

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF THE NETHERLANDS

PART II

PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

ARTICLE 7

General provisions

(1) Subject to paragraphs (2) to (11) and Articles 8 to 13, where a person is gainfully employed, he shall be subject only to the legislation of the Party in whose territory he is so employed.

(2) Where a person is employed in the territory of both Parties for the same period, he shall be subject only to the legislation of the Party in whose territory he is ordinarily resident.

(3) Where a person is self-employed in the territory of both Parties for the same period, he shall be subject only to the legislation of the Party in whose territory he is ordinarily resident.

(4) Where a person is employed in the territory of one Party and self-employed in the territory of the other Party for the same period, he shall be subject only to the legislation of the former Party.

(5) No provision of this Article shall affect a person's liability to pay a Class 4 contribution under the legislation of Great Britain, Northern Ireland or the Isle of Man.

(6) Where a person is not gainfully employed, he shall be subject only to the legislation of the Party in whose territory he is ordinarily resident.

(7) Where, but for this paragraph, a person would be entitled to pay contributions voluntarily under the legislation of both Parties for the same period, he shall be entitled to pay contributions only under the legislation of one Party according to his choice.

(8) Where, under Articles 8, 9(a) or (b), or 10(2), a person is employed in the territory of one Party while remaining subject to the legislation of the other Party, he shall not be subject to the legislation of the former Party.

(9) A person who is entitled to receive sickness benefit, maternity allowance, invalidity benefit or injury benefit for any period under the legislation of the Netherlands while he is in Jersey or Guernsey, shall be excepted from liability to pay a contribution in respect of that period, other than as an employed or self-employed person, under the legislation of Jersey or Guernsey.

(10) A person who is entitled to receive survivor's benefit under the legislation of Jersey shall be awarded credits only for periods during which that person is ordinarily resident in Jersey.

(11) For the purpose of determining whether a person is entitled to be credited with a Class 1 contribution under the legislation of Guernsey in respect of any week of unemployment, any insurance period, or any period of employment, completed by him under the legislation of the Netherlands, shall be treated as an insurance period or period of employment, as the case may be, under the legislation of Guernsey.

ARTICLE 8

Detached workers

Subject to Articles 9 and 10, where a person subject to the legislation of one Party, and employed by an employer with a place of business in the territory of that Party, is sent by that employer, either

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

from the territory of that Party, or from a third country not party to this Convention, to work in the territory of the other Party, he shall continue to be subject only to the legislation of the former Party as if he were employed in the territory of that Party, provided that the employment in the territory of the other Party is not expected to last for more than three years.

ARTICLE 9

Travelling personnel

Subject to Article 10, the following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of passengers or goods whether for another undertaking or on its own account:

- (a) subject to sub-paragraphs (b) and (c), where a person is employed by an undertaking which has its principal place of business in the territory of one Party, he shall be subject only to the legislation of that Party as if he were employed in its territory even if he is employed in the territory of the other Party;
- (b) subject to sub-paragraph (c), where the undertaking has a branch or agency in the territory of one Party and a person is employed by that branch or agency, he shall be subject only to the legislation of that Party;
- (c) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, he shall be subject only to the legislation of that Party, even if the undertaking which employs him does not have a place of business or branch or any agency in that territory.

ARTICLE 10

Mariners and others employed on board a ship or vessel

(1) Subject to paragraphs (2) to (4), where a person is employed on board any ship or vessel of one Party, he shall be subject only to the legislation of that Party as if any conditions relating to residence were satisfied in his case, provided that he is ordinarily resident in the territory of either Party.

(2) Where a person who is subject to the legislation of one Party and employed either in the territory of that Party or on board any ship or vessel of that Party, is sent by his employer in the territory of that Party to work on board a ship or vessel of the other Party, he shall continue to be subject only to the legislation of the former Party provided that his employment on board the ship or vessel of the latter Party is not expected to last for a period of more than one year. Where his employment on board the ship or vessel of the latter Party continues after such period of one year, he shall continue to be subject only to the legislation of the former Party for any further period of not more than one year, provided that the competent authority of the latter Party agrees thereto before the end of the first period of one year.

(3) Where a person who is not normally employed at sea is employed other than as a member of the crew, on board a ship or vessel of one Party, in the territorial waters of, or at a port of, the other Party, he shall be subject only to the legislation of the Party in whose territory he is ordinarily resident as if any conditions relating to residence were satisfied in his case.

(4) Where a person who is ordinarily resident in the territory of one Party and employed on board any ship or vessel of the other Party is paid remuneration in respect of that employment by a person who is ordinarily resident in, or by an undertaking having a place of business in, the territory of the former Party, he shall be subject only to the legislation of the former Party as if the ship or vessel were a ship or vessel of the former Party, and the person or undertaking by whom the remuneration is paid shall be treated as the employer for the purpose of such legislation.

ARTICLE 11

Diplomats, government servants and consular employees

(1) This Convention shall not affect the application to persons in the territory of either Party of the provisions of the Vienna Conventions on Diplomatic Relations of April 18, 1961 and the Vienna Convention on Consular Relations of April 24, 1963.

(2) Subject to paragraph (1), where any person who is employed in the Government Service of one Party or treated as such is sent to work in the territory of the other Party, he shall be subject only to the legislation of the former Party as if he were employed in its territory.

(3) Paragraph (2) shall apply by analogy to the members of the family accompanying the persons referred to in that paragraph, unless these family members themselves are gainfully employed in the territory of the other Party.

ARTICLE 12

Treated as ordinarily resident

Where a person is gainfully employed in the territory of a Party and the legislation of the other Party does not apply to him in accordance with Article 7 (1) or (4) or ceases to apply to him under Articles 8, 9 (a) or (b), or 10 (2), the legislation of the former Party shall apply to him as if he were ordinarily resident in the territory of that Party.

ARTICLE 13

Modification provisions

Exceptionally, the competent authorities or the competent institutions of the Parties may agree to modify the application of Articles 7 to 12 in respect of particular persons or categories of persons.