

SCHEDULE 1

Convention between the Government of The United Kingdom of Great Britain and Northern Ireland and The Government of Jamaica on Social Security

Part I

General Provisions

Article 1

Definitions

(1) For the purpose of this Convention the following definitions apply, except where the context otherwise requires—

“additional pension” payable under the legislation of Great Britain, Northern Ireland or the Isle of Man means any additional pension based on the payment of insurance contributions above the level required for entitlement to basic pension;

“benefits for industrial accidents and industrial diseases” means—

- (i) a pension or benefit payable to a person for loss of physical or mental faculty as a result of an industrial accident or an industrial disease arising out of, and in the course of, employed earner’s employment under the legislation of Great Britain, Northern Ireland or the Isle of Man, and accident benefit payable under the legislation of Jersey, or
- (ii) a benefit payable to a person for personal injury or for loss of physical or mental faculty as a result of an accident arising out of, and in the course of, an insured person’s employment or self-employment, or an industrial disease under the legislation of Guernsey, or
- (iii) a benefit attributable to injury or disease in employment payable under the legislation of Jamaica;

“Category A retirement pension” means either, or both, a basic retirement pension and an additional pension based on a person’s own insurance contributions or, for certain persons whose marriages have ended by divorce or widowhood, a basic retirement pension based on the former spouse’s insurance contributions, payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension based on a person’s own contributions, or for certain persons whose marriages have ended by divorce or widowhood, based on the former spouse’s contributions, payable under the legislation of Jersey or Guernsey;

“Category B retirement pension” means a basic retirement pension payable to a married woman on her husband’s contributions or, for a widow or widower, either, or both, a basic retirement pension and an additional pension based on the late spouse’s contributions payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, and an old age pension payable under the legislation of Jersey or Guernsey to a married woman by virtue of the contributions of her husband while he is alive;

“competent authority” means—

- (i) in relation to the territory of the United Kingdom, the Department of Social Security for Great Britain, the Department of Health and Social Services for Northern Ireland, the Department of Health and Social Security of the Isle of Man, or
- (ii) in relation to Jersey, the Employment and Social Security Committee of the States of Jersey, or
- (iii) in relation to Guernsey, the Social Security Authority and,

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(iv) in relation to Jamaica, the Minister responsible for National Insurance, and any person or body to whom the functions, relevant to this Convention, of any of those persons or bodies, may be transferred;

“contribution period” means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation concerned;

“death grant” means—

- (i) a death grant payable under the legislation of Jersey or Guernsey, or
- (ii) a funeral grant payable under the legislation of Jamaica;

“dependant” means a person who would be treated as such for the purpose of any claim to an increase of benefit in respect of a dependant under the legislation concerned;

“employed person” means—

- (i) except for the purposes of Articles 22 to 24, a person who, in the applicable legislation, comes within the definition of an employed earner or of an employed person or is treated as such, and the words “person is employed” shall be construed accordingly, or
- (ii) for the purposes of Articles 22 to 24, a person who is, or who is treated as being, an employed earner or an employed person under the legislation of Great Britain, Northern Ireland or the Isle of Man, or an employed or self-employed person under the legislation of Jersey or Guernsey;

“employment” means employment as an employed person and the words “employ”, “employed” or “employer” shall be construed accordingly;

“equivalent period” means a period for which contributions appropriate to the benefit in question have been credited under the legislation of either Party;

“former Agreement” means the Agreement signed at London on 20 September 1972;

“gainfully employed” means employed or self-employed;

“Guernsey” means the Islands of Guernsey, Alderney, Herm and Jethou;

“income tax year” means, in relation to the United Kingdom, the twelve months beginning with 6 April in any year;

“insurance authority” means the authority competent to decide entitlement to the benefit in question;

“insurance period” means a contribution period or an equivalent period;

“insured” means that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned;

“invalidity benefit” means—

- (i) long-term incapacity benefit, additional pension, invalidity allowance and incapacity age addition payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or
- (ii) invalidity benefit payable under the legislation of Jersey, Guernsey or Jamaica;

“Jersey” means the Island of Jersey;

“legislation” means, in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of a Party, or in any part of the territory of that Party;

“orphan’s benefit” means—

- (i) guardian’s allowance payable under the legislation of Great Britain, Northern Ireland or the Isle of Man or Guernsey, or

(ii) orphan's benefit payable under the legislation of Jamaica;

"Party" means, unless otherwise defined, the territory of the United Kingdom, including any part of the United Kingdom, or Jamaica;

"pension", "allowance" or "benefit" includes any increases of, or any additional amount payable with, a pension, allowance or benefit respectively;

"qualifying year" means—

- (i) in relation to Great Britain, Northern Ireland or the Isle of Man, at least fifty weeks of insurance for periods before 6 April 1975, or that the person has received, or been treated as having received, earnings of at least fifty-two times the lower earnings limit in an income tax year after 5 April 1978 under the legislation of Great Britain, Northern Ireland and the Isle of Man, or
- (ii) in relation to Jersey, an annual contribution factor of 1.00 under the legislation of Jersey, or
- (iii) in relation to Guernsey, an insurance period of not less than fifty weeks under the legislation of Guernsey;

"reckonable year" means, in relation to Great Britain, Northern Ireland and the Isle of Man, an income tax year between 6 April 1975 and 5 April 1978 during which contributions have been paid on earnings received, or treated as received, of at least fifty times the lower earnings limit for that year;

"refugee" means a person so defined in Article 1 of the Convention on the Status of Refugees signed on 28 July 1951 and the Protocol to that Convention signed on 31 January 1967;

"retirement pension" means retirement pension or old age pension payable under the legislation of either Party;

"seasonal worker" means—

- (i) a person subject to the legislation of Jersey or Guernsey, or
- (ii) a person subject to the legislation of Jamaica

who goes to the territory of Jersey or Guernsey or Jamaica (not being the one in which he is ordinarily resident) in order to carry out in that territory for an employer or undertaking with a place of business there, employment of a seasonable character which depends on the cycle of the seasons and which recurs automatically each year, and the duration of which cannot in any case exceed eight months, and who remains in that territory for the duration of his employment;

"self-employed person" means a person who, in the applicable legislation, comes within the definition of a self-employed earner or of a self-employed person or is treated as such, and the words "person is self-employed" shall be construed accordingly;

"ship or vessel" means any ship or vessel whose port of registry is a port in either territory, or a hovercraft which is registered in either territory, and whose legal or natural owner (or managing owner if there is more than one owner) resides in, or has a place of business in, either territory;

"social assistance" means income support payable under the legislation of Great Britain or Northern Ireland, or supplementary benefit payable under the legislation of the Isle of Man;

"territory" means—

- (i) in relation to the United Kingdom, Great Britain, Northern Ireland and also the Isle of Man, Jersey and Guernsey, and references to the "United Kingdom" or to "territory" in relation to the United Kingdom shall include the Isle of Man, Jersey and Guernsey, where appropriate, or
- (ii) in relation to Jamaica, the island of Jamaica, the Pedro Cays, Morant Cays and other islands within Jamaica's archipelagic system;

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“widow’s benefit” means—

- (i) widow’s payment, widowed mother’s allowance and widow’s pension payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or
- (ii) widow’s allowance, widowed mother’s allowance, widow’s pension and widowed father’s allowance payable under the legislation of Jersey, or
- (iii) widow’s allowance, widowed mother’s allowance and widow’s pension payable under the legislation of Guernsey, or
- (iv) widow’s and widower’s benefit payable under the legislation of Jamaica.

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

(3) Any reference in this Convention to an “Article” means an Article of this Convention, and any reference to a “paragraph” is a reference to a paragraph of the Article in which the reference is made, unless it is stated to the contrary.

Article 2

Applicable Legislation

(1) This Convention shall apply,

(a) in relation to the territory of the United Kingdom, to:

- (i) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Social Security (Consequential Provisions) Act 1992 and the Social Security (Incapacity for Work) Act 1994;
- (ii) the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 and the Social Security (Incapacity for Work) (Northern Ireland) Order 1994;
- (iii) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Social Security (Consequential Provisions) Act 1992 and the Social Security (Incapacity for Work) Act 1994 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of Orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald);
- (iv) the Social Insurance (Guernsey) Law, 1978;
- (v) the Social Security (Jersey) Law, 1974;

and the legislation which was repealed or consolidated by those Acts, Laws or Orders or repealed by legislation consolidated by them;

(b) in relation to Jamaica, to the National Insurance Act, 1965 and other legislation to which it refers.

(2) Subject to paragraphs (3) and (4), this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1).

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits under the legislation specified in paragraph (1) at the date of entry into force of this Convention and for which specific provision is made in this Convention.

(4) This Convention shall not apply—

- (i) in relation to Great Britain or Northern Ireland, to legislation on social security adopted by the Council, or the Council and the Parliament of the European Community, or

(ii) in relation to Jamaica, to any treaties arising under regional economic or other arrangements to which Jamaica is, or may become, party

or to any convention on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) for the purpose of giving effect to such a convention, but shall not prevent either Party taking into account under its legislation the provisions of any other convention which that Party has concluded with a third party.

Article 3

Equal treatment

A person, together with his dependants and survivors, who is, or has been, subject to the legislation of one Party shall, while he is in the territory of the other Party, enjoy the provisions of the legislation of the other Party under the same conditions as a national of that Party, subject to the special provisions of this Convention.

Article 4

Refugees

This Convention shall apply to refugees who are residing in the territory of either Party. It shall apply under the same conditions to members of their families, and to their survivors, with respect to the rights they derive from those refugees.

Article 5

Provisions for the Export of Benefit

(1) Subject to paragraph (2), Articles 13 to 24 and Article 30, a person who would be entitled to receive invalidity benefit under the legislation of Jamaica, or a retirement pension, widow's benefit, or any pension or benefit payable in respect of an industrial accident or industrial disease under the legislation of one Party, other than reduced earnings allowance payable under the legislation of the United Kingdom, if he were in the territory of that Party shall be entitled to receive that pension or benefit while he is in the territory of the other Party, as if he were in the territory of the former Party.

(2) Notwithstanding paragraph (1), a person who is entitled to receive a retirement pension or widow's benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man and who would be entitled to an increase in the rate of that pension or benefit if he were in Great Britain, Northern Ireland or the Isle of Man shall be entitled to receive any such increase prescribed on or after 1 October 1972 by that legislation if he is in Jamaica, but nothing in this Article shall confer entitlement to receive any such increases prescribed before that date by that legislation.

(3) Where, under the legislation of one Party, an increase of any of the benefits for which specific provision is made in this Convention would be payable for a dependant if he were in the territory of that Party, it shall be payable while he is in the territory of the other Party.