

SCHEDULES

SCHEDULE 1

Regulation 12

Regulation (EC) No 883/2004

1. Regulation (EC) No 883/2004 is amended as follows.

2.—(1) Article 1 is amended as follows.

(2) In point (i)(1)(ii), for “pursuant to Title III, Chapter 1 on sickness, maternity and equivalent paternity benefits” substitute “referred to in Article 29”.

(3) In point (va)(1)—

(a) in point (i)—

(i) for “Title III, Chapter 1 (sickness, maternity and equivalent paternity benefits)” substitute “this Article, Article 3 and Article 29”;

(ii) for “Member State” substitute “State”;

(b) omit point (ii).

(4) In point (z), omit “in kind or”.

3. In Article 3, after paragraph 5 insert—

“6. References in this Regulation to receipt of social security benefits do not, in relation to the United Kingdom, include receipt of benefits in kind.”.

4. Omit Articles 17 to 20.

5.—(1) Article 22 is amended as follows.

(2) In paragraph 1—

(a) for “benefits in kind”, in each place it occurs, substitute “cash benefits”;

(b) for “Member State in which he/she resides” substitute “United Kingdom”;

(c) for the words from “the pension claimant” to “in paragraph 2” substitute “in the event of a pension being awarded the United Kingdom would be competent under Articles 23 to 25”;

(d) omit “in the Member State of residence”.

(3) Omit paragraph 2.

6. In Article 23—

(a) for “benefits in kind”, in each place it occurs (including the heading), substitute “cash benefits”;

(b) in the heading for “Member State of residence” substitute “United Kingdom where it is the State of residence”;

(c) after “person who” insert “resides in the United Kingdom and”;

(d) for “Member States” substitute “States”;

(1) Point (va) was inserted by Regulation (EC) No 988/2009 of the European Parliament and the Council of 16 September 2009 (“Regulation (EC) 988/2009”).

Status: This is the original version (as it was originally made).

- (e) for “Member State of residence” substitute “United Kingdom”;
- (f) for “that Member State”, in both places it occurs, substitute “the United Kingdom”;
- (g) omit “and at the expense of”;
- (h) for “place of residence” substitute “United Kingdom”.

7. For Article 24 (including the heading) substitute—

“Article 24

No right to cash benefits under the legislation of the Member State of residence

The United Kingdom will be competent for cash benefits for pensioners, or their family members, resident in a Member State where the pensioner is in receipt of a pension from the United Kingdom and not from the Member State of residence, and:

- (a) the pensioner is only entitled to cash benefits under the legislation of the United Kingdom; or
- (b) the pensioner is entitled to cash benefits under the legislation of two or more States, one of which is the United Kingdom, and the pensioner has been subject to the legislation of the United Kingdom for the longest period of time. If the pensioner has been subject for an equal period of time to the legislation of another State, the United Kingdom will be competent if the pensioner was last subject to its legislation.”.

8. In Article 25—

- (a) in the heading—
 - (i) for “Member States” substitute “States”;
 - (ii) for “benefits in kind” substitute “cash benefits”;
 - (iii) for “latter Member State” substitute “Member State of residence”;
- (b) for “Member States”, in the first place it occurs, substitute “States”;
- (c) for “benefits in kind”, in the first place it occurs, substitute “cash benefits”;
- (d) for the words from “the cost of benefits in kind provided” to “Article 24(2)” substitute “where the United Kingdom has been determined in accordance with Article 24 as competent in respect of that person’s pensions, the United Kingdom is competent for cash benefits”;
- (e) for “that Member State”, in the second place it occurs, substitute “the United Kingdom”.

9. In Article 26—

- (a) for “Member State”, in each place it occurs (including the heading), substitute “State”;
- (b) for “Member States” substitute “States, one of which is the United Kingdom,”;
- (c) for the words from “benefits in kind”, in the first place it occurs, to “costs of the benefits in kind” substitute “cash benefits from the United Kingdom, where the United Kingdom is competent for cash benefits”.

10. Omit Articles 27 and 28.

11. In Article 29, for paragraph 1 substitute—

“1. Where a person resides in a Member State and receives a pension or pensions under the legislation of the United Kingdom and one or more Member States, the competent institution of the United Kingdom is not responsible for paying cash benefits where the competent institution in the Member State of residence is responsible for the cost of

benefits in kind provided to the person in that Member State. Article 21 shall apply *mutatis mutandis*”.

12. In Article 31, for “Articles 17 to 21” substitute “Article 21”.
13. Omit Articles 32 to 35.
14. In Article 36—
 - (a) for the heading substitute “Article 21 to apply to benefits within this Chapter”;
 - (b) omit paragraphs 1, 2 and 2a.
15. In Article 40, omit paragraphs 1 and 2.
16. In Article 85, omit “Article 35(3) and/or”.
17. Omit Annexes 3 to 5.
- 18.—(1) Annex 11 is amended as follows.
 - (2) Under the heading “FRANCE”, omit paragraph 2;
 - (3) Under the heading “NETHERLANDS”, in paragraph 1—
 - (a) omit points (a) to (e);
 - (b) omit point (h).