

## SCHEDULES

### SCHEDULE 3

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

### 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 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”;

*Status: This is the original version (as it was originally made).*

- (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(1)—
- (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”.

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