1992 No. 151

SOCIAL SECURITY

The Social Security (Barbados) Order (Northern Ireland) 1992

Made	*16th March 1992*
Coming into operation . .	*1st April 1992*

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**) and Article 17 of the Child Benefit (Northern Ireland) Order 1975(**b**) and of all other powers enabling me in that behalf, I hereby make the following order:

Citation and commencement

1. This order may be cited as the Social Security (Barbados) Order (Northern Ireland) 1992 and shall come into operation on 1st April 1992.

Modification of the Social Security (Northern Ireland) Act 1975

2. The Social Security (Northern Ireland) Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Modification of the Child Benefit (Northern Ireland) Order 1975

3. Part II of the Child Benefit (Northern Ireland) Order 1975 (child benefit) and any regulations made under it shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Dated this 16th day of March 1992.

P. L. Brooke
One of Her Majesty's Principal Secretaries of State

(**a**) 1975 c. 15; section 134 was amended by section 20(3) of, and extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), and further amended by Article 66(2) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); subsection (1A) was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(**b**) S.I. 1975/1504 (N.I. 16); Article 17 was amended by Article 16 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)), and Article 66(3) of the Social Security (Northern Ireland) Order 1986; paragraph (1A) was inserted by Article 7(2) of the Social Security (Northern Ireland) Order 1981

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

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Barbados;

Being resolved to co-operate in the field of social affairs and, in particular, in the matter of social security;

Wishing to promote the welfare of persons moving between or working in their respective territories;

Wishing to ensure that persons from both countries shall enjoy equal rights in respect of matters covered by this Convention under their respective social security legislation;

Wishing to make arrangements for insurance periods completed under the legislation of the Contracting Parties to be added together for the purpose of determining the right to receive benefit;

Wishing further to make arrangements for enabling persons moving between their respective territories to keep the rights which they have acquired under the legislation of the one Party or to enjoy corresponding rights under the legislation of the other Party;

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

Definitions

(1) For the purpose of this Convention 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;

"Barbados" means the Island of Barbados;

"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 or Jersey, and, in addition, accident benefit payable under the legislation of Jersey;

(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;

(iii) employment injury benefits payable to a person in insurable employment for loss of physical or mental faculty, as a result of an accident or disease arising out of, and in the course of, such employment, or in respect of death resulting therefrom, under the legislation of Barbados;

"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 insurance 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 to a married woman under the legislation of Jersey or Guernsey by virtue of the contributions of her husband while he is alive;

"child benefit" means child benefit payable under the legislation of Great Britain, Northern Ireland or the Isle of Man or family allowance payable under the legislation of Jersey;

"competent authority" means, 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, the Social Security Committee of the States of the Island of Jersey or the States of Guernsey Insurance Authority as the case may require, and, in relation to Barbados, the Minister responsible for National Insurance, the National Insurance Board or the Director, National Insurance Scheme, as the context requires;

"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 in question;

"death grant" means a death grant payable under the legislation of Jersey or Guernsey, or a funeral grant payable under the legislation of Barbados;

"dependant" means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependant under the legislation concerned;

"employed person" means—

(i) , except for the purposes of Articles 23 to 25, 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;

(ii) , for the purposes of Articles 23 to 25, a person who is, or who is treated as being, an employed person under the legislation of Great Britain, Northern Ireland, the Isle of Man or Barbados, 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 one or the other Party;

"gainfully employed" means employed or self-employed;

"Guernsey" means the Islands of Guernsey, Alderney, Herm and Jethou;

"insurance period" means a contribution period or an equivalent period;

"insured" means, in relation to both Parties, 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 invalidity pension, additional pension and invalidity allowance payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, invalidity benefit payable under the legislation of Jersey or Guernsey, and invalidity pension or grant payable under the legislation of Barbados;

"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;

"maternity allowance" means maternity allowance payable under the legislation of the United Kingdom, and maternity benefit payable under the legislation of Barbados;

"maternity grant" means maternity grant payable under the legislation of Jersey, Guernsey or Barbados;

"orphan's benefit" means guardian's allowance payable under the legislation of Great Britain, Northern Ireland, the Isle of Man or Guernsey;

"Party" means the territory of the United Kingdom, including any part of the United Kingdom, or Barbados;

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

"retirement pension" means retirement pension or old age pension payable under the legislation of the United Kingdom, and old age contributory pension payable under the legislation of Barbados;

"seasonal worker" means a person subject to the legislation of Jersey or Guernsey or Barbados who goes to the territory of Jersey or Guernsey or Barbados (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 seasonal 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;

"sickness benefit" means sickness benefit payable under the legislation of either Party;

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

"statutory maternity pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in connection with pregnancy and for a period before and after confinement;

"statutory sick pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in respect of sickness;

"territory" means, 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;

"widow's benefit" means widow's allowance, widow's payment, widowed mother's allowance and widow's pension payable under the legislation of the United Kingdom and, in addition, widowed father's allowance payable under the legislation of Jersey, and survivors' pensions payable under the legislation of Barbados.

(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 "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

Scope of Legislation

(1) The provisions of this Convention shall apply,

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

(i) the Social Security Acts 1975 to 1991 and the Social Security (Northern Ireland) Acts 1975 to 1991;

(ii) the Social Security Acts 1975 to 1991 (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);

(iii) the Social Security (Jersey) Law 1974;

(iv) the Social Insurance (Guernsey) Law 1978;

(v) the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975, and the Child Benefit Act 1975 (an Act of Parliament) as that Act applies 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); and the Family Allowances (Jersey) Law 1972;

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 Barbados to:

the National Insurance and Social Security Act, Chapter 47.

(2) Subject to the provisions of 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 to legislation on social security of the Institutions of the European Community 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 from 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 and Stateless Persons

This Convention shall apply to refugees, as defined by the Convention signed on 28 July 1951 relating to the Status of Refugees and by the Protocol signed on 31 January 1967 relating to the Status of Refugees, and to stateless persons, as defined by the Convention signed on 28 September 1954 relating to the Status of Stateless Persons, who are residing in the territory of either Party. It shall apply under the same condition to members of their families, and to their survivors, with respect to the rights they derive from those refugees or stateless persons. National provisions which are more favourable shall not be affected.

ARTICLE 5

Provisions for the Export of Benefit

(1) Subject to the provisions of paragraph (2) and Articles 15 to 25 and Article 32, a person who would be entitled to receive a retirement pension, widow's benefit or any pension or benefit payable in respect of an industrial accident or an industrial disease other than reduced earnings allowance or retirement allowance under the legislation of one Party 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) 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, on the date of coming into force of this Convention, be entitled to receive any such increase prescribed on or after that date by that legislation if he is in Barbados, but nothing in this paragraph shall confer entitlement to receive any such increases prescribed before that date by that legislation.

(3)(*a*) In this paragraph "Party" and "territory" shall mean in relation to the United Kingdom, Great Britain, Northern Ireland and the Isle of Man, and in relation to Barbados, the Island of Barbados.

(*b*) Subject to the provisions of Article 14, where a person would be entitled to receive invalidity benefit under the legislation of one Party if he were in the territory of that Party he shall be entitled to receive that benefit while he is in the territory of the other Party as if he were in the territory of the former Party provided that, at the time of leaving the territory of the former Party he was considered by the competent authority of that Party likely to be permanently incapable of work and that he continues to satisfy that authority that he remains incapable of work.

(4) Subject to the provisions of Article 12(2) and (3), a person who continues to be entitled to receive sickness benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man while he is in Barbados, may, after having received or been deemed to have received, 168 days sickness benefit, become entitled to receive invalidity benefit under the legislation of Great Britain, Northern Ireland or the Isle of Man while he is in Barbados, provided that at the time of leaving the territory of the former Party, or at the date on which entitlement to sickness benefit ceased, he was considered by the competent authority of that Party likely to be permanently incapable of work, and that he continues to satisfy that authority that he remains incapable of work.

(5) Where a person is entitled to receive invalidity benefit under the legislation of Jersey or Guernsey, he shall be entitled to receive that benefit while he is in the territory of Barbados.

(6) Subject to the provisions of Article 12(2), a person who continues to be entitled to receive sickness benefit under the legislation of Jersey or Guernsey while he is in Barbados may:

(*a*) after receipt of 364 days sickness benefit, in the case of Jersey; or

(*b*) after receipt of 156 days sickness benefit in the case of Guernsey,

become entitled to receive invalidity benefit under the legislation of Jersey or Guernsey while he is in Barbados.

(7) Where, under the legislation of the United Kingdom, 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 the United Kingdom, it shall be payable while he is in Barbados.

PART II

PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

ARTICLE 6

General Provisions

(1) Subject to the following paragraphs and the provisions of Articles 7 to 10, where a person is gainfully employed, liability for contributions for him shall be determined under 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, liability for contributions for him shall be determined only under 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, liability for contributions for him shall be determined only under 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, liability for contributions for him shall be determined only under 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 the United Kingdom.

(6) Where a person is not gainfully employed, any liability for contributions shall be determined under the legislation of the Party in whose territory he is resident.

(7) Where, but for the provisions of 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 the provision of Articles 7, 8(*a*) or (*b*), a person is employed in the territory of one Party while remaining liable for contributions under the legislation of the other Party, the legislation of the former Party shall not apply to him and he shall not be liable, nor entitled, to pay contributions under the legislation of the former Party.

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

ARTICLE 7

Detached Workers

Subject to the provisions of Article 8, where a person insured under the legislation of one Party and employed by an employer in the territory of that Party is sent by that employer to work in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him 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 8

Travelling Personnel

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 the provisions of 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, the legislation of that Party concerning liability for contributions shall apply to him as if he were employed in its territory even if he is employed in the territory of the other Party;

(*b*) subject to the provisions of 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, the legislation of that Party concerning liability for contributions shall apply to him;

(*c*) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, the legislation of that Party concerning liability for contributions shall apply to him, even if the

undertaking which employs him does not have a place of business or branch or any agency in that territory.

ARTICLE 9

Diplomats, Government Servants and Consular Employees

(1) This Convention shall not apply to persons who are exempted from the social security law of the Party in whose territory they are present or resident by virtue of the Vienna Conventions on Diplomatic or Consular Relations.

(2) Subject to the provisions of paragraph (1), where any person who is in the Government Service of one Party or in the service of any public corporation of that Party is employed in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall apply to him as if he were employed in its territory, provided he does not contribute as an employed person under the legislation of the other Party.

(3) Subject to the provisions of paragraphs (1) and (2), where a person is employed in a diplomatic mission or consular post of one Party in the territory of the other Party, or in the private service of an official of such a mission or post, the legislation of the latter Party concerning liability for contributions shall apply to him as if he were employed in its territory, unless within three months of the entry into force of this Convention, or within three months of the beginning of the employment in the territory of the latter Party, whichever is later, he chooses to be insured under the legislation of the former Party, provided that he was so insured within the period of one month before the commencement of the employment at that mission or post. Where, under the provisions of this paragraph, a person has the right to choose to be insured under the legislation of the former Party but does not choose to do so, he shall not be liable, nor entitled to pay contributions under the legislation of the former Party.

ARTICLE 10

Modification Provisions

Exceptionally, the competent authorities of the Parties may agree to modify the provisions of Articles 6 to 9 in respect of particular persons or categories of persons.

PART III

SPECIAL PROVISIONS

ARTICLE 11

Conversion Formulae for Contributions

(1) For the purpose of calculating entitlement under the legislation of Great Britain, Northern Ireland or the Isle of Man to any benefit in accordance with Articles 15 to 22, contribution periods or equivalent periods completed under the legislation of Barbados before 6 April 1975 shall be treated as if they had been contribution periods or equivalent periods completed under the legislation of Great Britain, Northern Ireland or the Isle of Man, as the case may be.

(2) For the purpose of calculating entitlement under the legislation of Great Britain, Northern Ireland or the Isle of Man to any benefit in accordance with Articles 15 to 22, contribution periods completed as a self-employed person or as a

non-employed person or equivalent periods completed under the legislation of Barbados after 5 April 1975 shall be treated as if they had been contribution periods completed as a self-employed person or as a non-employed person or equivalent periods completed under the legislation of Great Britain, Northern Ireland or the Isle of Man, as the case may be.

(3) Subject to the provisions of paragraph (4), for the purpose of calculating an earnings factor for assessing entitlement to any benefit in accordance with Articles 15 to 22, under the legislation of Great Britain, Northern Ireland or the Isle of Man, as the case may be, a person shall be treated for each week beginning in a relevant tax year commencing after 5 April 1975, the whole or any part of which week is a contribution period completed as an employed person under the legislation of Barbados, as having paid a contribution as an employed earner, or having earnings on which primary Class 1 contributions have been paid, on earnings equivalent to two-thirds of that year's upper earnings limit.

(4) For the purposes of calculating entitlement to additional pension under the legislation of Great Britain, Northern Ireland or the Isle of Man, no account shall be taken of any contribution period completed under the legislation of Barbados.

(5) For the purposes of the calculation in Article 16(2), where:

(*a*) in any income tax year commencing after 5 April 1975, an employed person has completed periods of insurance exclusively in Barbados and the application of paragraph (3) results in that year being a qualifying year under the legislation of Great Britain, Northern Ireland or the Isle of Man, he shall be deemed to have been insured for 52 weeks in that year;

(*b*) any income tax year commencing after 5 April 1975, does not count as a qualifying year under the legislation of Great Britain, Northern Ireland or the Isle of Man, any periods of insurance completed in that year shall be disregarded.

(6) For the purpose of calculating the appropriate contribution factor to establish entitlement to any benefit in accordance with Articles 15 to 25 and provided under the legislation of Jersey, a person shall be treated:

(*a*) for each week in an insurance period completed under the legislation of Barbados, being a week in the relevant quarter, as having paid contributions which derive a quarterly contribution factor of 0.077 for that quarter;

(*b*) for each week in an insurance period completed under the legislation of Barbados, being a week in a relevant year, as having paid contributions which derive an annual contribution factor of 0.0193 for that year.

(7) For the purpose of calculating entitlement to any benefit in accordance with Articles 15 to 25 under the legislation of Guernsey, contribution periods or equivalent periods completed under the legislation of Barbados shall be treated as if they had been contribution periods or equivalent periods completed under the legislation of Guernsey.

(8) For the purpose of calculating entitlement to a pension under the legislation of Barbados, each contribution period or equivalent period completed under the legislation of Great Britain, Northern Ireland or the Isle of Man from 5 June 1967 to 5 April 1975, shall be treated as if it had been a contribution period or equivalent period completed under the legislation of Barbados.

(9) For the purpose of converting to an insurance period any earnings factor achieved in any tax year commencing after 5 April 1975 under the legislation of Great Britain, Northern Ireland or the Isle of Man, the competent authority of Great Britain, Northern Ireland or the Isle of Man, as the case may be, shall divide the earnings factor achieved under its legislation by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The

figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in that year, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(10) For the purpose of converting to an insurance period any contribution factor achieved under the legislation of Jersey, the competent authority of Jersey shall:

(*a*) in the case of a quarterly contribution factor, multiply the factor achieved by a person in a quarter by thirteen; and

(*b*) in the case of an annual contribution factor, multiply the factor achieved by a person in a year by fifty-two.

The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in a quarter or in a year, as the case may be, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(11) For the purpose of calculating entitlement to a pension under the legislation of Barbados, each contribution period or equivalent period completed under the legislation of Guernsey shall be treated as if it had been a contribution period or an equivalent period completed under the legislation of Barbados.

PART IV

BENEFIT PROVISIONS

ARTICLE 12

Sickness Benefit and Maternity Allowance

(1) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 6 to 10, he shall be treated under that legislation for the purpose of any claim to sickness benefit or maternity allowance as if he were in the territory of the latter Party.

(2) Subject to the provisions of paragraph (7) and Article 32, where a person would be entitled to receive sickness benefit or maternity allowance under the legislation of the territory of the United Kingdom if he were in that territory, he shall be entitled to receive that sickness benefit or maternity allowance while he is in Barbados if:

(*a*) his condition necessitates immediate treatment during a stay in Barbados and, within six days of commencement of incapacity for work or such longer period as the competent authority may allow, he submits to the competent authority of the United Kingdom a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or

(*b*) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the United Kingdom, he is authorised by the competent authority of that Party to return to Barbados where he resides, or to transfer his residence to Barbados; or

(*c*) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the United Kingdom, he is authorised by the competent authority of that Party to go to Barbados to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (*b*) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

(3) Subject to the provisions of paragraph (4) and Article 32, where a person would, if he were in Great Britain or Northern Ireland, be entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he shall, provided that he satisfies all the conditions for entitlement to and payment of sickness benefit or maternity allowance under the legislation of Great Britain or Northern Ireland, with the exception of any conditions as to residence and presence in Great Britain or Northern Ireland, be entitled to that sickness benefit or maternity allowance while he is in Barbados, if:

(*a*) his condition necessitates immediate treatment during a stay in Barbados, and within six days of commencement of incapacity for work, or such longer period as the competent authority may allow, he submits to the competent authority of Great Britain or Northern Ireland a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or

(*b*) having become entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he is authorised by the competent authority of Great Britain or Northern Ireland to return to Barbados, where he resides, or to transfer his residence to Barbados; or

(*c*) having become entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he is authorised by the competent authority of Great Britain or Northern Ireland to go to Barbados, to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (*b*) of this paragraph may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health, or to the receipt of medical treatment.

(4) Nothing in this Article shall permit the payment of statutory sick pay or statutory maternity pay outside Great Britain or Northern Ireland.

(5) Subject to the provisions of paragraph (7) and Article 32, where a person would be entitled to receive sickness benefit under the legislation of Barbados, if he were in Barbados, he shall be entitled to receive that sickness benefit while he is in the territory of the United Kingdom if:

(*a*) his condition necessitates immediate treatment during a stay in the territory of the United Kingdom and, within six days of commencement of incapacity for work or such longer period as the competent authority may allow, he submits to the competent authority of Barbados a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or

(*b*) having claimed and become entitled to sickness benefit under the legislation of Barbados, he is authorised by the competent authority of that Party to return to the territory of the United Kingdom where he resides or to transfer his residence to the territory of the United Kingdom; or

(*c*) having claimed and become entitled to sickness benefit under the legislation of Barbados, he is authorised by the competent authority of that Party to go to the territory of the United Kingdom to receive there treatment for his condition.

The authorisation required in accordance with sub-paragraph (*b*) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

(6) Where by virtue of contributions made under the legislation of Barbados a person would be entitled to receive maternity benefit if she were in the territory of Barbados, she shall be entitled to receive that maternity benefit while she is in the territory of the United Kingdom.

(7) Where a seasonal worker, who is entitled to sickness benefit under the legislation of Jersey or Guernsey or Barbados, returns to the territory in which he is ordinarily resident, he shall be entitled to continue to receive such benefit for a period of not more than thirteen weeks from the date of departure from Jersey, Guernsey or Barbados, as the case may be.

ARTICLE 13

Maternity Grant under the Legislation of Jersey, Guernsey or Barbados

(1) "Party" in this Article shall mean Jersey, Guernsey, or Barbados.

(2) For the purpose of a claim for maternity grant under the legislation of one Party, a woman who is confined in the territory of the other Party shall be treated as if she were in, or confined in, the territory of the former Party and any grant to which she may be entitled under the legislation of that Party shall be payable as if she were in, or confined in, the territory of that Party and not as if she were in, or confined in, the territory of the latter Party.

(3) Where a woman would be entitled to a maternity grant under the legislation of both Parties in respect of the same confinement, whether by virtue of this Convention or otherwise:

(*a*) the grant shall be payable only under the legislation of the Party in whose territory the confinement occurs; or

(*b*) if the confinement does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the woman or, if relevant to the claim, her husband was last insured before the confinement.

(4) Maternity grant may also be paid under the legislation of Barbados notwithstanding that the confinement has taken place in Great Britain, Northern Ireland or the Isle of Man.

ARTICLE 14

Invalidity Benefit

(1) Where a person would be entitled to receive for the same incapacity and for the same period invalidity benefit under the legislation of both Parties, or invalidity benefit under the legislation of one Party and sickness benefit under the legislation of the other Party, including statutory sick pay under the legislation of Great Britain or Northern Ireland, or industrial injury benefit under the legislation of Guernsey, whether by virtue of this Convention or otherwise, he shall be entitled to receive only the invalidity benefit, sickness benefit, statutory sick pay or industrial injury benefit, as the case may be, under the legislation of the Party in whose territory the incapacity began.

(2) If under paragraph (1) payment is made under the legislation of the United Kingdom, and, but for its provision, entitlement would also arise under the legislation of Barbados, the competent authority of Barbados may pay the difference between the amount of United Kingdom invalidity benefit payable and the amount of Barbados invalidity benefit payable if the latter is greater.

Retirement Pension and Widows' Benefit

(1) Subject to the provisions of paragraphs (2) to (4), where a person is entitled to a basic retirement pension under the legislation of any part of either Party otherwise than by virtue of this Convention, that pension shall be payable and Article 16 shall not apply under that legislation.

(2) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of Great Britain, Northern Ireland or the Isle of Man, shall also be entitled to have any Category A retirement pension entitlement calculated in accordance with Article 16.

(3) Notwithstanding paragraph (1), a person entitled to a Category B retirement pension under the legislation of Jersey or Guernsey shall also be entitled to have any Category A retirement pension entitlement calculated in accordance with Article 16. Such a person shall be entitled to receive only the benefit of her choice.

(4) Entitlement to a retirement pension in the circumstances referred to in paragraph (1) shall not preclude the competent authority of any part of either Party from taking into account in accordance with paragraph (3) of Article 16 insurance periods completed under the legislation of any part of either Party.

ARTICLE 16

Pro-Rata Pensions

(1) Subject to the provisions of Articles 17 to 20, the provisions of this Article shall apply for the purpose of determining entitlement to retirement pension, including any increase for dependants, in respect of a person under the legislation of any part of either Party under which there is no entitlement in respect of that person in accordance with the provisions of Article 15.

(2) In accordance with the provisions of Article 11, the competent authority of any part of either Party shall determine:

(*a*) the amount of the theoretical pension which would be payable if all the relevant insurance periods completed under the legislation of both Parties had been completed under its own legislation;

(*b*) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed under the legislation of that part of either Party bears to the total of all the relevant insurance periods completed under the legislation of both Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable by the competent authority.

(3) For the purpose of the calculation in paragraph (2):

(*a*) where all the insurance periods completed by any person under the legislation of:

(i) either Great Britain, Northern Ireland or the Isle of Man amount to less than one reckonable year or, as the case may be, one qualifying year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 50 weeks, or

(ii) Jersey amount to less than an annual contribution factor of 1.00, or

(iii) Guernsey amount to less than 50 weeks,

those periods shall be treated as if they had been completed under the legislation of any other part of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or, where two such pensions are or would be payable, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater amount. Where no such pension is or would be payable by any other part of the United Kingdom, the periods shall be treated as if they had been completed under the legislation of Barbados;

(*b*) where all the insurance periods completed by any person under the legislation of Barbados amount to less than 50 weeks those periods shall be treated as if they had been completed under the legislation of that part of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or where such a pension is or would be payable under the legislation of two or more parts of the United Kingdom, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater or greatest amount.

ARTICLE 17

Insurance Periods to be taken into Account

For the purpose of applying the provisions of Article 16 the competent authority of the United Kingdom shall take account only of insurance periods completed under the legislation of either Party which would be taken into account for the determination of pensions under the legislation of the United Kingdom if they were completed under that legislation and shall, where appropriate, take into account in accordance with that legislation, insurance periods completed by a spouse or former spouse as the case may be.

ARTICLE 18

Overlapping Periods

For the purpose of applying the provisions of Article 16:

(*a*) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of the latter Party under paragraph (2) of Article 16 shall be increased by the amount by which the pension payable under the legislation of that Party would have been increased if all voluntary contributions paid under that legislation had been taken into account;

(*b*) where a contribution period, other than a voluntary contribution period, completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, only the contribution period shall be taken into account;

(*c*) where an equivalent period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, account shall be taken only of the equivalent period completed under the legislation under which the insured person was last insured before the day when the periods in question began or, if he was never insured before that day, under the legislation under which he first became insured after the day when the periods in question ended;

(*d*) where a compulsory contribution period completed under the legislation of one Party coincides with a compulsory contribution period completed under the legislation of the other Party, each Party shall take into account only the compulsory contribution period completed under its own legislation;

(*e*) where a voluntary contribution period completed under the legislation of one Party coincides with a voluntary contribution period completed under the legislation of the other Party, each Party shall take into account only the voluntary contribution period completed under its own legislation;

(*f*) where it is not possible to determine accurately the period of time in which certain insurance periods were completed under the legislation of one Party, such insurance periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other Party and shall be taken into account to the best advantage of the beneficiary.

ARTICLE 19

Benefits to be Excluded

For the purpose of applying the provisions of Article 16, no account shall be taken of the following benefits payable under the legislation of Great Britain, Northern Ireland or the Isle of Man:

(*a*) any additional pension payable;

(*b*) any graduated retirement benefit payable by virtue of any graduated contributions paid before 6 April 1975;

(*c*) any increase of benefit payable by virtue of deferred retirement or deferred entitlement;

(*d*) any invalidity allowance payable;

but any such benefits shall be added to the amount of any benefit payable under that legislation in accordance with paragraph (2) of Article 16.

ARTICLE 20

Pre-Scheme Contributions

For the purpose of applying the provisions of this Convention, no account shall be taken under the legislation of Barbados of any contribution paid or credited under the legislation of the United Kingdom for any period before 5 June 1967.

ARTICLE 21

Non-Simultaneous Entitlement

Where a person does not simultaneously satisfy the conditions for entitlement to a retirement pension under the legislation of both Parties, his entitlement from each Party shall be established as and when he satisfies the conditions applicable under the legislation of that Party, taking account, where appropriate, of the provisions of Article 16.

ARTICLE 22

Widow's Benefit

(1) The provisions contained in Articles 15 to 21 shall also apply, with such modifications as the differing nature of the benefits shall require, to widow's benefit.

(2) Where widow's benefit would be payable under the legislation of the United Kingdom if a child were in the territory of the United Kingdom, it shall be payable while the child is in the territory of Barbados.

ARTICLE 23

Benefits for Industrial Accidents and Industrial Diseases

(1) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 7 to 10, he shall be treated under that legislation for the purpose of any claim for benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of the latter Party. Where benefit would be payable in respect of that claim if the person were in the territory of the latter Party, it shall be payable while he is in the territory of the former Party.

(2) Where a person leaves the territory of one Party to go in the course of his employment to the territory of the other Party but before he arrives in the latter territory sustains an accident, then, for the purpose of any claim for benefit in respect of that accident:

(*a*) the accident shall be treated as if it had occurred in the territory of the Party whose legislation applied to him at the time the accident occurred; and

(*b*) his absence from the territory of that Party shall be disregarded in determining whether his employment was as an employed person under that legislation.

(3) Where because of a death resulting from an industrial accident or an industrial disease, a benefit would be payable under the legislation of one Party in respect of a child if that child were in the territory of that Party, that benefit shall be payable while the child is in the territory of the other Party.

ARTICLE 24

Dual Attribution and Aggravation of an Industrial Disease

(1) Where a person contracts an industrial disease, after having been employed in the territories of both Parties in an occupation to which, under the legislation of both Parties, the disease may be attributed and he would be entitled to receive benefit in respect of that disease under the legislation of both Parties, whether by virtue of this Convention or otherwise, the benefit shall be payable only under the legislation of the Party in whose territory he was last employed in that occupation before the disease was diagnosed.

(2) Where a person has suffered an aggravation of an industrial disease for which benefit has been paid in accordance with paragraph (1), the following provisions shall apply:

(*a*) if the person has not had further employment in an occupation to which the disease or the aggravation may be attributed, or has had such employment

only in the territory of the Party under whose legislation benefit has been paid, any additional benefit to which he may become entitled as a result of such aggravation shall be payable only under that legislation;

(*b*) if the person makes a claim under the legislation of the Party in whose territory he is employed on the ground that he has suffered an aggravation of the disease while he was employed in the territory of that Party in an occupation to which, under the legislation of that Party, the aggravation may be attributed, the competent authority of that Party shall be liable to pay benefit only in respect of the aggravation as determined under the legislation of that Party.

ARTICLE 25

Dual Entitlement

(1) Where, but for the provisions of this Article, and subject to Article 24(2)(*b*), a person would have been entitled to any benefit payable in respect of an industrial accident or an industrial disease under the legislation of both Parties, that benefit shall be payable only under the legislation of the Party in whose territory the person was last employed.

(2) A person shall not be entitled, whether by virtue of this Convention or otherwise, to receive sickness benefit, invalidity benefit or maternity allowance under the legislation of the United Kingdom, or industrial injury benefit under the legislation of Guernsey, for any period during which he is entitled to any benefit, other than a pension, under the legislation of Barbados in respect of incapacity for work which results from an industrial accident or an industrial disease.

ARTICLE 26

Orphan's Benefit

(1) In relation to the territory of the United Kingdom, "Party" in this Article shall mean Great Britain, Northern Ireland, the Isle of Man and Guernsey.

(2) Where orphan's benefit would be payable to a person under the legislation of one Party if that person, or the orphan for whom the benefit is claimed, were in the territory of that Party, it shall be paid while that person, or the orphan, is in the territory of the other Party as if he were in the territory of the former Party.

ARTICLE 27

Child Benefit

(1) Subject to the provisions of paragraph (2), where a person is present or resident in the territory of Barbados and the legislation of Great Britain, Northern Ireland, the Isle of Man or Jersey applies to him in accordance with any of the Articles 6 to 10, he or his spouse residing with him shall be treated for the purpose of any claim for child benefit under that legislation:

(*a*) as if he were present or resident, as the case may be, in the territory of Great Britain, Northern Ireland, the Isle of Man or Jersey, and

(*b*) as if any child of his family, or any child for whom he is responsible, were present or resident, as the case may be, in the territory of Great Britain,

Northern Ireland, or the Isle of Man if the child is present or resident, as the case may be, in the territory of Barbados.

(2) In the case of Jersey, family allowance shall be paid only in respect of a child who is ordinarily resident in Jersey.

ARTICLE 28

Death Grant under the Legislation of Jersey, Guernsey or Barbados

(1) "Party" in this Article shall mean Jersey, Guernsey or Barbados.

(2) Where a person dies in the territory of Jersey, Guernsey or Barbados, his death shall be treated, for the purpose of any claim for a death grant under the legislation of one Party, as if it had occurred in the territory of that Party.

(3) Where there would otherwise be entitlement to death grant under the legislation of both Parties, whether by virtue of this Convention or otherwise:

(*a*) the grant shall be payable only under the legislation of the Party in whose territory the death occurs; or

(*b*) if the death does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the person on whose insurance the right to the grant is determined was last insured before the death.

ARTICLE 29

Recovery of Advance Payments and Overpayments of Benefit

(1) Where a competent authority of one Party has made a payment of any benefit to a person for any period, or event, in advance of the period, or event, to which it relates or has paid him any benefit for a period, or event, whether by virtue of this Convention or otherwise, and the competent authority of the other Party afterwards decides that the person is entitled to benefit for that period, or event, under its legislation, the competent authority of the latter Party, at the request of the competent authority of the former Party, shall deduct from the benefit due for that period, or event, under its legislation any overpayment which, by virtue of the provisions of this Convention, results from the advance payment of benefit or from the benefit paid by the competent authority of the former Party and shall, where appropriate, transmit this sum to the competent authority of the former Party.

(2) Where a person has received social assistance under the legislation of Great Britain, Northern Ireland or the Isle of Man for a period for which that person subsequently becomes entitled to any benefit under the legislation of Barbados, the competent authority of Barbados, at the request of and on behalf of the competent authority of Great Britain, Northern Ireland or the Isle of Man, shall withhold from the benefit due for that period the amount by which the social assistance paid exceeded what would have been paid had the benefit under the legislation of Barbados been paid before the amount of social assistance was determined, and shall transmit the amount withheld to the competent authority of Great Britain, Northern Ireland or the Isle of Man.

PART V

MISCELLANEOUS PROVISIONS

ARTICLE 30

Arrangements for Administration and Co-operation

(1) The competent authorities of the two Parties shall establish the administrative measures necessary for the application of this Convention.

(2) The competent authorities of the two Parties shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Convention or about changes in their national legislation in so far as these changes affect the application of the provisions of this Convention.

(3) The competent authorities of the two Parties shall establish liaison offices for the purpose of facilitating the implementation of the provisions of this Convention.

(4) The competent authorities of the two Parties shall assist one another on any matter relating to the application of this Convention as if the matter were one affecting the application of their own legislation. This assistance shall be free of charge.

(5) Where any benefit is payable under the legislation of one Party to a person in the territory of the other Party, the payment may be made by the competent authority of the latter Party, at the request of the competent authority of the former Party, and the former Party shall reimburse the latter Party.

(6) Where a person who is in the territory of one Party has claimed, or is receiving, benefit under the legislation of the other Party and a medical examination is necessary, the competent authority of the former Party, at the request of the competent authority of the latter Party, shall arrange for this examination. The cost of such examination shall be met by the competent authority of the former Party.

(7) Where the legislation of one Party provides that any certificate or other document which is submitted under the legislation of that Party shall be exempt, wholly or partly, from any taxes, legal dues, consular fees or administrative charges, that exemption shall apply to any certificate or other document which is submitted under the legislation of the other Party or in accordance with this Convention.

(8) All statements, documents and certificates of any kind required to be produced for the purposes of this Convention shall be exempt from authentication by diplomatic or consular authorities.

(9) Unless disclosure is required under the legislation of a Party, any information about an individual which is sent in accordance with, and for the purposes of, this Convention to that Party by another Party is confidential and shall be used only for the purpose of implementing this Convention and the legislation to which this Convention applies.

ARTICLE 31

Submission of Claim or Appeal

(1) Any claim or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the competent authority of that Party, shall be treated as if it had been submitted to that competent authority if it is submitted within the same period to the competent authority of the other Party.

(2) Any claim for benefit submitted under the legislation of one Party shall also be deemed to be a claim for the corresponding benefit under the legislation of the other Party in so far as this corresponding benefit is payable in accordance with this Convention.

ARTICLE 32

Currency and Method of Payment

(1) Where the competent authority of the United Kingdom makes a payment of any benefit in accordance with the provisions of this Convention, any such payment shall be made in the currency of the United Kingdom and shall constitute a full discharge of the obligation in respect of which the payment has been made.

(2) Where the competent authority of Barbados makes a payment of any benefit in accordance with the provisions of this Convention any such payment shall be made in the following currency—

(*a*) in respect of a beneficiary resident in Barbados, in the currency of Barbados;

(*b*) in respect of a beneficiary resident in the United Kingdom, in the currency of the United Kingdom;

(*c*) in respect of a beneficiary resident in a third State, in a currency freely convertible in that State,

and shall constitute a full discharge of the obligation in respect of which the payment has been made.

(3) In the application of paragraphs (2)(*b*) and (*c*), the conversion rate shall be the rate of exchange in effect on the day when the payment is made.

(4) Where a person in the territory of one Party, is receiving benefit under the legislation of the other Party, it shall be payable by whatever method the competent authority of the latter Party deems appropriate.

ARTICLE 33

Resolution of Disputes

(1) The competent authorities of the two Parties to this Convention shall make all reasonable efforts to resolve through agreement between them any dispute about its interpretation or application.

(2) If any dispute cannot be resolved as in paragraph (1) it shall be submitted, at the request of the competent authority of either Party, to an arbitration tribunal which shall be composed in the following manner:

(*a*) each Party shall appoint an arbitrator within one month from receipt of the demand for arbitration. The two arbitrators shall appoint a third arbitrator, who shall not be a national of either Party, within two months from the date on which the Party which was the last to appoint its arbitrator has notified the other Party of the appointment;

(*b*) if within the prescribed period either Party should fail to appoint an arbitrator, the other Party may request the President of the International Court of Justice or, in the event of his having the nationality of one of the Parties, the Vice-President or next senior judge of that Court not having the nationality of either Party, to make the appointment. A similar procedure shall be adopted at the request of either Party if the two arbitrators cannot agree on the appointment of the third arbitrator.

(3) The decision of the arbitration tribunal, which shall be binding on both Parties, shall be by majority vote. The arbitration tribunal shall determine its own rules of procedure, and its costs shall be borne equally by the two Parties.

PART VI

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 34

Prior Acquisition of Rights

(1) No provision of this Convention shall diminish any rights or benefits which a person has properly acquired under the legislation of any part of either Party before the date of entry into force of this Convention.

(2) Any rights in course of acquisition at the date of entry into force of this Convention shall be settled in accordance with the provisions of this Convention.

(3) Benefit, other than lump sum payments, shall be payable in accordance with the provisions of this Convention in respect of events which happened before the date of its entry into force, except that an accident which occurred or a disease which developed before that date shall not, solely by virtue of this Convention, be treated as an industrial accident or an industrial disease if it would not have been so treated under any legislation or Convention having effect at the time of its occurrence or development. For the purpose of determining claims in accordance with this Convention, account shall be taken, where appropriate, of insurance periods and periods of residence, employment or presence, completed before the date of its entry into force.

(4) Paragraph (3) shall not confer any right to receive payment of benefit for any period before the date of entry into force of this Convention.

(5) For the purpose of applying the first sentence of paragraph (3);

(*a*) any right to benefit already acquired may, at the request of the person concerned be determined afresh in accordance with the provisions of this Convention with effect from the date of entry into force of this Convention, provided that the request has been made within two years of the date it enters into force and, if applicable, benefit awarded at the higher rate from the latter date;

(*b*) where the request for the benefit to be determined afresh is made more than two years after the date of entry into force of this Convention payment of benefit, and the payment of any arrears, shall be made in accordance with the legislation concerned.

(6) Where, under the legislation of Barbados, an old age contributory grant was paid before the date of entry into force of this Convention and where subsequent entitlement to a corresponding pension is established through the application of Article 16, the competent authority of Barbados may deduct from any benefit payable in the form of a pension any amount previously paid in the form of a grant.

ARTICLE 35

Ratification

This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

ARTICLE 36

Life of the Convention

This Convention shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six months' notice in writing to the other Party.

ARTICLE 37

Rights on Termination of this Convention

In the event of the termination of this Convention, when no new Convention has been agreed, any right to benefit acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any other rights then in course of acquisition by virtue of those provisions.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Convention.

Done in duplicate at London this 7th day of January 1992

For the Government of the United Kingdom of Great Britain and Northern Ireland:

Mark Lennox-Boyd

For the Government of Barbados:

Sir William Douglas

PROTOCOL CONCERNING HEALTH CARE

At the time of signing the Convention on Social Security concluded this day between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Barbados, hereinafter referred to as "the Convention", the undersigned, duly authorised thereto by their respective Governments:

Desirous of providing residents in the territory of Barbados and the United Kingdom during a temporary stay in the territory of the other Party with immediately necessary medical treatment

Have agreed as follows:

ARTICLE 1

(1) For the purpose of this Protocol:

(*a*) "medical treatment" means:

(i) in relation to the United Kingdom and to the Isle of Man, treatment by services provided under national health legislation, administered by health authorities or by the Isle of Man Department of Health and Social Security respectively;

(ii) in relation to the Island of Jersey, hospital medical and nursing services, including dental, opthalmic and pharmaceutical services provided by the Public Health Committee of the States of Jersey;

(iii) in relation to the Islands of Guernsey, Alderney, Herm, Jethou and Sark, hospital treatment provided by the Board of Health of the States of Guernsey;

(iv) in relation to Barbados, health services provided by the Ministry of Health.

(*b*) "resident" means:

(i) in relation to the United Kingdom and the Isle of Man, a person who is ordinarily resident in the United Kingdom or the Isle of Man who holds either a valid United Kingdom passport including a passport issued by the Isle of Man or as appropriate one of the following:

a National Health Service Medical Card in the case of Great Britain and the Isle of Man

a Health Service Medical Card in the case of Northern Ireland;

(ii) in relation to the Island of Jersey, a person who is ordinarily resident in that island who holds a valid United Kingdom passport or a certificate issued by the Social Security Committee of the States of Jersey;

(iii) in relation to the Islands of Guernsey, Alderney, Herm, Jethou and Sark, a person who is ordinarily resident in one of those islands who holds either a valid United Kingdom passport or proof of insurance issued by the Social Security authority of the States of Guernsey or other proof of residence;

(iv) in relation to Barbados a person who is ordinarily resident in that Island who holds a Barbados passport, or a Barbados identification card.

(*c*) "territory" means:

(i) in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and also the Isle of Man, the Island of Jersey, and the Islands of Guernsey, Alderney, Herm, Jethou and Sark;

(ii) in relation to Barbados, the Island of Barbados.

(2) Other expressions have the same meaning as in the Convention.

ARTICLE 2

(1) When a resident of either Party needs immediate medical treatment during his temporary stay in the territory of the other Party, he shall be entitled, on production of valid documentation, to receive such medical treatment as is considered for clinical reasons to be immediately necessary, on terms no less favourable than apply to a person ordinarily resident in that territory. The authorities of that territory shall bear all costs arising therefrom apart from charges normally paid by residents of that territory.

(2) The provisions of paragraph (1) shall not apply to a resident of the one territory who goes to the territory of the other Party for the specific purpose of obtaining medical treatment under this Protocol unless the person seeking treatment is a member of the crew or passenger on any ship, vessel or aircraft travelling to or from or diverted to the territory of one of the Parties and the need for the treatment arose during the voyage or flight.

ARTICLE 3

(1) The competent authorities for the implementation of this Protocol are:

(*a*) in relation to the United Kingdom, the Department of Health;

(*b*) in relation to the Isle of Man, the Isle of Man Department of Health and Social Security;

(*c*) in relation to Jersey, the Public Health Committee of the States of Jersey;

(*d*) in relation to Guernsey, Alderney, Herm, Jethou and Sark, the Board of Health of the States of Guernsey;

(e) in relation to Barbados, the Ministry of Health.

(2) The Parties shall send to each other as soon as possible details of any changes in laws or regulations operating in their respective territories which may significantly affect the nature and scope of services provided under Article 2.

ARTICLE 4

This Protocol shall enter into force at the same time as the Convention and shall form an integral part of the Convention.

In witness whereof, the undersigned duly authorised thereto by their respective Governments, have signed this Protocol. Done in duplicate at London this 7th day of January 1992

For the Government of the United Kingdom of Great Britain and Northern Ireland:	For the Government of Barbados:
Mark Lennox-Boyd	*Sir William Douglas*

EXPLANATORY NOTE

(This note is not part of the Order.)

This order makes provision for the modification of the Social Security (Northern Ireland) Act 1975 and Part II of the Child Benefit (Northern Ireland) Order 1975 to give effect to the Convention on Social Security made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Barbados on 7th January 1992 and set out in the Schedule. A Protocol concerning health care forms an integral part of the Convention.

The Convention provides for reciprocity in sickness benefit and maternity allowance, maternity grant and death grant (under the legislation of Jersey, Guernsey and Barbados only), invalidity benefit, retirement pension and widow's benefit, benefits for industrial accidents and industrial diseases, orphan's benefit and child benefit.