

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. In Article 27—

- (a) in the heading for “Member State” in both places it occurs substitute “State”;
- (b) in paragraph 1—
 - (i) for “If the legislation of the competent Member State” substitute “Where the United Kingdom is the competent State and the legislation of the United Kingdom”;
 - (ii) for “Article 21(1)” substitute “Article 21”;
- (c) in paragraph 2—
 - (i) after “competent institution” insert “in the United Kingdom”;
 - (ii) for “competent Member State” substitute “United Kingdom”;
- (d) in paragraph 3—
 - (i) for “competent Member State” substitute “United Kingdom”;
 - (ii) for “The institution shall immediately” substitute “That institution may”;
 - (iii) for the final sentence substitute “If a certificate is drawn up, the insured person shall send it to the competent institution in the United Kingdom”;
- (e) in heading B for “Member State” substitute “United Kingdom where it is the State”;
- (f) in paragraph 5—
 - (i) after “competent institution,” insert “where the place of residence is the United Kingdom”;
 - (ii) for “place of residence” in both places it occurs substitute “United Kingdom”;
 - (iii) for “applied by this latter institution” substitute “of the United Kingdom”;
- (g) in heading C after “institution” add “where the United Kingdom is the competent State”;
- (h) in paragraph 6 after “competent institution” insert “in the United Kingdom”;
- (i) in paragraph 7 for “Without prejudice to the second sentence of Article 21(1) of the basic Regulation, the competent institution” substitute “The competent institution in the United Kingdom”;
- (j) in paragraph 8—
 - (i) for “Article 21(1)” substitute “Article 21”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “competent Member State” substitute “United Kingdom”;

- (k) in heading D and in paragraph 10 for “Member State” in each place it occurs substitute “State”.
2. In Article 28—
- (a) in the heading for “Member State” in both places it occurs substitute “State”;
 - (b) in paragraph 1—
 - (i) for “In” substitute “Where the United Kingdom is the competent State, in”;
 - (ii) for “Article 21(1)” substitute “Article 21”;
 - (iii) after “competent institution” in both places it occurs insert “in the United Kingdom”;
 - (c) in heading B after “institution of” insert “the United Kingdom where the United Kingdom is”;
 - (d) in paragraph 2—
 - (i) after “competent institution,” insert “where the United Kingdom is the place of residence,”;
 - (ii) for “place of residence” substitute “United Kingdom”;
 - (iii) for “shall” in the second place it occurs substitute “may”;
 - (e) in heading C after “competent institution” insert “where the United Kingdom is the competent State”;
 - (f) in paragraph 3 after “care,” insert “where the United Kingdom is the competent State,”;
 - (g) in heading D and paragraph 5 for “Member State” in each place it occurs substitute “State”.
3. In Article 30 for “Member State” in each place it occurs substitute “State”.
4. In Article 32 in paragraph 1 for “Member State” substitute “State.”

PART 2

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

5. In Article 33 in the heading for “Member State” in both places it occurs substitute “State”.
6. In Article 34—
- (a) in the heading and paragraph 1 for “Member State” in each place it occurs substitute “State”;
 - (b) for paragraph 2 substitute—

“2. Where the accident at work occurred, or the occupational disease was first diagnosed, in the United Kingdom, the institution in the United Kingdom shall notify the competent institution of medical certificates drawn up in the territory of the United Kingdom.”;
 - (c) in paragraph 3—
 - (i) for “territory of a Member State other than the competent Member State” substitute “United Kingdom, where it is not the competent State”;
 - (ii) for “first Member State” substitute “United Kingdom”;
 - (iii) for “which shall” substitute “which may”;
 - (iv) for “that Member State” substitute “the United Kingdom”;
 - (v) after “institutions shall” insert “, as far as possible,”;

- (vi) after “relating to the accident” insert “or any documents provided by the claimant”;
 - (d) in paragraph 4—
 - (i) for “shall” in the first place it occurs substitute “may”;
 - (ii) at the end add “(but only where that report has been received by the competent institution)”;
 - (e) in paragraph 5 for “shall” substitute “may”.
7. In Article 36—
- (a) in the heading for “Member State” substitute “State”;
 - (b) in paragraph 1—
 - (i) for “shall” in the first place it occurs substitute “may”;
 - (ii) for “last Member State” substitute “last State”;
 - (iii) after “was sent” insert “is an institution in the United Kingdom and it”;
 - (iv) for “another Member State” substitute “a Member State”;
 - (c) in paragraph 2—
 - (i) for “institution of the last Member” substitute “United Kingdom is the last”;
 - (ii) after “in question” insert “and an institution in the United Kingdom”;
 - (iii) for “that Member State” in both places it occurs substitute “the United Kingdom”;
 - (iv) for “the first institution” substitute “it”;
 - (v) for “previous Member State” substitute “previous State”;
 - (d) in paragraph 3 for “Member State” substitute “State”.
8. In Article 37—
- (a) in paragraph 1 for “one of the Member States under the legislation of which” substitute “the United Kingdom, where its legislation is the legislation under which”;
 - (b) in paragraph 2—
 - (i) for “applied by the institution to which” substitute “of the United Kingdom and”;
 - (ii) after “notification was sent” insert “to an institution in the United Kingdom”;
 - (iii) for “latter institution shall” substitute “latter institution may”;
 - (iv) for “That amount” substitute “The reimbursed amount”;
 - (v) for “Articles 72 and 73” substitute “Article 72”;
 - (c) after paragraph 2 insert—

“**2A.** Where advance payments have been made by an institution in a Member State to an institution in the United Kingdom and, as a result of an appeal, the institution in the United Kingdom is obliged to provide those benefits, it shall reimburse the institution in the Member State.”;
 - (d) omit paragraph 3.
9. In Article 38 for “Member State” substitute “State”.
10. In Article 39—
- (a) for “a Member State which” substitute “the United Kingdom and the legislation”;
 - (b) for “Member State in question” substitute “United Kingdom”;
 - (c) for “another Member State” substitute “a Member State”;

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

(d) for “the other Member State” substitute “that Member State”.

11. In Article 40—

- (a) for “Member State” in both places it occurs substitute “State”;
- (b) for “, where appropriate” to the end of the first paragraph substitute “a claim to the competent institution”.

PART 3

Amendments to Chapter 3: Death grants

12. In Article 42—

- (a) omit “either”;
- (b) omit from “or to the institution” to the end of the first paragraph.

PART 4

Amendments to Chapter 4: Invalidity benefits and old-age and survivors’ pensions

13. In Article 43—

- (a) in paragraph 2—
 - (i) for “the institution of the Member State under whose legislation” substitute “and”;
 - (ii) after “completed” insert “under the legislation of the United Kingdom, the institution in the United Kingdom”;
 - (iii) for “it applies” substitute “of the United Kingdom”;
- (b) in paragraph 3—
 - (i) for “each member State” substitute “the United Kingdom”;
 - (ii) for “it applies” substitute “of the United Kingdom”;
 - (iii) for “another Member State’s” substitute “a Member State’s”;
 - (iv) omit the final sentence.

14. In Article 44—

- (a) in paragraph 1 for “Member State” substitute “State”;
- (b) in paragraph 2—
 - (i) for “, the institution of the Member State” to “the basic Regulation,” substitute “and the legislation of the United Kingdom”;
 - (ii) after “child concerned,” insert “the institution in the United Kingdom”;
- (c) in paragraph 3 for “another Member State” in substitute “a Member State”.

15. In Article 45—

- (a) in paragraph 1—
 - (i) for “Member State” substitute “State”;
 - (ii) after “place of residence” substitute “if that is the United Kingdom”;
- (b) in paragraph 3—
 - (i) after “Regulation,” in the first place it occurs insert “where”;

- (ii) after “last insured” insert “is in the United Kingdom, it”;
 - (iii) after “that date” insert “the institution may withdraw”;
 - (iv) for “shall be withdrawn or reduced to” substitute “or reduce such benefits to the level of”;
- (c) in paragraph 4—
- (i) for “residence or” substitute “residence and”;
 - (ii) for “Member State” in the first place it occurs substitute “State”;
 - (iii) after “If the” insert “place of residence is the United Kingdom and the”;
 - (iv) for “applied by the institution of the place of residence, that institution” substitute “of the United Kingdom, the institution in the United Kingdom”;
- (d) in paragraph 5 for “all the institutions in the Member State concerned” substitute “the relevant institution in the United Kingdom”;
- (e) in paragraph 6—
- (i) for “Member States” substitute “States”;
 - (ii) for “Member State” substitute “State”.
- 16.** In Article 46—
- (a) for “Member States” in both places it occurs substitute “States”;
 - (b) for “institutions concerned” substitute “institution in the United Kingdom”;
 - (c) for “Member State” substitute “State”.
- 17.** In Article 47—
- (a) in paragraph 1—
- (i) in the first subparagraph after ““contact institution”” insert “and, where it is in the United Kingdom, as ‘the United Kingdom’s contact institution’”;
 - (ii) in the second subparagraph for “contact institution” substitute “the United Kingdom’s contact institution, take reasonable steps to”;
- (b) in paragraph 2 for “which” in the second place it occurs substitute “and where that is an institution in the United Kingdom, it”;
- (c) in paragraph 4 before “contact institution” in both places it occurs insert “United Kingdom’s”;
- (d) in paragraph 5—
- (i) for “Each of the institutions in question” substitute “Where the institution in the United Kingdom is contacted by the contact institution in a Member State, it”;
 - (ii) for “their legislation” substitute “the legislation of the United Kingdom”;
- (e) in paragraph 6 for “Each of the institutions in question” substitute “Where the institution in the United Kingdom is contacted by the contact institution in a Member State, it”;
- (f) in paragraph 7 for “an institution” substitute “the institution in the United Kingdom”.
- 18.** In Article 48—
- (a) in paragraph 1—
- (i) for “Each institution” substitute “The institution in the United Kingdom”;
 - (ii) for “Each decision” substitute “The decision”;

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

- (iii) after the second sentence insert “The contact institution in a Member State may, and the claimant shall, notify the institution in the United Kingdom of any decision taken in accordance with the applicable legislation.”;
 - (iv) before “contact institution” insert “United Kingdom’s”;
 - (v) omit the last two sentences;
- (b) in paragraph 2—
- (i) for “two or more institutions” substitute “an institution in the United Kingdom and one or more institutions in Member States”;
 - (ii) for “institutions concerned” substitute “institution in the United Kingdom”;
 - (iii) for “respective national legislation” substitute “legislation of the United Kingdom”;
 - (iv) for “The claimant shall be notified” substitute “Where the institution in the United Kingdom reviews a decision, it shall notify the claimant”.
- 19.** In Article 49—
- (a) omit paragraph 1—
 - (b) in paragraph 2—
 - (i) for “Where Article 46(3)” to “, each institution” substitute “The institution in the United Kingdom”;
 - (ii) for “its legislation” substitute “the legislation of the United Kingdom”;
 - (iii) for “a Member State” substitute “the United Kingdom”;
 - (iv) for “other Member State” substitute “Member State”;
 - (v) for “its own Member State” substitute “the United Kingdom” .
- 20.** In Article 50—
- (a) in paragraph 1—
 - (i) for “any institution which” substitute “where an institution in the United Kingdom”;
 - (ii) for “applicable legislation” substitute “the legislation of the United Kingdom”;
 - (iii) after “basic Regulation,” insert “it”;
 - (b) in paragraph 2 after “an institution” insert “in the United Kingdom”.
- 21.** In Article 51 after “the institution” insert “in the United Kingdom”.
- 22.** In Article 52—
- (a) in paragraph 1—
 - (i) for “the institutions to whose legislation a person has been subject” substitute “where a person has been subject to the legislation of the United Kingdom, the institution in the United Kingdom”;
 - (ii) for “other Member States” in both places it occurs substitute “Member States”;
 - (b) omit paragraphs 2 and 3.
- 23.** Omit Article 53.

PART 5

Amendments to Chapter 5: Unemployment benefits

- 24.** In Article 54(1)—
- (a) in paragraph 1 after “competent institution” insert “in the United Kingdom”;
 - (b) omit paragraphs 2 and 3.
- 25.** In Article 55(2)—
- (a) in the heading for “Member State” substitute “State”;
 - (b) in paragraph 1—
 - (i) for “Member State” substitute “State”;
 - (ii) for “That institution” substitute “Where the competent institution is in the United Kingdom, it”;
 - (iii) for “competent State” substitute “United Kingdom”;
 - (c) in paragraph 2—
 - (i) for “Member State” in the first two places it occurs substitute “State”;
 - (ii) after “this document,” insert “and he has gone to the United Kingdom,”;
 - (iii) for “Member State to which the unemployed person has gone” substitute “United Kingdom”;
 - (d) in paragraph 3 for “The employment services” to “seek employment” substitute “Where the unemployed person has gone to seek employment in the United Kingdom, the employment services in the United Kingdom”;
 - (e) in paragraph 4 in the third subparagraph after “competent institution” insert “of the Member State”;
 - (f) in paragraphs 4 and 5—
 - (i) for “The institution” substitute “Where the unemployed person has gone to the United Kingdom, the institution”;
 - (ii) for “Member State to which the unemployed person has gone” in each place it occurs substitute “United Kingdom”;
 - (g) in paragraph 6 for “Member States” in both places it occurs substitute “States”.
- 26.** In Article 56(3)—
- (a) in the heading for “Member State” in both places it occurs substitute “State”;
 - (b) in paragraph 1—
 - (i) for “Member State” in the first two places it occurs substitute “State”;
 - (ii) for “At” substitute “Where the United Kingdom is providing the benefits, the employment services in the United Kingdom shall, at”;
 - (iii) omit “the employment services in the Member State that is providing the benefits shall”;
 - (c) in paragraph 2—
 - (i) for “Member States” substitute “States”;

(1) Paragraph 2 of Article 54 was substituted by [Regulation \(EU\) 465/2012](#).

(2) Paragraph 1 of Article 55 was substituted, and paragraph 7 added, by [Regulation \(EU\) 465/2012](#).

(3) Paragraphs 1 and 2 of Article 56 were substituted by [Regulation \(EU\) 465/2012](#).

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

- (ii) for “Member State” in each place it occurs substitute “State”;
 - (d) in paragraph 3 for “the institution of the Member State to whose legislation the worker was last subject shall” substitute “where the worker was last subject to the legislation of the United Kingdom, the institution in the United Kingdom shall take reasonable steps to”.
- 27.** In Article 57—
- (a) in the heading omit “62.”;
 - (b) in paragraph 2—
 - (i) for “An” substitute “Where the United Kingdom is the competent State, an”;
 - (ii) for “competent State” substitute “United Kingdom”;
 - (iii) for “competent Member State” substitute “United Kingdom”;
 - (iv) for “that Member State” substitute “the United Kingdom”;
 - (v) for “competent institution” substitute “institution in the United Kingdom”.

PART 6

Amendments to Chapter 6: Family benefits

- 28.** In Article 58—
- (a) for “each Member State concerned” substitute “the competent institution in the United Kingdom”;
 - (b) for “the competent institution” to the end of the text substitute—

“where the amount of benefit paid by the United Kingdom is higher than that paid by the Member State under whose legislation a person has an overlapping right to family benefits, the competent institution in the United Kingdom shall pay the full amount of such benefits and shall request reimbursement of half this sum from the competent institution in the Member State under whose legislation a person has an overlapping right to family benefits up to the limit of the amount provided for in the legislation of that Member State.”.
- 29.** In Article 59—
- (a) in paragraph 1—
 - (i) after “Where the” insert “determination of the”;
 - (ii) for “change between Member States” substitute “by the competent institution in the United Kingdom changes”;
 - (iii) for “those Member States, the institution” substitute “the United Kingdom, the competent institution in the United Kingdom”;
 - (b) in paragraph 2—
 - (i) for “other Member State or Member States concerned” substitute “Member State or Member States under whose legislation it believes a person may have a right to family benefits”;
 - (ii) omit the final sentence.
- 30.** In Article 60—
- (a) in paragraph 1—
 - (i) after “the competent institution” in the first place it occurs insert “in the United Kingdom”;

- (ii) for “Member State concerned” substitute “United Kingdom”;
 - (iii) for “Member State whose legislation is applicable” substitute “United Kingdom”;
 - (b) in paragraph 2—
 - (i) for “The institution” substitute “The competent institution in the United Kingdom”;
 - (ii) for “another Member State” substitute “a Member State”;
 - (iii) for “other Member State” in the first place that it occurs substitute “Member State under whose legislation the competent institution in the United Kingdom believes a person may have a right to family benefits”;
 - (iv) for “the other Member State” in the second place that it occurs substitute “that Member State”;
 - (v) after “benefits paid” add “to the applicant by the United Kingdom”;
 - (c) in paragraph 3—
 - (i) after “Where the institution” insert “in the United Kingdom”;
 - (ii) for “its legislation” substitute “the legislation of the United Kingdom”;
 - (iii) omit “shall take a provisional decision, without delay, on the priority rules to be applied and”;
 - (iv) for “other Member State” insert “Member State under whose legislation the competent institution in the United Kingdom believes a person may have a right to family benefits”;
 - (v) omit from “That institution shall take” to “benefits paid.”;
 - (d) omit paragraphs 4 and 5.
- 31.** In Article 61—
- (a) omit the first sentence;
 - (b) after “institution competent” insert “in the United Kingdom”.