

SCHEDULES

SCHEDULE 3

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

PART 2

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

5. In Article 36(2)(1)—
 - (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

(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”).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019 (revoked) No. 722*

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.”.