

# EUROPEAN COMMUNITIES

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## Social security for migrant workers



United Kingdom

# **Guide No 1**

**concerning the rights and obligations  
with regard to social security  
of employed persons going to work in the**

**UNITED KINGDOM  
OF GREAT BRITAIN  
and NORTHERN IRELAND  
including GIBRALTAR**

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

**1976**

**This Guide gives only general guidance.  
It must not be treated as a complete and authoritative statement  
on the law in any particular case.**

**This publication was prepared by the Administrative Commission of the  
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## Introduction

Under the Treaty establishing the European Economic Community workers who are nationals of one of the Member States of the European Communities have the right to pursue an employment in another Member State under the same conditions as nationals of that State. The EEC Treaty also provides for the adoption of measures permitting workers moving from one Member State to another to have taken into account periods of insurance which they have completed under the social security schemes of the various Member States in which they have been employed.

To this end the Council of the European Communities drew up Regulations Nos 1408/71 and 574/52 which came into force on 1 October 1972 for Belgium, Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands, and on 1 April 1973 for Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (including Gibraltar).<sup>1</sup>

This Guide is designed to inform you about the rights which you and the members of your family may exercise as regards social security and to draw your attention to your duties and the formalities to be completed to qualify for the various social security benefits.

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<sup>1</sup> These Regulations replaced Regulations Nos 3 and 4 which had been in force from 1 January 1959 to 30 September 1972.

**The Guide comprises two parts:**

- **Part I, which sums up the main provisions of the Community Regulations;**
- **Part II, which briefly outlines the social security system of the Member State of the European Communities where you are going to work, as well as the benefits available and the conditions and formalities to be fulfilled to qualify for benefits.**

**A similar guide exists for each Member State of the European Communities.**

- **Read this Guide carefully before your departure and make sure to obtain the forms mentioned in Part II**

**In case of doubt please consult the insurance authorities or institutions of the country you are leaving or your new employer.**

**The other Guides available deal with the following cases:**

- **Temporary residence (stay) in a Member State of the European Communities (Guide No 2);**
- **Workers who are sent by their employers to another Member State for a limited period, international transport workers and other workers regularly employed in more than one Member State, e.g. commercial travellers (Guide No 3);**
- **Pensioners and pension claimants (Guide No 4);**
- **Members of a migrant worker's family who have stayed behind in a Member State other than the one in which he is working (Guide No 5).**

## **Part I**

# **The Community Regulations**





## **1. To whom do the Community Regulations apply?**

These Regulations apply to you if you are either:

- (a) a worker or pensioner pursuing or having pursued an activity as an employed person and if you have the nationality of a Member State of the European Communities (see section 2 below) or are a stateless person or a refugee resident in a Member State; (Officials of public bodies are considered as employed persons for the branches of social security in respect of which they are insured in a scheme covering employed persons);
- (b) a member of an employed person's or a pensioner's family fulfilling the conditions set out at (a) above;
- (c) a survivor of an employed person or a pensioner pursuing or having pursued an activity as an employed person, regardless of the worker's or pensioner's nationality, provided you are a national of a Member State or a stateless person or a refugee resident in a Member State.

With the exception of certain specific cases, the Community Regulations *do not apply* to self-employed persons or to pensioners who had been self-employed.

This list is not complete. Should you wish to know whether you are covered by the Regulations, please consult the institution with which you are insured (see Part II).

## **2. To which countries do the Community Regulations apply?**

You are covered by the Regulations only if you are resident or staying in a Member State of the European Communities listed below:

Belgium

Denmark

Federal Republic of Germany

France

Ireland

Italy

Luxembourg

the Netherlands

the United Kingdom of Great Britain and Northern Ireland (including Gibraltar).

### **3. What are the aims of the Community Regulations?**

- (a) One of the principal aims is to ensure that, as regards social security you will receive the same treatment as the nationals of any of the countries mentioned at section 2 above when you go there for work.
- (b) Another important aim of the social security Regulations is to ensure that by going to work in another Member State you do not lose the advantages acquired in respect of periods during which you were subject to the social security scheme of another Member State. In order to get certain social security benefits you must, under the legislation of the Member State concerned, have been either insured, employed or resident in that Member State for a specified period known as the 'qualifying period'. The Community Regulations provide that periods completed in the various Member States where you have worked must be taken into account, if necessary, to ensure that you will have completed the qualifying period prescribed by the legislation of the Member States where you are seeking benefits.

For instance, supposing you are claiming a retirement pension and you had been insured in Member State A for five years after which you went to Member State B where, you had a job and paid contributions for the next ten years. The legislation of country A as well as that of country B require that, to qualify for a retirement pension, you must have been insured in the

country for 15 years. In that case your five years of insurance in country A will be counted so as to make you fulfil the conditions laid down by the legislation of country B. Similarly, the ten years of insurance which you completed in country B will be counted so that you can fulfil the condition required by the legislation of country A.

Details on how the retirement pension will be calculated by each of these countries are given in section 4 B below.

The Community Regulations also provide that when you go to work in another Member State periods completed in the Member State where you had worked before may be used to enable you to receive sickness, maternity and unemployment benefits in the other Member State.

- (c) In general you will be insured under the social security legislation of the Member State in which you are employed. There are certain exceptions to this rule: for instance, workers posted abroad, i.e. workers sent by their employer to another Member State for a limited period, international transport workers and other workers regularly employed in more than one country. If you fall into one of these groups please consult Guide No 3.
- (d) An additional aim of the Community Regulations is to guarantee that you and the members of your family are granted the benefits for which you are eligible in whichever Member State you or they may be.

#### **4. To which benefits are you entitled?**

The following is a list and short description of the benefits which you can claim.

##### **A. Sickness and maternity benefits (including medical benefits)**

- (a) If you reside in a Member State other than the one in which you are insured, you and the members of your family may obtain benefits in kind (medical care, dental treatment, drugs and medicines, hospital treatment, etc.) through the institution of your place of residence as if you were insured with that institution.

Cash benefits to which you or your family may be entitled under the legislation of the Member State where you are insured are as a rule paid directly by the institution with which you are insured.

The members of your family may also obtain benefits if they are living in a Member State other than that in which you reside or are insured.

- (b) Under certain conditions you and the members of your family are entitled to benefits in kind while temporarily residing in (visiting) a Member State other than the one in which you are insured. The benefits in kind that you may claim are those provided for by the legislation of the Member State you are visiting.

You may also be entitled to receive cash benefit during such a stay; this benefit will be at the rate, and for the

period, laid down by the legislation of the Member State where you are insured.

For your information about your rights and the formalities to be completed, please consult your sickness insurance institution.

## **B. Retirement pensions and survivors' pensions**

As explained in section 3 (b) above, if you had been insured in a Member State but if that period of insurance was not long enough to entitle you to a pension under the legislation of that State, account must also be taken of insurance periods completed in other Member States.

To go back to the example quoted at 3 (b), where it was assumed that you were insured in country A for five years and in country B for ten years, while the 'qualifying period' (prescribed minimum insurance period) in both Member States was 15 years. In that case you are entitled to a pension from each of these States which is calculated as follows: country A and country B each calculate the pension to which you would have been entitled had you been insured there during the whole of your insurance history, i.e. for 15 years. Once these amounts have been determined, you will receive a fraction of those amounts in proportion to the periods during which you were actually insured in each of the two countries.

In the above example:

- Country A would pay you a pension amounting to 5/15th of the pension that you would have been entitled to if you had been insured there for 15 years;
- Country B would pay you a pension amounting to

10/15th of the pension that you would have been entitled to if you had been insured there for 15 years.

If, however, in either or both of these countries the qualifying condition is fulfilled without having to take into account insurance periods completed in the other country, each of the countries in which the conditions is thus satisfied will calculate, in accordance with its own legislation, the pension due to you for the insurance periods you have completed in the country concerned. This amount will be paid to you if it is greater than the fraction calculated above.

The sum of the pensions may not be less than any minimum pension fixed by the legislation of the country where you are resident provided that you are entitled to a pension from that country.

### **C. Invalidity pensions and invalidity allowances**

What was said at B. above applies generally to invalidity pensions. However, if you have been insured only in countries whose legislation provides that the amount of invalidity pension is not linked to the length of insurance—Belgium, France (except for the invalidity scheme for miners), Ireland, the Netherlands and the United Kingdom—you will receive one pension only; as a rule, that will be the pension of the Member State where you were last insured.

### **D. Accidents at work and occupational diseases**

As with sickness benefit, you may receive benefit for accidents at work in cash and kind whilst staying or residing in a Member State other than the one where the institution responsible for paying benefit for that accident is situated.



Special rules exist for the granting of pensions payable for cases where an occupational disease has been contracted as a result of employment in several Member States.

Special rules also exist for cases where there has been an aggravation of an occupational disease.

#### **E. Unemployment benefit**

By taking into account periods during which you have been insured or employed in another Member State, the Community Regulations may enable you to receive unemployment benefit in a Member State where you have only worked very briefly.

You may also continue to receive unemployment benefit on certain conditions when you are leaving the Member State where you became unemployed to look for work in another Member State (see Part II).

Special rules exist for the case where during your last employment you were resident in a Member State other than that in which you were insured.

#### **F. Family allowances**

In general family allowances will be payable in respect of your children even if they are being brought up in a Member State other than the one where you are working.

## **Part II**

# **Social security in Great Britain, Northern Ireland and Gibraltar**



## **A. Great Britain and Northern Ireland**

*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 Great Britain and Northern Ireland; the Family Allowance Scheme which provides family allowances; and Supplementary Benefit and Family Income Supplement Schemes, which provide cash benefits based on need.

## **National insurance contributions**

2. Contributions are divided into four classes and if you are employed you are compulsorily insured in the class known as Class 1. If however you remain compulsorily insured under another Member State's scheme, you will not be liable at the same time for UK contributions.

- (a) As an employee you will pay Class 1 contributions. (Employees include most people who work for an employer for wages or salary under a contract of service or paid apprenticeship). Your Class 1 contributions will be a percentage of your weekly earnings between a lower and a higher limit and are payable through the arrangements for the deduction of income tax. Your employer is responsible for paying the contributions. An additional contribution is paid by the employer himself and your contribution will be deducted from your earnings.
- (b) Special rules about contributions apply to certain people, including married women, widows, people with very low earnings, seafarers and airmen.

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. However, medical benefits, including dental and optical treatment, do not depend upon national insurance contributions, and in Great Britain are 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) if you were insured under the national insurance scheme before 6 April 1975 you must have paid at least 26 contributions as an employed person, or if you became insured on or after 6 April 1975 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 (1 January to 31 December) in which the claim is made. [For example

if you claim cash sickness benefit in June 1978 then your claim will be based on the contributions you paid in the income tax year 6 April 1976 to 5 April 1977]. 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 paragraph 2).

Your contributions in other Member States may be taken into account to satisfy these conditions—for example see paragraph 18.

7. If you have paid contributions amounting to more than 50 times the Class 1 contribution on the lower limit of weekly earnings, you may also be entitled to an earnings-related supplement to the standard rate of benefits for sickness, maternity and unemployment.

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

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



## **Medical services and sickness 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 (see paragraph 59) or are ordinarily resident in the United Kingdom. You will normally have to pay some charges towards the cost of medicines, dental services, spectacles and certain appliances 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 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 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 of the Area Health Authority in Great Britain or the Northern Ireland Central Services Agency, 25/27 Adelaide Street, Belfast BT2 8FH in Northern Ireland. In cases of emergency, any doctor practising under the 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 Health Service. The first time you

wish to use the services of an optician, you must obtain the recommendation of your doctor that your sight needs to be tested. As doctors, dentists and opticians taking part in the 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 Health Service.

12. If you need hospital treatment or to consult a specialist it will usually be arranged by your doctor and no charge will be made. In an emergency, you may be admitted direct to a hospital.

#### *Medical Services in another Member State*

13. If you and your family go temporarily to another Member State, for instance on holiday, you will be entitled to urgent medical treatment there on the same basis as the nationals of that State. In some circumstances you may also be authorized to go temporarily to another State specifically for medical treatment. For further information on the procedures you will need to follow you should obtain leaflet SA 28 from the local social security office or Guide No 2 which may be obtained from the addresses given in paragraph 78.

14. If the dependent members of your family live in another Member State, they will be eligible for medical benefits there whilst you are working and insured in the United Kingdom (see Guide No 5 which may be obtained from the address given in paragraph 78). To enable them to obtain these benefits you should send them form E 109 which you can obtain from the appropriate address given in paragraph 78. When you request this form you should quote your name, address, nationality, national insurance

number (see paragraph 4) and the names, ages, relationships and addresses of your dependants.

15. If you are sick and are receiving cash sickness benefit in the United Kingdom and you wish to return to the Member State from which you came, or you wish to go to live in another Member State, you may retain the right to both cash sickness benefit and to medical benefits there, provided you obtain the authority of the appropriate Department. To obtain this authority, you should write to the appropriate address given in paragraph 78 and request form E 112. You should also quote your name, address, nationality, national insurance number (see paragraph 4), the names, relationships and ages of the members of your family who will accompany you, and the address in the Member State to which you wish to return or go to live.

16. If you are unemployed and have been authorized to seek work in another Member State (see paragraph 58), you and the members of your family who are with you will be entitled to medical benefits in that State. To obtain these benefits (and cash sickness benefits if you are incapable of work through sickness) you should present form E 119, which will be given to you by the Employment Exchange before you leave the United Kingdom, to the sickness insurance institution of the State in which you are seeking work.

#### *SICKNESS BENEFIT*

##### *Qualifying conditions*

17. You can claim cash sickness benefit for periods when

you are incapable of work because of illness or disability. No benefit is payable for the first three days of incapacity and the contribution conditions are as described in paragraph 6. Leaflets giving the current rates of benefits are available from social security offices.

18. 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 as an employed person under the United Kingdom scheme (that is 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 present form E 104 to the office at which you make your claim (see paragraph 21). You may obtain the form on request from the sickness insurance institution of the Member State under which the periods were completed, but if you do not already have the form, it will be obtained for you by the appropriate office (see paragraph 78).

#### *Earnings-related supplement*

19. An earnings-related supplement may be paid from the 13th day of sickness up to the 168th day of sickness if you are receiving sickness benefit and have paid contributions amounting to more than 50 times the Class 1 contribution on the lower level of weekly earnings (see paragraph 7) in the relevant income tax year. There are arrangements whereby you may be entitled to this supple-

ment if during that year, you have been insured as an employed person in another Member State.

### *Increases for your dependants*

20. You may claim increases for your wife (or one other adult dependant) and children provided they are living with you or are maintained by you. If your wife and children are living in another Member State you should present with your claim form E 105 which you should obtain from the sickness insurance institution of the Member State in which they live.

### *How to claim*

21. You should make your claim on a national insurance medical certificate which you can obtain from the doctor or hospital treating you. In Great Britain this certificate should be completed and sent without delay to your local social security office or in Northern Ireland to the Central Benefits Branch of the Department of Health and Social Services. The doctor will state on the certificate how long he expects you to be unfit for work. A separate claim for earnings-related supplement is not necessary. If you wish to claim for dependants you should state this on the back of the doctor's medical certificate and a claim form will be sent to you.

### *Payment*

22. Payment will usually be made by Giro order, which may be cashed at any post office or paid into a bank.

### *Payment of sickness benefit in other Member States*

23. You may receive United Kingdom sickness benefit in another Member State if you remain insured under the United Kingdom scheme and:

- you fall sick whilst you are temporarily visiting another Member State. To claim benefit you must apply within three days to, and submit to the control of, the sickness insurance institution of the Member State you are visiting, and, except in the Netherlands, produce a medical certificate with your claim;
- you are in another Member State with the authority of the appropriate Department. In order to receive treatment for an incapacity which began before you left the United Kingdom;
- you are already receiving sickness benefit and you return to the Member State in which you are ordinarily resident, or you leave to become ordinarily resident in another Member State and you obtain agreement from the appropriate Department that benefit may continue (see paragraph 15);
- you fall sick whilst looking for work in another Member State, and you are receiving United Kingdom unemployment benefit (see paragraphs 16 and 58). To claim you must apply within three days to and submit to the control of, the sickness insurance institution of the Member State in which you are seeking work, and, except in the Netherlands, produce a medical certificate with your claim.

24. If you are receiving United Kingdom sickness benefit and intend going to another Member State, you should consult the office from which you receive the benefit well in advance of your departure.

## **Invalidity pension and allowance**

25. Invalidity pension normally replaces sickness benefit after you have been sick for 168 days and is payable only if you remain incapable of work. Invalidity allowance is an additional benefit if you have a substantial part of your normal working life still ahead of you, and it is payable in addition to invalidity pension if you are under 60 (55 for a woman) on the first day on which you became entitled to invalidity pension.

26. If you have been insured at any time in Denmark, Germany, Italy or Luxembourg, or under the French miners' social security scheme, you may be entitled to invalidity benefits from this other Member State as well as to an invalidity pension from the United Kingdom and you should inform the office from which you have received sickness benefit. The amounts of invalidity pension payable will be calculated as explained in paragraph 4C of Part I.

27. If you have previously been insured only in Belgium, and/or in France (other than under the French miners' 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*

28. If you receive invalidity pension only from the United



Kingdom, it may be increased if you have dependants in the same way as for sickness benefit (see paragraph 20). If however you receive an invalidity pension from another Member State (see paragraph 26), then special rules apply. Information on these rules may be obtained from the addresses given in paragraph 78.

### *How to claim and payment*

29. Claims should be made in the same way as for sickness benefit. Benefit is payable by Giro order or by order book which may be cashed at any post office.

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

## **MATERNITY GRANT AND MATERNITY ALLOWANCE**

### *Maternity grant*

31. Maternity grant is a lump sum payment which is payable provided that certain contribution conditions are satisfied. Periods of insurance, residence, or employment as appropriate, completed under the social security scheme of another Member State may be used to help satisfy the contribution conditions in the same way as for sickness benefit (see paragraph 18). Claims supported by a doctor's

or a midwife's certificate, should be made as in paragraph 21 as soon as possible after the 9th week before the baby is expected. Payment will be made by Giro order which may be cashed at any post office or paid into a bank. A leaflet explaining the contribution conditions and giving the current amount of this benefit is available from social security offices.

### *Maternity allowance*

32. Maternity allowance is paid to a woman usually for 18 weeks, starting 11 weeks before the expected week of confinement and is based only on her own insurance record. The contribution conditions are as described in paragraph 6. Earnings-related supplement is paid under similar arrangements to those for sickness benefit. Exceptionally, increases may be paid with maternity allowance for dependants who are supported by her. Claims supported by a doctor's or a midwife's certificate should be made as in paragraph 21 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.

33. Periods of insurance, residence, or employment as appropriate, completed under the social security scheme of another Member State may be used to help satisfy the contribution conditions in the same way as for sickness benefit (see paragraph 18).

34. Maternity allowance is payable in another Member State under the conditions explained in paragraph 23.

## **Retirement pensions**

35. 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.

36. To qualify for a 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) since 6 April 1975; and
- (2) For 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. Leaflets giving the current rates of pension are available from social security offices.

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.

### *Pensions for married women*

37. If you are a married woman you may qualify for a retirement pension either on your husband's insurance (usually at a lower basic rate) or on your own insurance. You cannot, however, receive both pensions at the same time, and if you wish to qualify for a pension on your own contributions and you married before you were 55, you must satisfy an additional contribution condition, known as the 'half test' before any such pension can be paid to you. If you are a widow you may use your husband's contribution record instead of your own either for all the years in your working life before his death or for the years when you were married to him. Details may be obtained from your local social security office.

### *Insurance in more than one Member State*

38. If you have been insured in more than one Member State then you may be entitled to a pension from each of the States in which you have been insured (as explained in paragraph 4B of Part I).

### *Increases for dependants*

39. 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 sickness benefit (see paragraph 20). 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 78.

### *How to claim*

40. You will be invited to claim some 4 months before you reach retirement age (65 for a man, 60 for a woman),

on a form obtainable from the local social security office and this claim will 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*

41. Your retirement pension will normally 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 by a girocheque which you can pay 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 arrear by a payable order negotiable through a bank.

### *People aged 80 or over*

42. 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**

43. 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) *Widow's earning-related addition* which may be payable in addition to widow's allowance if the husband had a prescribed amount of earnings in the relevant year—usually the last complete income tax year before the calendar year in which he died.
- (c) *Widowed mother's allowance* which is payable when widow's allowance ends if the widow has at least one qualifying child in her family. If any of her children are under 19 and still living with her, she may be entitled to widowed mothers' allowance at the personal rate even though she may not be entitled to payment of an increase for them.
- (d) *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.

Subject to the satisfaction of the contribution conditions (see paragraph 44) 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

allowance and pension are available at social security offices.

44. 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*:
  - (a) have actually paid 25 contributions of any class at any time before 6 April 1975; or
  - (b) 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 36 except that the conditions must be satisfied on the late husband's contributions, and the working life referred to is his.

45. If the late husband was also insured under the scheme of another Member State then the rules explained in paragraph 4B of Part I may apply to the calculation of the pensions from the United Kingdom and the other Member State.

### ***How to claim***

46. 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 will 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*

47. A widow's pension will normally be paid weekly, in advance, by means of a book of orders which can be cashed at the post office. If the widow is in another Member State, she will continue to be paid as explained in paragraph 41.

### *DEATH GRANT*

48. 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 44) except that alternative 'a' can be satisfied by credited contributions as well as those actually paid.

49. 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 person under the United Kingdom scheme (i.e. you or your wife must have worked for an employer and there must have been liability for the payment of Class I contributions—see paragraph 2) since you or your wife last arrived in, or returned to, the United Kingdom.

### *How to claim*

50. 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*

51. 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 who is under the school leaving age of 16 or who, up to age 19, is still receiving full-time education or is an unpaid apprentice. A leaflet giving more details is available at social security offices.

52. A child's special allowance is 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. It cannot be paid if you remarry. A leaflet giving more details is available at social security offices.

## **Unemployment benefit**

53. 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*

54. The contribution conditions are described in paragraph 6. Benefit is not paid for the first 3 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. An earnings related supplement may also be paid in the same way as for sickness benefit (see paragraph 19).

55. 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, you must have worked for an employer and there must have been liability for Class I contributions—see paragraph 2)

since you last arrived in, or returned to, the United Kingdom (but see paragraph 62). 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 paragraph 56) will obtain it for you.

#### *How to claim*

56. If you are unemployed you should register in Great Britain at an employment exchange or in Northern Ireland at the local employment 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 weekly by Giro order which may be cashed at a post office.

#### *Increases for dependants*

57. You may claim increases for your wife (or one other adult dependant) and children in the same way as for sickness benefit (see paragraph 20) except that if your dependants live in another Member State you will need form E 302 which should be obtained from the unemployment institution of the Member State in which they live.

#### *Payment of United Kingdom benefit in another Member State*

58. If you are receiving United Kingdom unemployment

benefit and you wish to seek work in another Member State, then provided you have been receiving benefit, normally for at least four weeks, and you register for work in the other Member State within seven days of last registering for work in the United Kingdom, you may continue to receive United Kingdom benefit for up to a further three months. Whilst you are seeking work you will have to submit to the same checks as other unemployed persons in that country and should tell the office at which you are registered of any change in your circumstances. If you do not return to the United Kingdom within three months, you will lose any rights you may have to continued payment of benefit. If you intend to seek work in another Member State, you should tell the office from which you receive benefit well in advance of your departure so that the necessary forms and guidance can be given to you.

59. If, whilst you are unemployed in these circumstances, you fall sick you may claim cash sickness benefits (see paragraph 23) and you, and the members of your family, will also be entitled to medical benefits in this Member State (see paragraph 16).

#### *Seeking work in the United Kingdom*

60. If you become unemployed in another Member State and you wish to return to or come to the United Kingdom to seek work, you may be able to receive the other Member State's unemployment benefit (but see paragraph 62) for up to three months in the United Kingdom providing:

- you have claimed and received that benefit for at least 4 weeks, or such shorter period as may have been authorized, in the other Member State; and

— you register for work as indicated in paragraph 56 within seven days of ceasing to register for work in the other Member State.

If you are in Germany, France or Italy you should ask the office from which you receive the benefit for forms E 303 and E 119 before you leave. If you are in any other Member State, you should ask for an explanatory letter and form E 119 before you leave.

61. If whilst you are unemployed in these circumstances, you fall sick, you may be entitled to the cash sickness benefit of the Member State from which you receive unemployment benefit. To claim benefit you should present form E 119 which will have been given to you before you came to the United Kingdom, together with a medical certificate as required by paragraph 21, to your local social security office.

62. If you are a frontier worker, a seasonal worker, an international transport worker, or a person who normally works in several Member States and you ordinarily reside in the United Kingdom then you may be entitled to United Kingdom unemployment benefit by virtue of contributions paid under another Member State's scheme without the need to re-enter United Kingdom insurance. Otherwise you will not be entitled to receive United Kingdom unemployment benefit unless you satisfy the conditions outlined in paragraphs 54 and 55.

## **Industrial Injuries benefit**

63. Industrial injuries benefit is payable if you are unable to work as a result of an industrial accident at work, or because of one of the prescribed industrial diseases. Entitlement to benefit does not depend on the amount of national insurance contributions you have paid, but it is payable only if you normally work for an employer.

### *Injury benefit*

64. Injury benefit is payable whilst you are incapable of work for up to 26 weeks from the date of the accident or the development of the industrial disease. You may also qualify for earnings-related supplement and increases for your dependants in the same way as for sickness benefits (see paragraphs 19 and 20). When you cease to be incapable of work, disablement benefit may be payable—see paragraph 67. If you are still unable to work after the 26 weeks you may be entitled to invalidity or sickness benefit, in addition to any disablement benefit which may be payable.

### *How to claim*

65. You should immediately notify your employer of any accident at work. Claims are made in the same way as for sickness benefit (see paragraph 21) but there is a special



section on the reverse of the medical certificate on which to indicate that the incapacity resulted from an industrial accident or prescribed industrial disease.

### *Payment*

66. Benefits are paid by Giro order which may be cashed at a post office or paid into a bank. United Kingdom injury benefit 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. To enable benefit to be paid to you in these circumstances you should follow the procedure described in paragraph 15, except that you should ask for form E 123.

### *Disablement benefit*

67. Disablement benefit is a pension or gratuity for any disablement which remains when the payment of injury benefit ceases. The amount of benefit depends on the extent of your disablement (i.e. impairment of your ability to enjoy a normal life) as assessed by a medical board. A leaflet giving the rates of benefit is available from social security offices. Increases payable with the benefit are:

- *Special hardship allowance*: 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*

68. In Great Britain your claim should be made at the local social security office when payment of injury benefit ceases, or, if you are not being paid injury benefit, 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*

69. 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 Giro order, encashable at a post office or payable 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 67, and industrial death benefits (see paragraph 71) 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*

70. 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 78.

*Industrial death benefit for widows and other dependants*

71. 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, plus any earnings related supplement that would have been payable had she been entitled to widow's allowance (see paragraph 43). 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 widows pensions (see paragraph 47).

## **Family allowances**

### *Qualifying conditions*

72. Family allowances are cash payments to families with more than one child under the school-leaving age of 16 or under age 19 if they are still receiving full-time education or are apprentices. There are no contribution conditions, but there is a residence condition: if you are employed and pay Class 1 contributions, (see paragraph 2) and are a national of, and born in, another Member State you can satisfy this residence condition if you have worked for an employer in another Member State for not less than 26 weeks in the previous 12 months. The children must also be living in the United Kingdom or another Member State. The allowances are payable to all eligible families and are paid in addition to the increases for dependants of sickness benefit, unemployment benefit etc.

### *How to claim and payment*

73. Claims in Great Britain should be made to the local social security office and in Northern Ireland to the Family Allowances Branch of the Department of Health and Social Services 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*

74. 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 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 in another Member State for not less than 26 weeks in the previous 12 months. Any other person, including the members of your family, if they are not United Kingdom nationals must be and have been resident in the United Kingdom for at least 156 weeks in the last 4 years before becoming entitled to the allowance.

### *How to claim and payment*

75. Claims and enquiries in Great Britain should be made to the local social security office and in Northern Ireland to the Attendance 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.

## **Appeals**

76. Your claim to national insurance cash benefits will be decided by a specially appointed insurance 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 National Insurance Commissioner.

Any questions relating to contributions, however, 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**

77. 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.

78. Enquiries concerning the effect on benefits and pensions of insurance in two or more Member States or requests for Guides Nos 1, 2, 3, 4 and 5 should be addressed to:

- In Great Britain (England, Scotland or Wales):  
Department of Health and Social Security,  
Overseas Group  
Newcastle upon Tyne NE98 1YX
- In Northern Ireland:  
Department of Health and Social Services  
Overseas Branch  
Castle Grounds  
Stormont  
Belfast BT4 3SN

79. Further information about medical services in Great Britain and how to use them can be found in leaflet NH6 entitled 'The NHS and You' which is available at social security offices or from the Area Health Authority, including Family Practitioner Committees, the addresses of which can be obtained from the post office.

**Information about the Health Service in Northern Ireland can be obtained from the Northern Ireland Central Services Agency, 25/27 Adelaide Street, Belfast BT2 8 FH.**



## **B. Gibraltar**

80. The Gibraltar social security schemes include the social insurance scheme, which applies compulsorily to all employed persons between the ages of 15 and 65 (60 for women) and provides cash benefits, e.g. for old age, widowhood and unemployment, 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*

81. Contributions, which are payable at flat rates, are compulsory 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.

82. 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.

83. Credits for contributions are granted during limited periods of sickness, unemployment or incapacity due to accidents at work and certain other contingencies.

84. 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*

85. If you are 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, together with your family if they are also in Gibraltar. 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. In-patient fees are based on earnings and family size. Further information about medical services may be obtained from the Director of Medical and Health Services, St Bernard's Hospital, Gibraltar.

## **Benefits**

86. 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 same forms and procedures outlined in Part II 'A' of this Guide. The benefits in question are:

- Maternity grant
- Widow's benefit
- Guardian's allowance
- Old age pension
- Death grant
- Unemployment benefit
- Injury or disablement benefit
- Industrial death benefit
- Family allowance

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

87. Generally speaking, contribution and/or residence conditions, if any, for these benefits, follow the same pattern as in the United Kingdom, but there are several important differences. Further information and particulars of the

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

## Useful addresses

Doctor: .....

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Dentist: .....

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Chemist: .....

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Employment exchange: .....

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Local Social Security office: .....

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*Social Security guides for nationals of the Member States of the European Communities moving from one Member State to another*

● **Guide No. 1 — General guide**

This guide sets out the rights and obligations with regard to social security of employed persons going to work in a Member State of the European Communities.

There are nine separate booklets, each containing information concerning one Member State.

● **Guide No. 2 — Temporary stay**

This guide gives information for persons going to a Member State of the European Communities to stay there for a short period (holidays, family visits, business trips).

● **Guide No. 3 — Workers posted abroad or employed in more than one Member State**

This guide is intended for posted workers, international transport workers and other workers regularly employed in more than one Member State (e.g. commercial travellers).

● **Guide No. 4 — Pensioners**

This guide is designed for pensioners who were formerly employed persons and for pension claimants, who reside or stay temporarily in a Member State of the European Communities.

● **Guide No. 5 — Members of the family**

This guide is intended for members of a worker's family who reside in another Member State of the European Communities than the worker.