

SCHEDULES

SCHEDULE 4

Amendments to Title 4: Financial provisions

PART 2

Amendments to Chapter 3: Recovery of benefits provided but not due, recovery of provisional payments and contributions, offsetting and assistance with recovery

2. In Article 71 for “Member States” substitute “the States”.
3. In Article 72—
 - (a) in paragraph 1—
 - (i) for “Member State” in the first two places it occurs substitute “State”;
 - (ii) for “The institution of the latter Member State” substitute “Where an institution in the United Kingdom is responsible for paying benefit to the person concerned, it”;
 - (iii) for “it applies” substitute “of the United Kingdom”;
 - (b) in paragraph 2—
 - (i) for “Member State” in both places it occurs substitute “State”;
 - (ii) for “After the latter institution” substitute “Where an institution in the United Kingdom is responsible for the payment of corresponding benefits to the person concerned, after it”;
 - (iii) for “shall” in the first place it occurs substitute “may”;
 - (iv) for “which is due to pay arrears” substitute “in the United Kingdom”;
 - (v) omit the final sentence;
 - (c) in paragraph 3—
 - (i) for “Member State” in each place it occurs substitute “State”;
 - (ii) in the final subparagraph for “shall” in the first place it occurs substitute “may”;
 - (iii) in the final subparagraph after “which” in the second place it occurs insert “, if it is an institution in the United Kingdom,”;
 - (iv) in the final subparagraph for “it applies” substitute “of the United Kingdom”.
4. Omit Article 73.
5. In Article 74 for “Articles 72 and 73” substitute “Article 72”.
6. In Article 75—
 - (a) in paragraph 1 for “Member State” in both places it occurs substitute “State”;
 - (b) in paragraph 2 for “Member States” substitute “States”;
 - (c) omit paragraph 3.
7. In Article 76—

Status: This is the original version (as it was originally made).

- (a) in paragraph 1—
 - (i) after “requested party” in both places it occurs insert “in the United Kingdom”;
 - (ii) for “its own Member State” substitute “the United Kingdom”;
 - (b) in paragraph 2 for “request for information shall indicate” substitute “requested party in the United Kingdom is not obliged to supply information unless the request for information indicates”;
 - (c) in paragraph 3 for “Member State” in both places it occurs substitute “State”;
 - (d) in paragraph 4 after “requested party” insert “in the United Kingdom”.
- 8. In Article 77—**
- (a) in paragraph 1—
 - (i) after “requested party” insert “in the United Kingdom”;
 - (ii) for “its own Member State” substitute “the United Kingdom”;
 - (b) in paragraph 2 for “request for notification shall indicate” substitute “requested party in the United Kingdom is not obliged to provide notification unless the request for notification indicates”;
 - (c) in paragraph 3 after “requested party” insert “in the United Kingdom”.
- 9. In Article 78—**
- (a) in paragraph 1—
 - (i) after “applicant party” in the first place it occurs insert “in the United Kingdom”;
 - (ii) for “Member State of the applicant party” substitute “United Kingdom”.
 - (b) in paragraph 2—
 - (i) for “Member State” in both places it occurs substitute “State”;
 - (ii) after point (c) add—
 - “(d) the request includes the following information:
 - (i) the name, address and any other relevant information relating to the identification of the natural or legal person concerned or to the third party holding his or her assets, or to both;
 - (ii) the name, address and any other relevant information relating to the identification of the applicant party;
 - (iii) a reference to the instrument permitting its enforcement, issued in the State of the applicant party;
 - (iv) the nature and amount of the claim, including the principal, the interest, fines, administrative penalties and all other charges and costs due indicated in the currencies of the States of the applicant and requested parties;
 - (v) the date of notification of the instrument to the addressee by the applicant party and/or by the requested party;
 - (vi) the date from which and the period during which enforcement is possible under the laws in force in the State of the applicant party;
 - (vii) any other relevant information;
 - (e) the request contains a declaration by the applicant party confirming that the conditions laid down in points (a) to (c) have been fulfilled.”;
 - (c) omit paragraphs 3 and 4;

(d) in paragraph 5 after “applicant party” insert “in the United Kingdom”.

10. In Article 79—

(a) in paragraph 1 for “Member State” substitute “United Kingdom where it is the State”;

(b) in paragraph 2—

(i) for “Member State” substitute “United Kingdom where it is the State”;

(ii) for “that Member State” substitute “the United Kingdom”;

(iii) for “Member States” in the first place it occurs substitute “the United Kingdom”;

(iv) for “Member States” in the second place it occurs substitute “The United Kingdom”;

(v) after “requested party” in the second place it occurs insert “in the United Kingdom”.

11. In Article 80—

(a) in paragraph 1 for the first sentence substitute “Where the requested party is in the United Kingdom, claims shall be recovered in pounds sterling.”;

(b) in paragraph 2 in the first subparagraph—

(i) after “requested party” in both places it occurs insert “in the United Kingdom”;

(ii) for “its own Member State” substitute “the United Kingdom”;

(c) in paragraph 2 in the second subparagraph—

(i) for “interest shall be charged,” substitute “the requested party in the United Kingdom may charge interest”;

(ii) for “Member State of the requested party and” substitute “United Kingdom and that interest”.

12. In Article 81—

(a) in paragraph 1—

(i) after “recovery procedure” insert “where the institution in the United Kingdom is the applicant party”;

(ii) for “Member State of the applicant party” in both places it occurs substitute “United Kingdom”;

(iii) for “that Member State” substitute “the United Kingdom”;

(iv) after “applicant party” insert “in the United Kingdom”;

(b) in paragraph 2 in the first subparagraph—

(i) for “As soon as the requested party” substitute “Where the requested party is in the United Kingdom, as soon as it”;

(ii) after “requested party” in the second place it occurs insert “in the United Kingdom”;

(iii) for “its own Member State” substitute “the United Kingdom”;

(c) in paragraph 2 in the second subparagraph—

(i) for “Member State” substitute “State”;

(ii) for “applicant party shall be liable for the” substitute “requested party in the United Kingdom may seek”;

(d) in paragraph 3—

(i) for “Member State of the requested party” substitute “United Kingdom”;

(ii) for “that Member State” substitute “the United Kingdom”;

(e) in paragraph 4 for “Member State of the applicant party” substitute “United Kingdom”.

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13. In Article 82—
 - (a) in paragraph 1—
 - (i) after “requested party” in the first place it occurs insert “in the United Kingdom”;
 - (ii) for “Member State of the requested party” in both places it occurs substitute “United Kingdom”;
 - (b) in paragraph 2 after “requested party” insert “in the United Kingdom”.
14. In Article 83 for “Member State” in each place it occurs substitute “State”.
15. In Article 84—
 - (a) after “requested party” in the first place it occurs insert “in the United Kingdom”;
 - (b) for “Member State of the requested party” substitute “United Kingdom”.
16. In Article 85—
 - (a) in paragraph 1—
 - (i) for “shall” substitute “in the United Kingdom may”;
 - (ii) for “Member State of the requested party” substitute “United Kingdom”;
 - (b) in paragraph 3—
 - (i) for “The Member State of the applicant party” substitute “Where the institution in the United Kingdom is the applicant party, the United Kingdom”;
 - (ii) after “applicant party” in the second place it occurs insert “in the United Kingdom”.
17. Omit Article 86.