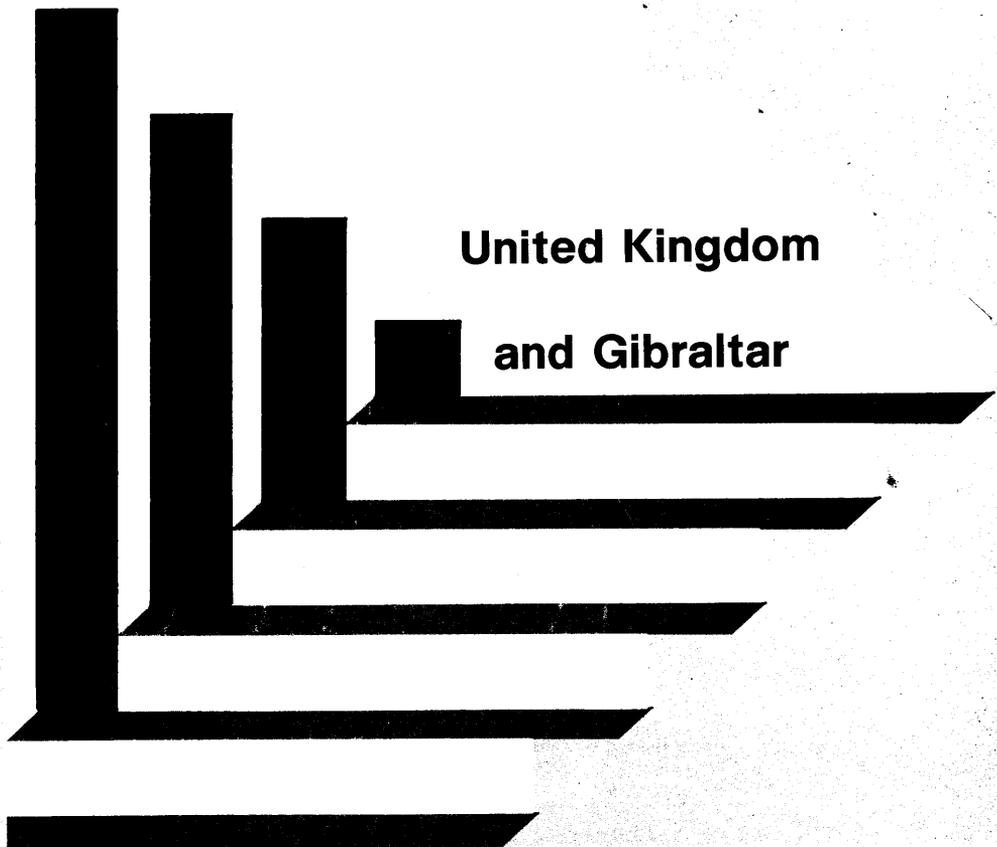


EUROPEAN COMMUNITIES

Social security for migrant workers



CEC. 1/71 A

Guide

**Guide concerning the rights
and obligations with regard
to social security of persons going to work in
the United Kingdom of Great Britain and
Northern Ireland including Gibraltar**

**In your own interest
READ THIS GUIDE CAREFULLY!**

New edition

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This guide gives only general guidance.

It must not be treated as a complete and authoritative statement on the law in any particular case.

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A.

**Great Britain and Northern
Ireland**

Introduction

1. The United Kingdom social security schemes include the National Insurance Scheme, which provides cash benefits for sickness, unemployment, widowhood and retirement etc. and which are in the main subject to insurance contributions being paid; the National Health Service which provides medical, dental and optical treatment and which is normally available to people who live in Britain and Northern Ireland; and the Child Benefit Scheme which provides a cash benefit for children.

National Insurance contributions

2. Contributions are divided into four classes.

(a) As an employee you will pay Class I contributions if your earnings are above a lower limit. Your contributions will be a percentage of your weekly earnings up to a higher limit and will be deducted from your pay.

(b) If you are self-employed within the meaning of United Kingdom law you must pay Class 2 contributions. Class 2 contributions are payable at a flat rate. You may either stamp a card obtainable from the Department of Health and Social Security or pay through your bank account. If your profits or gains are above a certain level you may also be liable for Class 4 contributions. Class 4 contributions are normally assessed and collected by the Inland Revenue; they do not count for benefit purposes.

(c) Class 3 contributions are voluntary and only count towards basic retirement pension, basic widow's pension, child's special allowance and death grant. They can be paid if you are not liable for contributions or you have been excepted from paying Class 2 contributions or if your contribution record is not good enough to qualify for the benefits listed above. They are paid at a flat rate.

(d) Special rules apply to certain people, including some married women, widows, people with very low earnings, seafarers and air-men.

Further information and leaflets giving the current rates of contributions are available from social security offices.

Credits

3. There are provisions for crediting contributions to a person's insurance record, for example for periods when he is unable to work because of sickness or he is unemployed. There are also arrangements to enable certain persons, for example women who are widowed or divorced, and students, to qualify for benefits more quickly than they would otherwise do if they had to rely solely on their own contribution records.

How to register

4. When you take up work you are required to register under the National Insurance Scheme. You should go to the local office of the Department of Health and Social Security or in Northern Ireland to the local social security office of the Department of Health and Social Services. If you are under 18 years of age you should go to the local careers office. The addresses of all these offices are available at the local post office. You will be issued with a national insurance number which you should quote whenever you claim benefit to enable the department to identify your insurance record and pay you promptly.

Benefits — general

5. Cash benefits under the United Kingdom National Insurance Scheme depend on your contribution record. A minimum amount of contributions must have been paid before you are entitled to full benefits. Entitlement to medical treatment, including dental and optical treatment, does not depend upon national insurance contributions, and in the case of residence in Great Britain is provided under the National Health Service and in Northern Ireland under the Health Service.

6. To qualify for cash benefits for sickness, maternity or unemployment you must satisfy both the following contribution conditions:

(a) you must have paid contributions amounting to 25 times the Class 1 contribution on the lower limit of weekly earnings (see paragraph 2) in any income tax year starting on or after 6 April 1975;

(b) to qualify for benefits at the full standard rate you must have paid or been credited with contributions amounting to 50 times the Class 1 contribution on the lower limit of weekly earnings (see paragraph 2) in the income tax year (6 April to 5 April) which ended before the beginning of the year (first Sunday in January in one year to the Saturday before the first Sunday in January of the following year) in which the claim is made. (For example if you claim cash sickness benefit in June 1983 then your claim will be based on the contributions you paid in the income tax year 6 April 1981 to 5 April 1982.) Reduced rates of benefit may be payable where you have paid or been credited with less than 50 times but at least 25 times the Class 1 contribution on the lower limit of weekly earnings (see also paragraphs 15 and 50).

Your contributions in other Member States in the relevant period may be taken into account to satisfy these conditions.

7. Entitlement to pensions for old age and widowhood depends on your insurance record in all the Member States in which you have worked.

8. Class 2 contributions (see paragraph 2) may be used to satisfy the contribution conditions for cash benefits, that is, sickness, maternity, widows' and retirement benefits but not for unemployment benefit.

It is important to claim benefit quickly as delay may cause loss of benefit.

Medical services

9. Free family doctor and hospital services are provided for you and the members of your family who are with you according to medical need, without any national insurance qualification if you are employed or seeking work in or are ordinarily resident in the United Kingdom. You will normally have to pay some charges towards the cost of medicines, dental services, and certain appliances and the full cost of spectacles, although some persons are exempt from some or all of these charges. Leaflets describing the grounds for these exemptions are available at post offices, local social security offices etc. Nearly all doctors and opticians and many dentists take part in the National Health Service.

10. If you are aged 16 or over you may choose your own doctor and ask to be put on his list of National Health Service patients. You are free to change your doctor if your doctor agrees, or if either he or you change address, or on application to the Family Practitioner Committee in Great Britain (the address may be obtained from the main post office, the local library or the local Citizen's Advice Bureau) or in Northern Ireland the Central Services Agency, 27 Adelaide Street, Belfast BT2 8FH. In cases of emergency, any doctor practising under the National Health Service will provide treatment if your own doctor is not available.

11. You may choose at any time any dentist or optician who takes part in the National Health Service. As doctors, dentists and opticians taking part in the National Health Service are free to treat patients privately and to charge them accordingly, you should ensure that the practitioner is willing to treat you under the National Health Service.

12. If you need hospital treatment or to consult a specialist your doctor will arrange it for you and no charge will be made. In an emergency, you may be admitted directly to a hospital.

Medical services in another Member State

13. If you are insured in the United Kingdom but staying or residing in another Member State, you and your family may be entitled to health services from the sickness scheme there.

In case of temporary stay (holidays, business trips, etc.) you should obtain leaflet SA 30 from the local social security office.

Sickness benefit

Statutory sick pay (SSP)

14. Most people who work for an employer are entitled to statutory sick pay (SSP) from that employer for periods when illness makes them incapable of work. SSP is paid instead of sickness benefit and sickness benefit cannot be paid for periods when an employer is liable to pay SSP. Your employer is liable to pay SSP for a maximum of 8 weeks in a tax year or in a period of incapacity which spans 2 tax years. You do not have to make a formal

claim for SSP but your employer should have rules about how and when you are to notify him of your illness and the kind of evidence of your illness he will require before he pays you SSP. You should find out what these rules are — if you do not follow them you could lose some SSP. Payment of SSP is made at one of 3 rates depending on what your average earnings were in a period before your illness. If you are still sick when your employer's liability to pay you SSP comes to an end you will be able to claim State sickness benefit from the Department of Health and Social Security (see paragraphs 15 to 18).

Certain people who work for an employer are not covered by the SSP scheme e.g. those over retirement pension age (65 for men; 60 for women) and they may claim State sickness benefit.

State sickness benefit

15. You can claim cash sickness benefit when you are incapable of work because of illness or disability if the period of your illness is four days or more and you are not entitled to payment of SSP from an employer for that period (see paragraph 14).

No benefit is payable for the first three days of incapacity and the contribution conditions are as described in paragraphs 6 and 7. Leaflets giving the current rates of benefits are available from social security offices.

Periods of insurance, residence or employment as appropriate, completed in other Member States may be used to help you satisfy the contribution conditions.

Increases for your dependants

16. You may claim an increase for one adult dependant (either a wife, a husband or a woman having care of your child(ren)).

If your wife is living in another Member State you should send form E 105, which you should obtain from the sickness insurance institution of the Member State in which she lives, with your claim.

How to claim

17. (a) if you do not work for an employer

You should complete a form SC1 available from doctors' surgeries, hospitals or social security offices. In Great Britain this form should be sent without delay to your local social security office or in Northern Ireland to the Department of Health and Social Services, Castle Buildings, Stormont, Belfast BT4 3SF. If your illness lasts more than seven days you should obtain a medical statement from the doctor or hospital treating you and send it to the address to which your form SC1 was dispatched. The doctor will indicate on the statement how long in his opinion you should refrain from work.

17. (b) if you work for an employer

When your employer's liability to pay you SSP ends or if you are excluded from the SSP scheme, he will send you a form explaining why he is not paying you SSP. This form includes a claim form for sickness benefit. Fill it in and send the whole form quickly to your local social security office. Attach it to any doctor's statements you may have and continue to get and send doctor's statements regularly as long as you are too sick to work.

18. Payment of cash sickness benefits will usually be made by giro-cheque, which may be cashed at any post office or paid into a bank.

Payment of sickness benefit in other Member States

19. It may be possible for you to receive United Kingdom cash sickness benefit in another Member State if you are insured under the United Kingdom scheme and:

— you fall sick in another Member State; or

— if you were already receiving cash sickness benefit before you left the United Kingdom and have the agreement of either the Department of Health and Social Security or the Department of Health and Social Services (Northern Ireland) that benefit may continue.

20. If you fall sick while you are in another Member State and you are not entitled to SSP from an employer you must apply within three days to the sickness insurance institution in that State. You should produce a doctor's statement with your claim and submit to any control procedures required by the institution.

If you are receiving United Kingdom sickness benefit and intend going to another Member State you should ask the office which pays the benefit for advice well before your date of departure.

Invalidity pension and allowance

21. Invalidity pension normally replaces sickness benefit after you have received it for 168 days (not counting Sundays) and is payable only if you remain incapable of work.

The basic invalidity pension is paid at the same rate to everyone. You may also be entitled to an additional pension if you have paid Class I contributions as an employee. The rate of the additional pension will depend on the value of the Class I contributions you have paid since 1978 as the additional pension is earnings-related.

Invalidity allowance is payable in addition to invalidity pension on a sliding scale according to your age on the first day on which your incapacity started. It is not payable if that day was on or after your 60th birthday (55th for a woman).

22. If you have been insured at any time in Denmark, Germany, Greece (except under the agricultural insurance scheme), Italy or Luxembourg or under the French miners' insurance scheme, or are receiving sickness benefit or an invalidity pension from one of these countries, you may be entitled to the invalidity benefits of this other Member State and the invalidity pension of the United Kingdom at the same time. In these circumstances you should inform Overseas Branch — see paragraph 70 for the address. The amount payable to you will be calculated in accordance with the method explained in Guide No 1 on the Community Regulations.

23. If you have previously been insured only in Belgium and/or in France (other than under the French miners' scheme), and/or in the Greek agricultural insurance scheme, and/or in Ireland, and/or in the Netherlands, then you will normally be entitled to receive invalidity pension exclusively from the United Kingdom.

Increases for dependants

24. If you receive invalidity benefit only from the United Kingdom, it may be increased if you have a dependent spouse or housekeeper. An increase is also payable for your child(ren) provided there is entitlement to UK child benefit (see paragraph 63) for the children. If, however, you receive an invalidity pension from another Member State (see paragraph 22), then special rules apply. Information on these rules may be obtained from the addresses given in paragraph 69.

How to claim and method of payment

25. Entitlement to invalidity benefit will be considered without a further claim when you have received sickness benefit for 168 days but you should continue to submit a doctor's statement as for sickness benefit (see paragraph 16).

Benefit is payable by girocheque or by order book which may be cashed at any post office.

Severe disablement allowance

26. The conditions for the payment of severe disablement allowance apply equally to men and women. If you are 16 or over and under 35 or 50 and over but under 65 (men) or 60 (women), and do not satisfy the contribution conditions for sickness or invalidity benefit, you may be entitled to severe disablement allowance. (Persons aged 35 but under 50 may not qualify until November 1985). You need to have been continuously incapable of work for 28 weeks (including Sundays). If your incapacity arose after your 20th birthday you will also have to be assessed at not less than 80% disabled for 28 weeks continuously. You must be living in the United Kingdom on the first day of entitlement to severe disablement allowance and have been in the United Kingdom for at least 24 weeks in the qualifying period of 28 weeks and have been resident there for at least 10 years in the last 20. In certain circumstances residence in another Member State may be taken into account to satisfy the residence condition. SDA may be payable after pension age in certain circumstances. Further details are given in a leaflet available at social security offices.

27. If you intend to go to stay or to live in another Member State, you should consult the office from which you receive severe disablement allowance well in advance of departure so that arrangements can be made for the continued payment of your allowance.

Maternity grant and maternity allowance

Maternity grant

28. Maternity grant is non-contributory and is a lump sum payable to mothers who have been present in Great Britain or Northern Ireland for periods amounting in total to more than 182 days in the 52 weeks immediately preceding the date of confinement (or expected week of confinement). If a claim is made before confinement then the mother must be present in Great Britain or Northern Ireland on the date of her claim (unless at the date of the claim she is a serving member, or the wife of a serving member, of the Forces, and she is residing with him). In certain circumstances periods abroad can count towards the 'more than 182 days' presence test. Claims supported by a doctor's or a midwife's certificate should be made to a local social security office or in Northern Ireland to the Central Benefits Branch of the Department of Health and Social Services any time after the 14th week before the baby is expected, but not later than three months after the actual date of confinement. Payment, which cannot be made earlier than 11 weeks before the expected week of confinement will be made by girocheque which may be cashed at any post office or paid into a bank. A leaflet explaining the payment conditions and giving the current amount of this benefit is available from social security offices.

Maternity allowance

29. Maternity allowance is paid to a woman usually for 18 weeks, starting 11 weeks before the expected week of confinement and is based on her insurance record alone. The contribution conditions are as described in paragraphs 6 and 7. Exceptionally, an increase may be paid with maternity allowance for her husband if he is incapable of self support. Claims supported by a doctor's or a mid-

wife's certificate should be made as in paragraph 16 as soon as possible after the 14th week before the baby is expected and not later than the 11th week before the expected birth, otherwise some benefit may be lost. The allowance will be paid in the form of a book of orders which can be cashed each week at a post office. Leaflets giving the current rates of benefits are available at social security offices.

Retirement pension

30. If you retire from regular work at 65 (60 if you are a woman) you may qualify for a retirement pension. At age 70 (65 if you are a woman) retirement pension may be payable whether or not you have retired. If you work and defer drawing your pension after age 65 (60 if you are a woman) you can earn an increased retirement pension.

31. To qualify for a basic retirement pension you must satisfy two contribution conditions:

(1) For any pension to be paid, you must either:

(a) have actually paid 50 flat-rate contributions at any time before 6 April 1975; or

(b) have paid contributions amounting to 50 times the Class 1 contribution on the lower limit of weekly earnings (see paragraph 2) in any one income tax year (6 April to 5 April) between 6 April 1975 and 5 April 1978 or 52 times the Class 1 contribution on the lower limit of weekly earnings in any one income tax year since 6 April 1978; and

(2) for a pension to be paid at the standard rate you must have paid or been credited with such a record in each of a required number of years of your working life.

If the number of years in which you have paid or been credited with such a record is less than the number required for a pension at the standard rate, you may be entitled to a pension at a proportionately reduced rate.

You may also be entitled to an additional, earnings-related pension if you have paid Class 1 contributions (see paragraph 2) in any tax year since April 1978 on earnings of more than 52 times

the weekly lower limit. The amount will depend on the number of years since April 1978 in which you have paid Class 1 contributions and your total earnings in each of these years.

Leaflets which explain the different parts of the retirement pension, how they are calculated and giving current rates of pension are available from social security offices.

Pensions for married women

32. If you are a married woman you can qualify for a pension in two ways. If you have paid full-rate contributions you can get a basic pension in the same way as a man or single woman (see paragraph 31) or you can get a basic pension on your husband's contributions in certain circumstances. You will normally only get a pension equivalent to the higher of the two pensions.

If your marriage has ended by death, divorce or annulment by the time you reach pension age you may be able to use your late/former spouse's contribution record to help you get a basic pension.

Leaflets explaining these arrangements are available from social security offices.

Insurance in more than one Member State

33. If you have been insured in more than one Member State you may be entitled to a pension from each of the States in which you have been insured (for details, see Guide No 1 on the Community Regulations).

Increases for dependants

34. If you receive a retirement pension only from the United Kingdom it may be increased if you have dependants in the same way as for invalidity benefit (see paragraph 24). Further details may be obtained from your local social security office. If, however, you also receive a pension from another Member State, then special rules apply. Information on these rules can be obtained from the addresses shown in paragraph 70.

How to claim

35. You will be invited to claim some four months before you reach retirement age (65 for a man, 60 for a woman). This claim can also be used for pensions that may be due under the schemes of other Member States. If you do not live in the United Kingdom you should submit your claim to the pension insurance institution of the Member State in which you live.

Payment

36. Your retirement pension can be paid weekly, in advance, by means of a book of orders which you can cash at the post office. Alternatively you may arrange for it to be paid quarterly or four-weekly directly into your bank. If you are in another Member State, a United Kingdom retirement pension will normally be paid to you either quarterly or four-weekly in arrears by a payable order negotiable through a bank.

People aged 80 or over

37. If you are aged 80 or over an age addition will be payable with your retirement pension. If you are 80 or over and have not qualified for, or qualified for only a very low rate of retirement pension, you can claim a non-contributory retirement pension for people over 80 subject to the satisfaction of certain residence conditions. A leaflet explaining these conditions is available at social security offices.

Widow's benefit

38. The types of widow's benefit are:

(a) Widow's allowance which is paid for the first 26 weeks of widowhood provided that either the widow was under 60 when her husband died, or he was not a retirement pensioner. If there are any children in the family, increases may be paid for them.

(b) Widowed mother's allowance which is payable when widow's allowance ends if the widow has at least one child under 19 living with her. A widow may be entitled to this benefit for herself even if she is not entitled to an increase for the child.

(c) Widow's pension which may be paid if:

— the widow has no entitlement to widowed mother's allowance when the 26 weeks widow's allowance period ends, provided that she was 40 or over when her husband died; or

— she is 40 or over when her entitlement to widowed mother's allowance ends.

An additional, earnings-related pension based on the late husband's contributions is payable with widow's pension or widowed mother's allowance. This is calculated in the same way as the additional pension payable with a retirement pension (see paragraph 31).

Subject to the satisfaction of the contribution conditions (see paragraph 39) if the widow is 50 or over when she first qualifies, the pension is payable at the full rate. Otherwise the weekly rate is reduced by 7% for each year she was below 50 when she first qualified ranging from 93% of the full rate if she was then 49, to 30% of the full rate if she was then 40. Leaflets giving the current rates of allowances and pension are available at social security offices.

39. The contribution conditions for these benefits, which can be satisfied only on the late husband's contributions are as follows:

(1) for widow's allowance, the late husband must either:

— have actually paid 25 contributions of any class at any time before 6 April 1975; or

— have actually paid contributions amounting to 25 times the Class 1 contribution on the lower limit of weekly earnings (see paragraph 2) in any one tax year (6 April to 5 April) since 6 April 1975.

(2) For widowed mother's allowance and widow's pension there are two contribution conditions similar to those for retirement pension outlined in paragraph 31 except that the conditions must be satisfied on the late husband's contributions, and the working life referred to is his.

40. If the late husband or, in some circumstances, the widow was also insured under the scheme of another Member State then the rules explained in Guide No 1 on the Community Regulations may apply to the calculation of the pensions from the United Kingdom and the other Member State.

How to claim

41. The widow may apply for any of the widow's benefits by completing the back of the death certificate issued by the Registrar of Births, Marriages and Deaths and taking or sending it to the local social security office. They will then provide her with a claim form which should be completed and returned urgently. This claim can also be used for pensions that may be due under the schemes of other Member States. If the widow does not live in the United Kingdom she should submit her claim to the pension insurance institution of the Member State in which she lives.

Payment

42. Widow's benefits are paid in the same way as retirement pensions (see paragraph 36).

Death grant

43. Death grant is a sum of money payable on the death of a male contributor, his wife or child, or on the death of a female contributor, her husband, or child; it may also be payable on the death of a handicapped person who has never been able to work, but no grant can be paid on the death of anyone who reached age 65 for a man or 60 for a woman before 5 July 1948. The contribution conditions are the same as those for widow's allowance (see paragraph 39) except that alternative (a) can be satisfied by credited contributions as well as those actually paid.

44. Periods of insurance or residence, as appropriate, completed under the social security legislation of another Member State may be included to satisfy these conditions provided you (or your wife/husband as appropriate) have become insured as an employed or self-employed person under the United Kingdom scheme since you or your wife last arrived in, or returned to, the United Kingdom.

How to claim

45. The grant should be claimed within six months of the date of death, initially by completing the back of the death certificate issued by the Registrar of Births, Marriages and Deaths and taking

or sending it to the local social security office. If you (or your wife/husband as appropriate) were previously insured in another Member State you should tell the local office accordingly. If the deceased person left a will, the grant is normally paid to the executors or administrators, otherwise it is paid to the person meeting the funeral expenses or to the next of kin.

Orphan's benefit

46. A guardian's allowance may be payable if you take an orphan into your family. The allowance is normally payable only in respect of an orphan both of whose parents are dead and for whom child benefit is payable. A leaflet giving more details is available at social security offices. Special rules apply if an orphan's pension is paid by another Member State. Information may be obtained from: DHSS, Overseas Branch as at paragraph 70.

47. A child's special allowance may be payable if you are a woman whose marriage has ended in divorce or annulment and if, on the death of your former husband, you have a child towards whose support he was contributing or was liable to contribute. It cannot be paid if you remarry. A leaflet giving more details is available at social security offices.

Unemployment benefit

48. Unemployment benefit is paid for up to 312 days (i.e. a year excluding Sundays) but only whilst you are unemployed, capable of work and registered as available to take a job. Only if you normally work for an employer are you covered by this benefit. A leaflet giving the current rates of benefit is available at social security offices.

Qualifying conditions

49. The contribution conditions are described in paragraph 6. Benefit is not paid for the first three days of any spell of unemployment, for holidays or for days on which you do not normally work. If you leave your job voluntarily without just cause or are dismissed for misconduct, you may be disqualified from receiving

benefit for up to six weeks. You will be disqualified if you have a part-time job which interferes with your availability for work.

50. Periods of insurance, residence or employment as appropriate completed under the social security scheme of another Member State may be used to help you satisfy the contribution conditions provided that you have become insured under the United Kingdom scheme (that is, normally you must have worked for an employer and there must have been liability for Class 1 contributions — see paragraph 2) since you last arrived in, or returned to, the United Kingdom. To enable such periods of insurance, residence or employment as appropriate to be counted you should submit form E 301 with your claim. If you were not given this form before you came to the United Kingdom, the office at which you make your claim (see Guide No 1 on the Community Regulations) will obtain it for you.

Increases for dependants

51. You may claim increases for your dependent spouse or housekeeper in the same way as for sickness benefit (see paragraph 16) except that if your dependant lives in another Member State you will need form E 302 which should be obtained from the unemployment institution of the Member State in which he or she lives.

How to claim and method of payment

52. If you are unemployed you should register in Great Britain at the local unemployment benefit office or in Northern Ireland at the local social security office on the first day of unemployment. If you are under 18 years of age you should go to the local careers office. The addresses of all these offices are available at the local post office. If a job is not immediately available you should claim benefit on the form provided and visit the appropriate office as directed as long as you remain unemployed. Benefit is paid fortnightly by girocheque which may be cashed at a post office.

Payment of United Kingdom benefit in another Member State

53. If you are receiving unemployment benefit from the United Kingdom and you wish to go to another Member State to look for

work there, please consult Guide No 1 on the Community Regulations for details of your rights and what you have to do to get benefit there. You should tell the office which pays your benefit as soon as you know the date you are leaving the United Kingdom.

Industrial injuries benefit

54. Industrial injuries benefits are payable if either you are unable to work as a result of an accident at work or because of one of the prescribed industrial diseases or you are able to work but have suffered a loss of faculty as a result of an accident at work or a prescribed disease. Entitlement to benefits does not depend on the amount of national insurance contributions you have paid, but is payable only if you normally work for an employer.

Benefit for an accident at work or for a prescribed disease

55. Sickness benefit becomes payable (after your entitlement to SSP has expired or if you are not entitled to SSP), whether or not you satisfy the contribution conditions if your incapacity for work is caused by an accident at work or is due to a prescribed disease. If you are still incapable of work due to the accident or disease after 28 weeks, you will become entitled to invalidity benefit (see paragraph 21).

How to claim

56. You should immediately notify your employer of any accident at work. Claims are made as for sickness benefit (see paragraph 16) but there is a special section on the form your employer will give you in which to indicate that the incapacity resulted from an industrial accident or prescribed industrial disease.

Payment

57. Benefits are paid by girocheque which may be cashed at a post office or paid into a bank.

United Kingdom sickness benefit in respect of an accident at work or a prescribed disease may continue to be paid to you if you go to stay in another Member State, or if, with the authority of the appropriate department, you return to, or go to live in, another

Member State. (Please consult Guide No 1 on the Community Regulations).

Disablement benefit

58. Disablement benefit is payable if, at the end of 15 weeks from the date of the accident at work, you are still suffering from a loss of faculty. If you are suffering from a prescribed disease, disablement benefit is payable from the end of the 15 weeks from the first day you are incapable of work due to the prescribed disease or 15 weeks from the first day on which you suffered a loss of faculty due to the disease. The amount of benefit depends on the extent of the disablement (that is, impairment of your ability to enjoy a normal life), as assessed by a medical board. The benefit is payable in addition to sickness or invalidity benefit if you remain incapable of work and continues to be payable when you return to work.

A leaflet giving the rates of benefit is available from social security offices. Increases payable with the benefit are:

- Special hardship allowance: to compensate for loss of earnings if, as a result of the injury or disease, you cannot return to your regular job or obtain work of an equivalent standard;
- Unemployability supplement: if you are permanently unfit for work as a result of the injury or disease;
- Constant attendance allowance: if you need someone to look after you and your disablement is 100%;
- Exceptionally severe disablement allowance: if you are receiving constant attendance allowance and your need for such attendance is likely to be permanent;
- Hospital treatment allowance: which raises your benefit to the rate for 100% disablement while you are in hospital and receiving treatment for the injury or disease.

How to claim

59. In Great Britain your claim should be made at the local social security office as soon as possible after the first signs of disablement appear. In Northern Ireland claims should be made to the Industrial Injuries Branch of the Department of Health and Social Services.

Payment

60. If your degree of disability is minor you will receive your disablement benefit in the form of a gratuity, that is a lump sum paid by girocheque, which may be cashed at a post office or paid into your bank account. If your disability is more severe you will receive a weekly pension paid by an order book. The orders may be cashed at a post office.

Disablement benefit, the allowances set out in paragraph 58, and industrial death benefits (see paragraph 62) are payable if you go to another Member State. You should consult the office from which you receive the benefit or allowance well in advance of your departure, to enable arrangements to be made for payment in another Member State and for you to receive medical benefits there.

Disablement caused by employment in more than one Member State

61. Special rules exist for the granting of benefit where an industrial disease has been contracted as a result of employment in more than one Member State and also where there has been an aggravation of that disease. If you think you might be affected by these rules, you should enquire of the appropriate office in paragraph 70.

Industrial death benefit for widows and other dependants

62. Industrial death benefit is a pension, allowance or gratuity for a death resulting from an industrial accident or disease. A widow receives an allowance for the first 26 weeks after her husband's death. Thereafter a lower rate of pension is paid according to circumstances. Additional allowances for children may be paid. For certain other dependants benefit may be paid according to the extent to which they were maintained by the deceased at the time of death. Claims, on the back of the death certificate issued by the Registrar of Births, Marriages and Deaths should be made to the local social security office. Pensions and allowances are paid in the same way as widow's pensions (see paragraph 42).

Child benefit

Qualifying conditions

63. Child benefits are a cash benefit payable if you are responsible for one or more children under age 16, or up to 19 if the child is in full-time education (but not if on a degree or other advanced course). There are no contribution conditions, but normally the following residence condition applies: you (or your husband or wife) and the child are in this country, and have lived there for more than 182 days in the past 52 weeks. If, however, you are working as an employed person in the United Kingdom, and are a national of a Member State, you may be entitled to child benefit immediately if the child(ren) are living in the United Kingdom or in another Member State.

If you are not yet working, you will need to satisfy the residence condition mentioned above. There are special rules if you receive family allowances or benefits from another Member State. For further information contact Child Benefit Branch — see paragraph 70 for the address.

Child benefits are payable in addition to the increases of invalidity benefit etc. for dependants.

How to claim and method of payment

64. Claims in Great Britain should be made to the local social security office and in Northern Ireland to the Department of Health and Social Services, Child Benefit Office, Castle Buildings, Stormont, Belfast BT4 3SF, enclosing the children's birth certificates if possible.

If your children are living in another Member State, you should also present any certificate of form E 401 which you may have been given in that Member State. If you do not have this form it will be obtained for you. Payment is made by a book of orders normally issued to your wife which can be cashed at a post office. If your wife and children are living in another Member State, payment will be made monthly direct to your wife by a payable order which can be cashed through a bank.

Attendance allowance

Qualifying conditions

65. Attendance allowance is paid to people who are, in the opinion of a medical panel, sufficiently severely disabled physically or mentally, and who need looking after by day or by night, or both. It may be paid in addition to other benefits. There are no contribution conditions but there is a residence condition: if you are insured as an employed or self-employed person under United Kingdom legislation (see paragraph 2) and are a national of and born in another Member State you can satisfy this condition if you have worked for an employer or were self-employed in another Member State for not less than 26 weeks in the previous 12 months.

How to claim and method of payment

66. Claims and enquiries in Great Britain should be made to the local social security office and in Northern Ireland to the Attendance Allowance Branch of the Department of Health and Social Services. Benefit is paid by means of a book of orders which can be cashed at a post office.

Mobility allowance

67. You may be able to claim mobility allowance if you are unable (or virtually unable) to walk because of severe physical disablement, using artificial limbs or other suitable aids if appropriate, are likely to remain so for at least a year, and are able to make use of the allowance. There are conditions relating to residence and presence in the United Kingdom which you will be required to satisfy. A leaflet giving more details is available at social security offices.

Appeals

68. Your claim to national insurance cash benefits will be decided by a specially appointed adjudication officer. You will be told of the decision and how you may contest it. If you are dissatisfied

you may appeal to an independent local tribunal and, finally, to a Social Security Commissioner.

Any questions relating to contributions are reserved for the decision of the Secretary of State for Social Services in Great Britain and for the Department of Health and Social Services in Northern Ireland.

There are statutory procedures for investigating complaints against medical practitioners. Complaints against Health Service authorities are investigated by a Health Service Commissioner in Great Britain and by the Commissioner for Complaints in Northern Ireland.

Advice and information

69. More detailed information on qualifying conditions and individual cash benefits in the United Kingdom can be obtained from local social security offices. The address of your nearest social security office is obtainable from the local post office.

70. Enquiries concerning the effect on benefits and pensions of insurance in two or more Member States or requests for Guide No 1 (The Community Regulations) and Guide No 2 (Temporary Stay) should be addressed to:

— In Great Britain (England, Scotland or Wales):

Department of Health and Social Security, Overseas Branch, Newcastle upon Tyne NE98 1YX

Department of Health and Social Security, Child Benefit Branch, Washington, Tyne and Wear NE88 1AA.

— In Northern Ireland:

Department of Health and Social Services, Overseas Branch, Lindsay House, 8-14 Callender Street, Belfast BT1 SDP.

Further information about health services in Great Britain and how to use them can be obtained from the Family Practitioner Committee, the address of which can be obtained from the main post office, the local library or the local Citizen's Advice Bureau.

Information about the Health Service in Northern Ireland can be obtained from the Central Services Agency, 27 Adelaide Street, Belfast BT2 8FH.

B.

Gibraltar

6

Introduction

71. The Gibraltar social security schemes include the social insurance scheme, which applies compulsorily to all employed and self-employed persons between the ages of 15 and 65 (60 for women) and provides cash benefit, e.g. for old age, widowhood and unemployment (for employed persons only), where contribution conditions have been fulfilled; the employment injuries insurance scheme which covers everyone working for an employer and provides insurance against being unable to work, being disabled or losing life as a result of an accident at work or of one of the prescribed occupational diseases; the Group Practice Medical Scheme, which provides medical treatment, hospital treatment and medicines on payment of a nominal fee; and the Family Allowance Scheme which provides family cash benefits.

Contributions

72. Contributions, which are payable at flat rates, are compulsory if you are employed or self-employed. If you are employed your employer is responsible for paying the contribution, part of which is paid by himself, and your share of the contribution is deducted from your earnings. The normal method of paying contributions is by stamps which are obtainable from the post office, to be affixed to an insurance card.

73. Application for an insurance card should be made in person to the Department of Labour and Social Security, and the insurance number on the card should be quoted whenever a claim to benefit is made.

74. Credits for contributions are granted during limited periods of sickness, unemployment or incapacity due to accidents at work and certain other contingencies. In the case of an insured person who is totally and permanently incapable of work, credits may be awarded for an indefinite period.

75. Special rules about contributions apply to certain people, including married women and widows. Information about these is available at the Department of Labour and Social Security.

Medical services

76. If you are employed or self-employed in Gibraltar and are paying social insurance contributions (which include an element towards the Group Practice Medical Scheme) you are entitled to register under the scheme. Under this scheme, registered persons and their dependants may obtain medical treatment in government surgeries, or in their homes if they are unable to attend the surgeries, on payment of a nominal charge. Medicines prescribed by a doctor under the scheme may be obtained on payment of a small charge per item of prescription, if supplied by a scheme pharmacist. Hospital treatment is available to persons registered under the scheme on the same basis as Gibraltarians. There are no fees payable for in-patient treatment.

Further information about medical services may be obtained from the Director of Medical and Health Services, St Bernard's Hospital, Gibraltar.

Benefits

77. Cash benefits depend on the contribution record of the person (except in the case of employment injuries benefit and family allowance) and a minimum number of contributions must have been paid before they are payable; a deficiency in contributions may lead to reduced benefits. However, providing normally that you have become insured under the Gibraltar scheme since you last arrived in Gibraltar, periods of insurance, employment or residence as appropriate completed under the social security scheme of another Member State, or of the United Kingdom, may be taken into account using the appropriate forms (see Guide No 1 on the Community Regulations). The benefits in question are:

- Maternity grant,
- Widow's benefit,
- Guardian's allowance,
- Old age pension,
- Death grant,
- Unemployment benefit (employed persons only),

- Injury or disablement benefit (employed persons only),
- Industrial death benefit (employed persons only),
- Family allowance,
- Widower's benefit.

78. Further information and particulars of the contribution, and other conditions are obtainable from: Department of Labour and Social Security, 23 John Mackintosh Square, Gibraltar, to whom all claims for benefit should also be made.

NOTE: There are no cash benefits for sickness and invalidity in Gibraltar.

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