Annex 2

Template for Declarations


I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed national legislation, in so far as it is covered by the scope of the Regulation, is [1 May 2010], except where otherwise stated. This is also the date from which the Regulation applies in this Member State.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

1. Sickness benefits

   (i) Benefits in kind

   • England, National Health Service Act 2006.
   • Wales, National Health Service (Wales) Act 2006.
   • Scotland, National Health Service (Scotland) Act 1978.
   • Northern Ireland, Health and Social Care (Reform) Act (Northern Ireland) 2009.

   (ii) Benefits in cash

   • Social Security Contributions and Benefits Act 1992 relating to Attendance Allowance, Carer’s Allowance and Disability Living Allowance (care component). These provisions came into force 1 July 1992. This Act consolidated earlier legislation.
   • Social Security Contributions and Benefits (Northern Ireland) Act 1992, relating to Attendance Allowance, Carer’s Allowance and Disability Living Allowance (care component). These provisions came into force 1 July 1992. This Act consolidated earlier legislation.
   • Welfare Reform Act 2007 relating to Employment and Support Allowance. These provisions came into force on 27 October 2008 for new claimants and for existing Incapacity Benefit and Severe Disablement Allowance claims from October 2010.
- **Welfare Reform Act (Northern Ireland) 2007** relating to Employment and Support Allowance. These provisions came into force on 27 October 2008 for new claimants and for existing Incapacity Benefit and Severe Disablement Allowance claims from October 2010.
- **Welfare Reform Act 2012 (Part 4)** relating to Personal Independence Payment (daily living component). These provisions came into force 8 April 2013.
- **Welfare Reform (Northern Ireland) Order 2015 (Part 5)** relating to Personal Independence Payment (daily living component). These provisions come into force 20 June 2016.
- **Social Security (Disability Living Allowance) Regulations 1991** relating to Disability Living Allowance (care component). These provisions came into force 6 April 1992.
- **Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992** relating to Disability Living Allowance (care component). These provisions came into force 6 April 1992.
- **Social Security (Personal Independence Payment) Regulations 2013** relating to Personal Independence Payment (daily living component). These provisions came into force 8 April 2013.
- **The Personal Independence Payment (Transitional Provisions) Regulations 2013.** These provisions came into force 8 April 2013.
- **The Personal Independence Payment Regulations (Northern Ireland) 2016** relating to Personal Independence Payment (daily living component). These provisions came into force 20 June 2016.
- **The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016.** These provisions came into force 20 June 2016.
- **The Personal Independence Payment (Amendment) Regulations (Northern Ireland) 2017** relating to Personal Independence Payment (daily living component). These provisions came into force 20 April 2017.
- **The Social Security (Invalid Care Allowance) Regulations 1976** (as amended to change the name of the benefit to Carer’s Allowance in 2002) which came into force on 12 April 1976.
- **The Social Security (Invalid Care Allowance) Regulations 1976 (Northern Ireland)** (as amended to change the name of the benefit to Carer’s Allowance in 2002) which came into force on 12 April 1976.
2. **Maternity and equivalent paternity benefits**

   (i) Benefits in kind

   None.

   (ii) Benefits in cash

   
   

The Statutory Maternity Pay scheme has existed since 1987 and Maternity Allowance since 1948 (and in its current form since 1987).

Ordinary Statutory Paternity Pay applies in respect of babies born or expected to be born on or after 6 April 2003.

Additional Statutory Paternity Pay applies in respect of babies born or expected to be born on or after 3 April 2011.

Maternity Allowance for pregnant women whose babies are expected on or after 27 July 2014 and who take part in activities related to self-employed business of their spouse or civil partner came into force 1 April 2014.
3. **Invalidity benefits**

(i) Benefits in kind

None.

(ii) Benefits in cash

- **Welfare Reform Act 2007 relating to Employment and Support Allowance.** These provisions came into force on 27 October 2008 for new claimants and for existing Incapacity Benefit and Severe Disablement Allowance claims from October 2010.

- **Welfare Reform Act (Northern Ireland) 2007 relating to Employment and Support Allowance.** These provisions came into force on 27 October 2008 for new claimants and for existing Incapacity Benefit and Severe Disablement Allowance claims from October 2010.

- **Incapacity for Work Act 1994 relating to Incapacity Benefit (Long Term) and Severe Disablement Allowance.** These provisions came into force 13 April 1995. This act consolidated earlier legislation.

- **Social Security (Incapacity for Work) (Northern Ireland) Order 1994 relating to Incapacity Benefit (Long Term) and Severe Disablement Allowance.** These provisions came into force 13 April 1995. This act consolidated earlier legislation.

- **Welfare Reform and Work Act 2016.** From 3 April 2017, removes the ESA work-related activity component for new claims.

- **Welfare Reform and Work (Northern Ireland) Order 2016.** From 3 April 2017, removes the ESA work-related activity component for new claims.

- **Social Security (Claims and Payments) Amendment Regulations 2016.** From 15 June 2016, provides for electronic claims for Industrial Injuries Disablement Benefit (IIDB) and Employment and Support Allowance (ESA); and telephone claims for IIDB.

- **The Social Security (Northern Ireland Reciprocal Arrangements) (Amendment) Regulations 2016.** From 27 November 2016 (for the purposes of income-based Jobseeker’s Allowance (JSA) and contributory ESA (ESA (C)), agrees to the inclusion of stock ESA (C) cases and JSA-Incapacity Benefit in the Reciprocal Arrangements. These regulations will give effect in Great Britain to the inclusion of these benefits in the arrangements.

- **The Social Security (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 2016.** From 27 November 2016 (for the purposes of income-based Jobseeker’s Allowance (JSA) and contributory ESA (ESA (C)), agrees to the inclusion of stock ESA (C) cases and JSA-Incapacity Benefit in the Reciprocal Arrangements. These regulations will give effect in Northern Ireland to the inclusion of these benefits in the arrangements.
4. **Old-age benefits**

(i) Benefits in kind

None.

(ii) Benefits in cash

- The **Winter Fuel Payment** was introduced in January 1998 using the provisions contained in the **Social Security Contributions and Benefits Act 1992**.
- **Part 1 of the Pensions Act 2014 Chapter 19**. These provisions come into force 6 April 2016 and apply to persons reaching state pension age from that day onwards.
- **Part 1 of the Pensions Act (Northern Ireland) 2015**. These provisions come into force 6 April 2016 and apply to persons reaching state pension age from that day onwards.
- **Social Fund Winter Fuel Payment (Amendment) Regulations 2014**
- **Social Fund Winter Fuel Payment (Amendment) Regulations (Northern Ireland) 2015**

5. **Survivors’ benefits**

(i) Benefits in kind

None.

(ii) Benefits in cash

  - Widowed Mother’s Allowance and Widow’s Pension: sections 37 to 39 apply only to those cases where the death occurred before 9 April 2001.
  - Widowed Parent’s Allowance: sections 39a and 39c, for deaths occurring on or after 9 April 2001.
6. **Benefits in respect of accidents at work and occupational diseases**

(i) Benefits in kind

None.

(ii) Benefits in cash


7. **Death grants**

Benefits in cash


8. **Unemployment benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

- **Jobseekers Act 1995 Sections 1, (2) (d) (i) and 2** relating to contribution-based Jobseeker’s Allowance. These provisions came into force 7 October 1996.
- **Jobseekers (Northern Ireland) Order 1995, Articles 3 (2) (d) and (i) and 4**, relating to contribution-based Jobseeker’s Allowance. These provisions came into force 7 October 1996.

9. **Pre-retirement benefits**

Benefits in cash

None
10. Family benefits

(i) Benefits in kind

None

(ii) Benefits in cash

- **Tax Credits Act 2002** in relation to Child Tax Credit. These provisions came into force 9 July 2002.

11. Special non-contributory cash benefits

a) Special non-contributory cash benefits intended to provide a minimum level of subsistence pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

- **Income Related Employment and Support Allowance (Section 1(2) (b), 4 and Part 2 of Schedule 1 Welfare Reform Act 2007**. These provisions came into force 27 October 2008 for new claimants. Existing Income Support claimants (persons in receipt of Income Support on the grounds of incapacity) started to be transferred to ESA from October 2010.
- **Income Related Employment and Support Allowance Section 1(2) (b), 4 and Part 2 of Schedule 1 Welfare Reform Act (Northern Ireland) 2007**. These provisions came into force 27 October 2008 for new claimants. Existing Income Support claimants (persons in receipt of Income Support on the grounds of incapacity) started to be transferred to ESA from October 2010.
- **State Pension Credit Act 2002** in relation to State Pension Credit. These provisions came into force 6 October 2003.
- **State Pension Credit (Northern Ireland) Act 2002** in relation to State Pension Credit. These provisions came into force 6 October 2003.
- **Jobseekers Act 1995** in relation to income-based Jobseeker’s Allowance. These provisions came into force 7 October 1996.
- **Jobseekers (Northern Ireland) Order 1995** in relation to income-based Jobseeker’s Allowance. These provisions came into force 7 October 1996.

b) Special non-contributory cash benefits intended to provide special protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

Benefits in cash


• **The Welfare Reform Act 2012 (Part 4)** relating to Personal Independence Payments (mobility component). These provisions came into force 8 April 2013.


• **Social Security (Personal Independence Payment) Regulations 2013** relating to Personal Independence Payment (mobility component). These provisions came into force 8 April 2013.

• **The Personal Independence Payment (Transitional Provisions) Regulations 2013**. These provisions came into force 8 April 2013.

• **The Personal Independence Payment Regulations (Northern Ireland) 2016**, relating to Personal Independence Payment (mobility component). These provisions came into force 20 June 2016.

• **The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016**. These provisions came into force 20 June 2016.

• **The Social Security (Personal Independence Payment) (Amendment) Regulations 2017** relating to Personal Independence Payment (mobility component). These provisions came into force 16 March 2017.

• **The Personal Independence Payment (Amendment) Regulations (Northern Ireland) 2017** relating to Personal Independence Payment (mobility component). These provisions came into force 20 April 2017.

### III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

Statutory Rule 2016/188 The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2016 gives effect to a change in the law of the United Kingdom and will now include the state pension under Part 1 of the Pensions Act (Northern Ireland) 2015. This came into force 06 April 2016.

### IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed minimum benefits, in so far as it is covered by the scope of the Regulation, is [1 May 2010], except where otherwise stated. This is also the date from which the Regulation applies in this Member State.
V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004) & LEGISLATIVE REFERENCE WHERE APPLICABLE

The legislation of the United Kingdom currently provides a possibility for certain categories of persons (namely share fishermen and volunteer development workers) who are either self-employed or treated as self-employed to be covered by the contributory unemployment benefits system.

A person is classed as a share fisherman if they work in the fishing industry and they:

- are not employed under a contract of service
- are a master or a crew-member of a British fishing boat manned by more than one person
- get all or part of their pay by sharing the profits or gross earnings of the fishing boat.

People can also count as a share fisherman if they used to work on a British fishing boat, but now work ashore in Great Britain. This could be making and mending gear or any other work for a British fishing boat.

Share fishermen are classed as self-employed earners by virtue of regulation 125(a) of the Social Security (Contributions) Regulations 2001 and pay, or are allowed to pay, a special higher rate of Class 2 National Insurance contribution. Using the powers in paragraph 16 of Schedule 1 to the Jobseekers Act 1995, the normal contribution-based conditions, as detailed in section 2 of that Act, are modified to allow these Class 2 contributions to count for the purposes of contribution-based jobseeker’s allowance. The modifications feature in regulation 158(2) of the Jobseeker’s Allowance Regulations 1996 and regulation 69(2) of the Jobseeker’s Allowance Regulations 2013.

Volunteer development workers are workers who take part in projects in developing countries, under a contract of employment with an approved organisation. If they pay no Class 1 NICs on their earnings under that contract, they are treated as self-employed earners by virtue of regulation 150 of the Social Security (Contributions) Regulations 2001 and are allowed to pay a special, higher rate of Class 2 National insurance contribution. Using the powers in paragraph 16 of Schedule 1 to the Jobseekers Act 1995, the normal contribution-based conditions, as detailed in section 2 of that Act, are modified to allow these Class 2 contributions to count for the purposes of contribution-based jobseeker’s allowance. The modifications feature in regulation 167 of the Jobseeker’s Allowance Regulations 1996 and regulation 75 of the Jobseeker’s Allowance Regulations 2013.
Declaration by Gibraltar


I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed national legislation, in so far as it is covered by the scope of the Regulation, is 1 May 2010. This is also the date from which the Regulation applies in this Member State.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

1. Sickness benefits
   (i) Benefits in kind
   Medical and Health Act 1997 of 21 August 1997
   Medical (Group Practice Scheme) Act of 2 July 1973
   
   (ii) Benefits in cash
   None

2. Maternity and equivalent paternity benefits
   (i) Benefits in kind
   Medical (Group Practice Scheme) Act of 2 July 1973
   
   (ii) Benefits in cash
   The Social Security (Insurance) Act of 15 July 1955 Section 11. (Maternity Grant, Maternity Allowance)
   No paternity benefits.
3. **Invalidity benefits**
   (i) Benefits in kind
   None
   (ii) Benefits in cash
   None

4. **Old-age benefits**
   (i) Benefits in kind
   Medical (Group Practice Scheme) Act of 2 July 1973
   (ii) Benefits in cash
   The Social Security (Open Long-Term Benefits Scheme) Act 1997 of 1 April 1997 and the Social Security (Closed Long-Term Benefits and Scheme) Act 1996 of 1 October 1996. (Old Age Pension)

5. **Survivors' benefits**
   (i) Benefits in kind
   Medical (Group Practice Scheme) Act of 2 July 1973
   (ii) Benefits in cash
   The Social Security (Open Long-Term Benefits Scheme) Act 1997 of 1 April 1997 and the Social Security (Closed Long-Term Benefits and Scheme) Act 1996 of 1 October 1996. (Survivor’s Bereavement Allowance, Widowed Parent’s Allowance, Survivor’s Pension)

6. **Benefits in respect of accidents at work and occupational diseases**
   (i) Benefits in kind
   (ii) Benefits in cash
   The Social Security (Employment Injuries Insurance) Act of 7 July 1952 (Injury Benefit, Disablement Benefit, Industrial Death Benefit)
7. **Death grants**

Benefits in cash

The Social Security (Insurance) Act of 15 July 1955 Section 18

8. **Unemployment benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

The Social Security (Non-Contributory Benefits and Unemployment Insurance) Act of 3 October 1955

9. **Pre-retirement benefits**

Benefits in cash

None

10. **Family benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

The Social Security (Open Long-Term Benefits Scheme) Act 1997 of 1 April 1997 and the Social Security (Closed Long-Term Benefits and Scheme) Act 1996 of 1 October 1996. (Increase of Old Age Pension for children, Guardian’s Allowance)

11. **Special non-contributory cash benefits**

   a) Special non-contributory cash benefits intended to provide a minimum level of subsistence pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

   Benefits in cash

   None
b) Special non-contributory cash benefits intended to provide special protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

Benefits in cash

None

III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed conventions, in so far as it is covered by the scope of the Regulation, is 1 May 2010. This is also the date from which the Regulation applies in this Member State.

IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed minimum benefits, in so far as it is covered by the scope of the Regulation, is 1 May 2010. This is also the date from which the Regulation applies in this Member State.

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65 A (1) OF REGULATION (EC) NO 883/2004) & LEGISLATIVE REFERENCE WHERE APPLICABLE

The legislation of Gibraltar does not provide any possibility for any category of self-employed persons to be covered by the unemployment benefits system.