first place it occurs substitute “Where the United Kingdom is competent, the”;
 - (ii) for “Member States” in both places it occurs substitute “States”;
- (b) in paragraph 2 after “institution” insert “in the United Kingdom”;
- (c) in paragraph 3 for “each Member State” substitute “the United Kingdom”;
- (d) in paragraph 4—
 - (i) for “one Member State” substitute “the United Kingdom”;
 - (ii) after “institution” insert “in the United Kingdom”;
 - (iii) for “another Member State” substitute “a Member State”;
- (e) in paragraph 5—
 - (i) after “3,” insert “where the United Kingdom is competent,”;
 - (ii) for “Member State concerned” substitute “United Kingdom”.

21. In Article 53—

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

22. In Article 54—

- (a) for “Member States” substitute “States”;

(2) Paragraph 3 of Article 51 was substituted by [Regulation No 988/2009](#).

(3) Paragraph 4 of Article 52 was substituted, and paragraph 5 added, by [Regulation No 988/2009](#).

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

- (b) for “a Member State” substitute “the United Kingdom”;
 - (c) omit paragraph 2.
- 23.** In Article 55—
- (a) for “Member State concerned” substitute “United Kingdom”;
 - (b) for “institutions” in each place it occurs substitute “institution in the United Kingdom”;
 - (c) after “competent institution” insert “in the United Kingdom”;
 - (d) for “one or more Member States” substitute “the United Kingdom”;
 - (e) for “another Member State” substitute “a Member State”.
- 24.** In Article 56(4)—
- (a) for “For” substitute “Where the United Kingdom is competent, for”;
 - (b) for “Member States” in the first place it occurs substitute “States”;
 - (c) for “one of these Member States” substitute “the United Kingdom”;
 - (d) for “of that Member State” in both places it occurs substitute “in the United Kingdom”;
 - (e) for “a Member State” in each place it occurs substitute “the United Kingdom”;
 - (f) for “other Member State” in both places it occurs substitute “Member State”;
 - (g) for “Member State concerned” substitute “the United Kingdom”;
 - (h) for “other Member States” substitute “Member States”.
- 25.** In Article 57—
- (a) for “a Member State” substitute “the United Kingdom”;
 - (b) for “Member States” in the first two places it occurs substitute “States”;
 - (c) for “last of those Member States” substitute “United Kingdom where it is the last State”;
 - (d) for “that Member State” substitute “the United Kingdom”.
- 26.** For Article 58 substitute—

“Article 58

Award of a supplement

1. A recipient of benefits to whom this chapter applies, who is resident in the United Kingdom and to whom a benefit is payable under the legislation of the United Kingdom may not be provided with a benefit which is less than the minimum benefit fixed by that legislation for a period of insurance or residence equal to all the periods taken into account for the benefit payment in accordance with this chapter.
2. The competent institution in the United Kingdom shall pay the benefit recipient throughout the period of that person’s residence in the United Kingdom a supplement equal to the difference between the total of the benefits due under this chapter and the amount of the minimum benefit.”.

- 27.** In Article 59—
- (a) for “Member State” substitute “the United Kingdom”;
 - (b) for “Member State concerned” substitute “United Kingdom”.
- 28.** In Article 60—

(4) Paragraph 1(c) of Article 56 was amended, and paragraph 1(d) added, by [Regulation No 988/2009](#).

- (a) for “legislation of a competent Member State” substitute “United Kingdom is competent and its legislation”;
- (b) for “that Member State” in both places it occurs substitute “the United Kingdom”;
- (c) for “a Member State” substitute “the United Kingdom”;
- (d) for “that State” substitute “the United Kingdom”.

PART 6

Amendments to Chapter 6: Unemployment benefits

29. In Article 61—

- (a) in paragraph 1—
 - (i) for “The competent institution of a Member State whose legislation makes” substitute “Where the United Kingdom is the competent State and the legislation of the United Kingdom makes”;
 - (ii) after “employment or self-employment” in the first place it occurs insert “the competent institution”;
 - (iii) for “any other Member State” substitute “a Member State”;
 - (iv) for “it applies” substitute “of the United Kingdom”;
 - (v) for “applicable legislation” in both places it occurs substitute “legislation of the United Kingdom”;
 - (vi) for “another Member State” substitute “a Member State”;
- (b) in paragraph 2 after “the legislation” in the first place it occurs insert “of the United Kingdom”.

30. Omit Article 62.

31. In Article 64—

- (a) in the heading for “another Member State” substitute “a Member State”;
- (b) in paragraph 1—
 - (i) for “competent Member State” substitute “United Kingdom, where the United Kingdom is competent”;
 - (ii) for “another Member State” substitute “a Member State”;
- (c) in point (a)—
 - (i) for “competent Member State” substitute “United Kingdom, where the United Kingdom is competent”;
 - (ii) after “institutions” insert “in the United Kingdom”;
- (d) in point (b)—
 - (i) after “must” insert “take reasonable steps to”;
 - (ii) for “Member State which he/she left” substitute “United Kingdom”;
 - (iii) after “institutions” insert “in the United Kingdom”;
- (e) in point (c)—
 - (i) for “Member State which he/she left” substitute “United Kingdom”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (iii) after “institutions” insert “in the United Kingdom”;

- (f) in point (d)—
 - (i) after “institution” insert “in the United Kingdom”;
 - (ii) for “it applies” substitute “of the United Kingdom”;
 - (g) in paragraph 2—
 - (i) for “competent Member State” in the first place it occurs substitute “United Kingdom, where the United Kingdom is competent,”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (iii) for “competent Member State” in the second place it occurs substitute “United Kingdom”;
 - (iv) after “institutions” insert “in the United Kingdom”;
 - (h) in paragraph 3—
 - (i) for “competent Member State” substitute “United Kingdom, where the United Kingdom is competent,”;
 - (ii) after “or institutions” insert “in the United Kingdom”;
 - (i) in paragraph 4 for “competent Member State” substitute “United Kingdom, where the United Kingdom is competent,”.
- 32. In Article 65—**
- (a) in the heading for “a Member State” substitute “a State”;
 - (b) in paragraph 1—
 - (i) omit “other than the competent Member State”;
 - (ii) for “competent Member State” in each place it occurs substitute “the United Kingdom”;
 - (iii) for “that Member State” substitute “the United Kingdom”;
 - (c) in paragraph 2—
 - (i) for “Member State” in each place it occurs substitute “State”;
 - (ii) after “shall” in both places it occurs insert “take reasonable steps to”;
 - (d) in paragraph 3—
 - (i) before “register” in the first place it occurs insert “take reasonable steps to”;
 - (ii) for “Member State” in each place it occurs substitute “State”;
 - (e) in paragraph 4 for “Member State” in both places it occurs substitute “State”;
 - (f) in paragraph 5(a)—
 - (i) at the beginning insert “Where the United Kingdom is the state of residence,”;
 - (ii) for “Member State of residence” substitute “United Kingdom”;
 - (iii) for “of the place of residence” substitute “in the United Kingdom”;
 - (g) in paragraph 5(b)—
 - (i) after “However,” insert “where the United Kingdom is the State of residence,”;
 - (ii) for “Member State of residence” substitute “United Kingdom”;
 - (h) in paragraph 6—
 - (i) after “paragraph 7,” insert “the competent institution in the United Kingdom may request reimbursement from”;
 - (ii) for “shall reimburse to the institution of the place of residence” substitute “of”;

- (iii) for “latter institution” substitute “institution in the United Kingdom”;
 - (i) in paragraph 7 for “Member State” substitute “State”;
 - (j) in paragraph 8 for “Member States” substitute “States”.
- 33.** In Article 65a(5)—
- (a) for “Member State” in each place it occurs (including the heading) substitute “State”;
 - (b) for paragraph 2 substitute—
- “2. Benefits shall be provided to the wholly unemployed person referred to in paragraph 1 by the United Kingdom if the person was last subject to the legislation of the United Kingdom in accordance with that legislation.”.

PART 7

Omission of Chapter 7: Pre-retirement benefits

- 34.** Omit Chapter 7.

PART 8

Amendments to Chapter 8: Family benefits

- 35.** For Article 67 substitute—

“Article 67

Members of the family residing in another State

Where the United Kingdom is the competent State, a person shall be entitled to family benefits in accordance with the legislation of the United Kingdom, including in respect of family members who reside in another State, as if they were residing in the United Kingdom. A pensioner shall be entitled to family benefits in accordance with the legislation of the United Kingdom even where that pensioner is living in another State, where the United Kingdom is competent for that pensioner’s pension.”.

- 36.** In Article 68—

- (a) in paragraph 1 from “more than one Member State” to “apply” substitute “the United Kingdom and simultaneously under the legislation of one or more Member States (“overlapping entitlements”), the following priority rules shall be applied by the competent institution in the United Kingdom in determining a person’s entitlement to benefit”;
- (b) in paragraph 1(a)—
 - (i) for “more than one Member State” substitute “both the United Kingdom and one or more Member States”;
 - (ii) after “priority” insert “applied by the competent institution in the United Kingdom”;
- (c) in paragraph 1(b)—
 - (i) for “more than one Member State” substitute “both the United Kingdom and one or more Member States”;
 - (ii) after “priority” insert “applied by the competent institution in the United Kingdom”;

(5) Article 65a was inserted by [Regulation No 465/2012](#).

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

- (iii) for “cost of benefits shall be shared” substitute “competent institution in the United Kingdom must determine entitlement to a supplementary payment;”
- (iv) for “additionally, where appropriate” substitute “where this cannot be ascertained or is otherwise not determinative”;
- (d) for paragraph 2 substitute—

“2. In the case of overlapping entitlements, family benefits shall be provided by the United Kingdom in the event that its legislation has been determined as having priority in accordance with paragraph 1. In the event that the legislation of the United Kingdom is applicable but is not determined as the legislation having priority in accordance with paragraph 1, entitlement to family benefits paid by the United Kingdom shall be suspended up to the amount provided for by the legislation of the Member State under which a person has an overlapping entitlement to family benefits and a differential supplement shall be provided by the United Kingdom, if necessary, for the sum which exceeds this amount. However, such a differential supplement does not need to be provided for children residing in a Member State when entitlement to the benefit in question in the United Kingdom is based on residence only.”;
- (e) in paragraph 3 for “a Member State whose” substitute “the United Kingdom in circumstances where the United Kingdom’s”;
- (f) in paragraph 3(a) for “competent institution of the Member State whose legislation is applicable” substitute “relevant institution in the Member State under whose legislation the competent institution in the United Kingdom considers a person may be entitled to payment of a family benefit”;
- (g) omit paragraph 3(b).

37. In Article 68a(6)—

- (a) after “competent institution” insert “in the United Kingdom”;
- (b) from “at the request” to the end of the text substitute “in the event that such a request is made through an agency of the institution in the Member State in which that family member resides”.

38. In Article 69 for paragraph 1 substitute—

“1. Where Article 67 applies or the competent institution in the United Kingdom determines that its legislation has priority by virtue of Article 68 and no right is acquired to the payment of additional or special family benefits for orphans, the competent institution in the United Kingdom shall forward any claim for such additional or special family benefits for orphans to any Member State to whose legislation a person was previously subject. The order of priority for such forwarding is to be determined by the competent institution in the United Kingdom in accordance with the period of time a Member State’s legislation applied to that person in decreasing order of the length of periods of insurance or residence completed under the legislation of each relevant Member State.”.

PART 9

Chapter 9: Special non-contributory cash benefits

39. In Article 70 for “Member State” in each place it occurs substitute “State”.

(6) Article 68a was inserted by [Regulation No 988/2009](#).

