

FIRST SCHEDULE

Convention on Unemployment Insurance between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany

PART III

Provisions Concerning Benefit

Article 8

(1) Where a person, who has been employed in the territory of one Contracting Party, goes to the territory of the other Party and becomes employed there, otherwise than in contravention of any laws or regulations relating to the employment of aliens, in an employment which is subject, to compulsory insurance under the legislation of the latter Party, he shall, subject to the provisions of Articles 10 and 11 of the present Convention, be entitled to receive unemployment benefit under the legislation of the latter Party, if he satisfies the conditions for receiving such benefit laid down in that legislation.

(2) For the purpose of any claim which a person makes to receive unemployment-benefit under the legislation of the United Kingdom—

- (a) any period of employment completed by him which is compulsorily insurable under German legislation shall be treated as if it were a period during which he had paid contributions as an employed person under the legislation of the United Kingdom ;
- (b) any period during which he was entitled under German legislation to receive unemployment benefit or sickness benefit under sickness insurance shall be treated as if it were a period during which contributions were credited to him as an employed person under the legislation of the United Kingdom;
- (c) any period during which he was resident in the territory of the Federal Republic shall be treated as if it were a period during which he was resident in the territory of the United Kingdom.

(3) If a person, who has been employed in the territory of the Federal Republic, goes to the territory of the United Kingdom and becomes employed there, otherwise than in contravention of any laws or regulations relating to the employment of aliens, in an insurable employment under the legislation of the United Kingdom, and subsequently applies under that legislation for exception from liability to contribute and for contributions to be credited to him on grounds of unemployment, then, for the purpose of that application—

- (a) any period of employment completed by him which is compulsorily insurable under German legislation shall be treated as if it were a period during which he was employed in an employed contributor's employment and had paid contributions as an employed person under the legislation of the United Kingdom ;
- (b) any period during which he was entitled under German legislation to receive unemployment benefit or sickness benefit under sickness insurance shall be treated as if it were a period during which contributions were credited to him as an employed person under the legislation of the United Kingdom.

(4) For the purpose of any claim to receive unemployment benefit made under German legislation, any period during which contributions were paid by the person concerned as an employed person under the legislation of the United Kingdom shall be treated as if it were a period of compulsorily insurable employment completed under German legislation.

(5) For the purpose of applying the provisions of paragraphs (1), (2)(a), (2)(c), (3)(b) and (4) of this Article “unemployment benefit” means, in relation to the United Kingdom, unemployment benefit other than additional days of such benefit, as defined in the legislation of the United Kingdom, and, in relation to the Federal Republic, unemployment benefit as defined in German legislation, other than such benefit which is awarded by virtue of a period of employment which exceeded fifty-two weeks.

Article 9

(1) Where a national of either Contracting Party who is ordinarily resident in the territory of one Party and has been employed in the territory of the other Party in an employment which is subject to compulsory insurance under the legislation of that Party, becomes unemployed there and returns to the territory of the former Party, the provisions of Article 8 of the present Convention shall apply to him, even if he has not become employed in the territory of the former Party.

(2) A person to whom the provisions of this Article apply shall not be disqualified for receiving unemployment benefit under the legislation of the Party in whose territory he is ordinarily resident, on the sole ground that he has voluntarily left employment in the territory of the other Party in order to return to the territory of the former Party.

Article 10

Where a person claims unemployment benefit under the legislation of one Contracting Party by virtue of any of the provisions of Articles 8 and 9 of the present Convention—

- (a) any period during which he received such benefit under the legislation of the other Party during the period of twelve months before the date on which his claim is made shall be taken into account as if it were a period during which he had received such benefit under the legislation of the former Party;
- (b) subject to the provisions of paragraph (2) of Article 9 of the Convention, if he has been disqualified for receiving benefit under the legislation of the latter Party, he shall be treated as if he had been so disqualified under the legislation of the former Party.

Article 11

If a person claims unemployment benefit under German legislation by virtue of employment in the United Kingdom in accordance with any of the provisions of Articles 8 and 9 of the present Convention, the benefit due to him in relation to the period of that employment shall be determined by reference to the average earnings, calculated in accordance with agreed wage rates, or, if there are no agreed wage rates, the usual local earnings, for the usual average hours of work in similar employment at the place in the territory of the Federal Republic where he is resident.

Article 12.

Where, under the legislation of one Contracting Party, any increase of benefit would be payable for a dependant if he were in the territory of that Party, it shall be paid while he is in the territory of the other Party.

Changes to legislation:

There are currently no known outstanding effects for the The National Insurance (Germany) Order 1961, PART III.