

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SWEDEN

Modifications etc. (not altering text)

- C1** Sch. modified (5.12.2005) by [Social Security \(Reciprocal Agreements\) Order 2005 \(S.I. 2005/2765\)](#), art. 1, Sch. 1, [Sch. 2](#)

PART III

special provisions

Section 1

*special provisions relating to the application of the
legislation of the territory of the united kingdom*

Article 10

(1) Subject to the provisions of paragraphs (4) and (5) of this Article, for the purpose of calculating entitlement to an old age pension under the legislation of the United Kingdom in accordance with Article 15 of this Convention, or of calculating entitlement to a United Kingdom widow's benefit under Article 17, or of calculating entitlement under the legislation of the United Kingdom to any benefit specified in Articles 11 to 13 of this Convention, insurance periods completed under the legislation of Sweden before 6 April 1975 shall be treated as if they had been insurance periods completed under the legislation of the United Kingdom.

(2) Subject to the provisions of paragraph (4) of this Article, for the purpose of calculating entitlement to an old age pension under the legislation of the United Kingdom in accordance with Article 15 of this Convention, or of calculating entitlement to a United Kingdom widow's benefit under Article 17, or of calculating entitlement under the legislation of the United Kingdom to any benefit specified in Articles 11 to 13 of this Convention, insurance periods completed as a self-employed person under the legislation of Sweden after 5 April 1975 shall be treated as if they had been insurance periods completed as a self-employed person under the legislation of the United Kingdom.

(3) Subject to the provisions of paragraph (7) of this Article, for the purpose of calculating an earnings-factor for entitlement to any benefit referred to in Articles 11 to 17 of this Convention and provided under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention, a person shall be treated for each week beginning in a relevant tax year commencing on or after 6 April 1975, the whole of which week is an insurance period completed as an employed person under the legislation of Sweden, as having paid a contribution as an employed earner on earnings equivalent to two-thirds of that year's weekly upper earnings limit.

(4) For the purpose of calculating the appropriate contribution factor to establish entitlement to any benefit referred to in Articles 11, 12 and 14 to 17 of this Convention and provided under the legislation specified in Article 2(1)(a)(iii) of this Convention, a person shall be treated:

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- (a) for each week in an insurance period completed under the legislation of Sweden, being a week in the relevant quarter, as having paid contributions which derive a quarterly contribution factor of 0.077 for that quarter;
- (b) for each week in an insurance period completed under the legislation of Sweden, being a week in the relevant year, as having paid contributions which derive an annual contribution factor of 0.0193 for that year.

(5) For the purpose of calculating entitlement to benefit in accordance with Articles 11 to 17 and Article 24 of this Convention under the legislation specified in Article 2(1)(a)(iv) of this Convention, insurance periods completed under the legislation of Sweden shall be treated as if they had been insurance periods completed under the legislation of Guernsey.

(6) Subject to the provisions of paragraphs (8) and (9) of this Article, for the purpose of converting insurance periods completed under the legislation of the United Kingdom before 6 April 1975, each contribution period or equivalent period completed under the legislation of that State shall be treated as if it had been an insurance period completed under the legislation of Sweden.

(7) For the purpose of converting to an insurance period any earnings factor achieved in any tax year commencing on or after 6 April 1975 under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention, the competent authority of the territory of the United Kingdom shall divide the earnings factor by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in that year, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(8) For the purpose of converting to an insurance period any contribution factor achieved under the legislation specified in Article 2(1)(a)(iii) of this Convention, the competent authority of the territory of the United Kingdom shall:

- (a) in the case of a quarterly contribution factor, multiply the factor achieved by a person in a quarter by thirteen; and
- (b) in the case of an annual contribution factor, multiply the factor achieved by a person in a year by fifty-two.

The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in a quarter or in a year, as the case may be, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(9) For the purpose of converting insurance periods completed after 5 April 1975 under the legislation specified in Article 2(1)(a)(iv) of this Convention, each insurance period completed under that legislation shall be treated as if it had been an insurance period completed under the legislation of Sweden.

(10) Where it is not possible to determine accurately the periods of time in which certain insurance periods were completed under the legislation of one State, such periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other State, but they shall be taken into account to the best advantage of the beneficiary.

(11) For the purposes of determining entitlement to additional component payable under the legislation of the territory of the United Kingdom, no account shall be taken of any insurance period completed under the legislation of Sweden.

Section 2

sickness benefit, benefit in respect of childbirth and maternity grant

Article 11

(1) Where a person has, since his last arrival in the territory of one State, completed a contribution period under the legislation of that State, then for the purpose of any claim for sickness benefit made under the legislation of that State, any insurance period, completed under the legislation of the other State shall, subject to the provisions of Article 10 of this Convention, be treated as if it were an insurance period completed under the legislation of the former State.

(2) Where a person has, since his last arrival in the territory of one State, completed an insurance period under the legislation of that State, then for benefit in respect of childbirth, any insurance period completed under the legislation of the other State shall, subject to the provisions of Article 10 of this Convention, be treated as if it were an insurance period completed under the legislation of the former State.

(3) Where a person is entitled to sickness benefit under the legislation of one State he shall be entitled to receive that benefit during a temporary stay in the territory of the other State. This provision applies mutatis mutandis to maternity allowance under the legislation of the United Kingdom and parental benefit under the legislation of Sweden.

(4) Where, but for the provisions of this paragraph, a person would be entitled to sickness benefit or benefit in respect of childbirth under the legislation of both States for the same period by virtue of paragraph (1) or (2), respectively, of this Article, that benefit shall be granted exclusively under the legislation of the State in whose territory he is present.

Article 12

(1) Where a person has, since his last arrival in the territory of Jersey or Guernsey, completed a contribution period under the legislation of Jersey or Guernsey, as the case may be, then for the purpose of any claim for maternity grant made under the legislation of Jersey or Guernsey, any insurance period completed under the legislation of Sweden shall, in accordance with the provisions of Article 10 of this Convention, be treated as if it were an insurance period completed under the legislation under which the claim is made.

(2) Where a woman is confined in Great Britain, Northern Ireland or the Isle of Man (other than a woman who is treated as having been confined there by virtue of paragraph (3) of this Article), periods during which she was present in the territory of Sweden shall be treated for the purpose of a claim by her for maternity grant under the legislation of the State in whose territory the confinement occurred as if they were periods during which she was present in that territory.

(3) For the purpose of any right to maternity grant under the legislation of the United Kingdom a confinement in the territory of Sweden shall be treated as if it were a confinement in the territory of the United Kingdom.

(4) Where, but for the provisions of this paragraph, a person would be entitled to receive a maternity grant under the legislation of more than one part of the territory of the United Kingdom by virtue of the provisions of this Convention, a grant shall be payable only under the legislation of the part in which the confinement occurred. If the confinement occurred in Sweden the grant shall be payable under the legislation of that part of the territory of the United Kingdom in which she was last resident.

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Section 3
unemployment benefit

Article 13

(1) Subject to the provisions of paragraph (2) of this Article, where a person has, since his last arrival in the territory of one State, completed a contribution period under the legislation of that State, then for the purpose of a claim for unemployment benefit under the legislation of that State, any insurance period completed under the legislation of the other State shall, subject to the provisions of Article 10 of this Convention, be treated as if it were an insurance period completed under the legislation of the former State, provided that it would have been considered as an insurance period if it had been completed under the legislation of that State, and provided that:

- (a) periods of insurance or periods of employment completed under the legislation of Jersey shall not be taken into account for the purpose of determining entitlement to unemployment benefit under the legislation of Sweden; and
- (b) periods of insurance or periods of employment completed under the legislation of Sweden shall be taken into account for the purpose of determining entitlement to unemployment benefit only under the legislation specified in Article 2(1)(a)(i), (ii) and (iv) of this Convention.

(2) The application of paragraph (1) to Swedish legislation presupposes that the person concerned has been employed in Sweden for at least four weeks in total during the last twelve months before submitting his claim. Paragraph (1) applies, however, even when his employment has terminated before the expiration of four weeks, if it was terminated through no fault of the employee and had been intended to last for a longer period.

(3) Where a person claims unemployment benefit under the legislation of one State by virtue of paragraph (1) of this Article, any period for which he received such benefit under the legislation of the other State shall be taken into account as if it were a period during which he had received such benefit under the legislation of the former State provided that that period fell within the last twelve months before the first day for which unemployment benefit becomes payable under the legislation of the former State.

Section 4

old age pension and survivor's benefit under the legislation of the territory of the united kingdom

Article 14

(1) Subject to the provisions of paragraph (2) of this Article, where a person is entitled to an old age pension under the legislation of the territory of the United Kingdom otherwise than by virtue of the provisions of this Convention, that pension shall be payable and the provisions of Article 15 of this Convention shall not apply.

(2) Notwithstanding any other provision of this Article or of Article 15 of this Convention, a married woman who is not entitled to an old age pension under the legislation of the United Kingdom by virtue of her own insurance periods, but who is entitled to a Category B retirement pension under that legislation by virtue of insurance periods completed by her husband, shall be entitled to claim an old age pension in accordance with the said Article 15. Where by virtue of the said Article 15 she would have entitlement to an old age pension under the legislation of the United Kingdom, she shall be entitled to choose to receive that pension in preference to the Category B retirement pension which could otherwise be payable under that legislation by virtue of the insurance periods completed by her husband.

Article 15

(1) Subject to the provisions of Article 10 and of paragraph (2) of Article 14 of this Convention, where a person is not entitled to an old age pension under the legislation of the territory of the United Kingdom other than by virtue of this Convention any insurance period which he has completed under the legislation of Sweden shall be treated as if it were an insurance period completed under the legislation of the territory of the United Kingdom and his entitlement to old age pension under the legislation of the territory of the United Kingdom shall be determined in accordance with paragraphs (2) and (3) of this Article.

(2) The insurance authority in the territory of the United Kingdom shall determine:

- (a) first the amount of the theoretical pension which would be payable if all the insurance periods completed by the person under the legislation of both States had been completed under the legislation of the territory of the United Kingdom; and then
- (b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed by the person under the legislation of that State, or of a part of the territory of that State, bears to the total of all the insurance periods which he has completed under the legislation of both States.

The proportionate amount thus calculated shall be the pension actually payable.

(3) For the purposes of the calculation in paragraph (2) of this Article where all the insurance periods completed by any person under the legislation of

- (a) either the United Kingdom or the Isle of Man amount to less than one reckonable or as the case may be, qualifying year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 50 weeks; or
- (b) Jersey amount to less than an annual contribution factor of 1.00; or
- (c) Guernsey amount to less than 50 weeks,

those periods shall be treated as if they had been completed under the legislation of any other part of the territory of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable. Where no such pension is or would be payable by any other part of the territory of the United Kingdom, the periods shall be disregarded.

(4) For the purpose of applying the provisions of paragraph (2) of this Article:

- (a) the insurance authority of the territory of the United Kingdom shall take account only of insurance periods (completed under the legislation of either State) which would be taken into account for the determination of pensions under the legislation of the territory of the United Kingdom if they were completed under the legislation of that State, and in relation to a woman shall, where appropriate, take into account in accordance with that legislation insurance periods completed by her husband;
- (b) no account shall be taken of any graduated contributions paid under the legislation of the United Kingdom or the Isle of Man before 6 April 1975 and the amount of any graduated benefit payable by virtue of such contributions shall be added to the amount of any pensions payable in accordance with paragraph (2) of this Article under that legislation;
- (c) no account shall be taken under the legislation of the United Kingdom of any insurance period after the person attained pensionable age, but any increase of benefit in respect of such a period under the legislation of the United Kingdom shall be added to any benefit payable under the legislation of the United Kingdom which has been calculated under paragraph (2) of this Article;
- (d) where a compulsory insurance period completed under the legislation of Sweden coincides with a voluntary insurance period completed under the legislation of the United Kingdom, only the compulsory insurance period shall be taken into account, provided that the amount

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of pension payable under the legislation of the United Kingdom under the provisions of paragraph (2) of this Article shall be increased by the amount by which the pension payable under the legislation of that State would have been increased if all voluntary contributions paid under that legislation had been taken into account;

- (e) where a contribution period completed under the legislation of Sweden coincides with an equivalent period completed under the legislation of the United Kingdom, the latter period shall not be taken into account;
- (f) where it is not possible to determine accurately the period of time in which certain insurance periods were completed, they shall be treated as if they did not overlap with other insurance periods and shall, where advantageous, be taken into account.

Article 16

Where a person does not simultaneously satisfy the conditions for entitlement to an old age pension under the legislation of both States, his entitlement under the legislation of the territory of the United Kingdom shall be established as and when he satisfies the conditions laid down by the legislation of that State. The provisions of Article 15 of this Convention shall apply and the amount of the pension shall be recalculated when the conditions for entitlement to an old age pension under the Swedish legislation are satisfied.

Article 17

The provisions contained in Articles 14 to 16 of this Convention shall apply, with such modifications as the differing nature of the benefits shall require, to survivor's benefit.

Section 5

pensions under the legislation of sweden

Article 18

(1) Nationals of the United Kingdom as well as persons designated in Article 3 paragraph (3) of this Convention, whether they reside in Sweden or elsewhere, who do not fulfil the conditions of the Swedish legislation which apply to them as regards entitlement to basic pension, shall be entitled to basic pension according to the rules applying to Swedish nationals residing abroad.

(2) Disability benefits which are not supplements to a basic pension, care allowances for handicapped children, pension supplements and income-tested pension benefits are payable to persons designated in paragraph (1), provided that they are residing in Sweden, applying *mutatis mutandis* the rules contained in that paragraph.

(3) Article 4 of this Convention does not affect the provisions of Swedish legislation concerning the right of Swedish nationals residing outside Sweden to a basic pension.

Article 19

Where a national of one of the States or a person designated in Article 3 paragraph (3) of this Convention does not have sufficient Swedish periods of insurance to satisfy the requirements for entitlement to basic pension in accordance with the provisions applicable to Swedish nationals residing outside Sweden, periods of insurance completed under the legislation of the territory of the United Kingdom shall be taken into account in so far as they do not coincide with Swedish periods of insurance.

Article 20

(1) Where periods of insurance have been completed both under the Swedish supplementary pension insurance scheme and under the legislation of the territory of the United Kingdom, these periods shall when necessary be added together for the acquisition of a right to supplementary pension in so far as they do not coincide.

(2) When computing the amount of supplementary pension, only periods of insurance completed under the Swedish legislation will be taken into account.

(3) This Convention does not affect the provisions of Swedish legislation concerning the calculation of supplementary pensions for persons born in 1923 or earlier.

Section 6

benefits for industrial injuries and diseases

Article 21

(1) Where a person is employed in the territory of one State and the legislation of the other State applies to him in accordance with any of the provisions of Articles 5 to 9 of this Convention, he shall be treated under that legislation for the purpose of any claim for benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of the latter State. Where benefit would be payable in respect of that claim if the person were in the territory of the latter State, it shall be payable while he is in the territory of the former State.

(2) Where a person sustains an accident after he leaves the territory of one State to go, in the course of his employment, to the territory of the other State but before he arrives in the latter territory, then, for the purpose of any claim for benefit in respect of that accident:

- (a) the accident shall be treated as if it had occurred in the territory of the State whose legislation applied to him at the time the accident occurred; and
- (b) his absence from the territory of that State shall be disregarded in determining whether his employment was as an employed person under that legislation.

Article 22

(1) Where a person has sustained an industrial injury or contracted an industrial disease, in respect of which the legislation of one State applies, and later sustains an industrial injury or contracts an industrial disease in respect of which the legislation of the other State applies, then for the purpose of determining the degree of his disablement under the legislation of the latter State, account shall be taken of the former injury or disease as if the legislation of the latter State applied to it.

(2) Where a person contracts an industrial disease, after having been employed in the territory of only one State in an occupation to which, under the legislation of that State, the disease may be attributed, the legislation of that State shall apply in his case, even if the disease is first diagnosed in the territory of the other State. This shall apply also in relation to any aggravation of the disease, provided that the person has not in the meantime been further exposed to the same risk in the territory of the latter State.

(3) Where a person contracts an industrial disease, after having been employed in the territories of both States in an occupation to which, under the legislation of both States, the disease may be attributed and he would be entitled to receive benefit in respect of that disease under the legislation of both States, whether by virtue of this Convention or otherwise, the benefit shall be payable only

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under the legislation of the State in whose territory he was last employed in that occupation before the disease was diagnosed.

(4) Where a person has suffered an aggravation of an industrial disease for which benefit has been paid in accordance with the provisions of paragraph (2) or (3) of this Article, the following provisions shall apply:

- (a) if the person has not had further employment in occupations to which the disease or the aggravation may be attributed, or has had such employment only in the territory of the State under whose legislation benefit has been paid, any additional benefit to which he may become entitled as a result of such aggravation shall be payable only under that legislation;
- (b) if the person makes a claim under the legislation of the State in whose territory he is employed on the ground that he has suffered an aggravation of the disease while he was employed in the territory of that State in occupations to which, under the legislation of that State the aggravation may be attributed, the competent institution of that State shall be liable to pay benefit only in respect of the aggravation as determined under the legislation of that State.

Article 23

Where, but for the provisions of this Article and subject to the provisions of Article 22(4)(b) of this Convention, a person would have been entitled to any benefit payable in respect of an industrial injury or disease under the legislation of both States, that benefit shall be granted exclusively under the legislation of the territory in which the person was last employed.

Section 7

orphan's benefit payable under the legislation of the territory of the united kingdom

Article 24

(1) For the purpose of any claim for orphan's benefit under the legislation of the territory of the United Kingdom any insurance period or period of presence completed under the legislation of, or in the territory of, Sweden, as the case may be, shall be treated as if it were respectively an insurance period or period of presence completed under the legislation of, or in the territory of, the United Kingdom.

(2) Where a person would be entitled to receive orphan's benefit under the legislation of the territory of the United Kingdom other than by virtue of paragraph (1) if that person or the orphan for whom the benefit is claimed were resident in the territory of that State, it shall be paid while that person, or the orphan, is resident in Sweden.

(3) Where, but for the provisions of this paragraph, a person would be entitled to receive orphan's benefit under the legislation of both States in respect of the same orphan, whether by virtue of this Convention or otherwise, he shall be entitled to receive benefit only under the legislation of the State in whose territory the orphan is resident.

Section 8

family allowance

Article 25

(1) For the purpose of a claim for family allowance under the legislation of one State periods of residence completed under the legislation of the other State shall be treated as if they were periods of residence completed under the legislation of the former State.

(2) If entitlement to family allowance exists under the legislation of both States with regard to the same child and the same period, family allowance shall be payable only under the legislation of Sweden if the child is resident there or under the legislation of the territory of the United Kingdom if he is resident in that territory.

Section 9

recovery of advance payments and overpayments of benefit

Article 26

(1) Where a competent institution of one State has made an advance payment of any benefit for any period, any arrears of a corresponding benefit which become payable for the same period under the legislation of the other State may be withheld, provided that the amount so withheld shall not exceed the amount of the advance payment. Where a competent institution of one State has overpaid a benefit for any period for which a competent institution of the other State afterwards becomes liable to pay a corresponding benefit, the overpayment shall be regarded, for the purposes of the first sentence of this paragraph, as an advance payment.

(2) Where a person has received social assistance under the legislation of one State for a period for which that person subsequently becomes entitled to any benefit under the legislation of the other State, the competent institution of the latter State, at the request of and on behalf of the competent institution of the former State, shall withhold from the benefit due for that period the amount by which the social assistance paid exceeded what would have been paid, had the benefit under the legislation of the latter State been paid before the amount of social assistance was determined, and shall transfer the amount withheld to the competent institution of the former State.

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- Instrument modified by [S.I. 1992/3213 art.2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order modified by [S.I. 1988/591 art. 23Sch.](#)
- Order modified by [S.I. 1995/767 art. 2Sch. 12](#)
- Act modified by [S.I. 1996/1928 art.2Schs.12](#)
- Order modified by [S.I. 1996/1928 art. 2Sch. 12](#)