

CONVENTION ON SOCIAL SECURITY IN THE ORGANISATION OF EASTERN CARIBBEAN STATES

The Member States of the Organization of Eastern Caribbean States signatories hereto,

Considering that one of the major purposes of the Organization is to promote co-operation among the Member States of the Organization;

Bearing in mind that one of the areas of functional co-operation among the Member States is social security.

Recognizing that multilateral co-ordination of social security legislation is one of the ways directed to foster such unity and functional co-operation;

Affirming the principle of equality of treatment for residents of the Participating States under the social security legislation of each Participating State, the maintenance of rights acquired or in the course of acquisition, and the principle that benefits under social security legislation should be protected and maintained notwithstanding changes of residence within the territories of the Participating States, principles which underlie several of the conventions of the International Labour Organisation;

Have agreed as follows:

Part I. DEFINITIONS, GENERAL PROVISIONS AND SCOPE

ARTICLE 1

1. For the purpose of this Convention-

“Authority” means the Authority of Heads of Government of Member States of the Organisation;

“benefit” means a benefit provided for in Article 2 and in legislation referred to in Article 3;

“competent authority” means the Minister or other authority having responsibility over institutions in the territory of each Participating State;

“competent institution” means -

- i. the institution of the Participating States where the insured person is resident or if he is not resident in the territory of one of the Participating States, the institution of the Participating State the legislation of which lastly applied to him; or
- ii. the institution from which he is entitled to receive, or would be entitled to receive, or would be entitled to receive benefit if he were resident in the territory of the Participating State where that institution is situated; or
- iii. the institution designated by the competent authority of the Participating State in which the insured person is resident at the time of claiming benefit;

“competent State” means the Participating State in whose territory the competent institution exists;

“dependent” means a member of the family of an insured person or some person though not being a member of the family of the insured person is accepted as such by virtue of being dependent on the insured person under the legislation of the Participating State concerned;

“Director-General” means the Director- General appointed under the Treaty;

“institution” means the authority or organization responsible for administering all or part of the social security legislation of each Participating State;

“insurance period” means any contribution period as defined or admitted as such by the legislation under which it was completed, and any other period treated as such, in so far as it is recognized by the said legislation as being equivalent to an insurance period;

“insured person” means an employed person or a self-employed person or any other person treated as an insured person under the legislation of the Participating State concerned;

“legislation” means according to the context, the laws, regulations and statutory provisions in force immediately before the coming into force of the present Convention or which subsequently come into force of the present Convention or which subsequently come into force throughout the territory of each Participating State, and which relate to the branches of social security specified in Article 2;

“Organisation” means the Organisation of Eastern Caribbean States established by the Treaty done at Basseterre on the 18th day of June, 1981;

“Participating State” means any Member State of the Organisation which is signatory to this Convention or any other State which has acceded to this Convention in accordance with Article 49;

“survivor” means a person defined or recognized as such by the legislation by virtue of which benefits are payable;

“Treaty” means the Treaty establishing the Organisation done at Basseterre on the 18th day of June, 1981.

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

ARTICLE 2

This Convention shall apply to all the contributory social security schemes in respect of the following benefits:

- (a) Invalidity, old-age and survivors' benefits;
- (b) Benefits in respect of employment injuries and occupational diseases;
- (c) Funeral benefits;
- (d) Sickness and maternity benefits.

ARTICLE 3

Each Participating State shall, as soon as possible after the Convention becomes applicable to its territory, supply the Director-General with a list of its legislation to which the Convention is applicable. Any modification to be made to the list shall in like manner be supplied to the Director-General within three months from the date of the enactment of such legislation.

ARTICLE 4

1. The provisions of this Convention shall apply to insured persons who are or have been subject to the legislation of one or more of the Participating States, as well as to their dependents and survivors as the case may be.

2. The provisions of this Convention shall not be applicable to diplomatic agents Vienna Convention on Diplomatic Relations, and consular officers as defined in the 1961 and 1963 Vienna Conventions on diplomatic relations and consular relations respectively.

ARTICLE 5

The provision of this Convention shall not affect the obligations arising out of any Convention adopted by the International Labour Conference and ratified by the participating States.

ARTICLE 6

Where the legislation of a Participating State makes admission to voluntary insurance conditional upon the completion of a certain number of insurance periods, the institution applying the said legislation shall in assessing the total number of periods completed take into account all insurance periods completed

under the legislation of any other Participating State, as if they were insurance periods completed under the legislation which the institution applies.

ARTICLE 7

Unless otherwise specified in this Convention, invalidity, old-age, survivors' or funeral benefits, and benefits paid in pension or lump sum form or a combination of both in respect of disablement for employment injuries or occupation diseases under the legislation of one or more of the Participating States, shall in no case be reduced, modified, suspended or confiscated on account of the fact that the insured person, his dependents or survivors are resident in the territory of one of the Participating States other than where the institution required to pay such benefit is situated.

ARTICLE 8

1. Except in the case of invalidity, old-age, survivors' or occupational disease benefits assessed and paid by the institutions of two or more of the Participating States by virtue of Article 16 or paragraph (b) of Article 30, this Convention shall not confer or maintain the right to draw simultaneously two or more benefits of the same kind or two or more benefits referring to the same insurance period.

2. Provisions in the legislation of a Participating State for the reduction, suspension or suppression of benefits where there is overlapping with other benefits or other income, or because of an occupational activity, shall apply also to a beneficiary in respect of benefits acquired under the legislation of any other Participating State or in respect of income obtained or occupation followed, in the territory of any other Participating State. This rule shall not, however, apply to benefits of the same nature payable in respect of invalidity, old-age, survivors' or occupational disease by the institutions of two or more Participating States in accordance with the provisions of Article 16 and paragraph (b) of Article 30.

PART II. PROVISIONS WHICH DETERMINE LEGISLATION APPLICABLE

ARTICLE 9

1. An employed person shall be subject in relation to his employment to the legislation of one Participating State.

2. An employed person who is employed in the territory of a Participating State shall be subject to the legislation of that State even if he resides in the territory of another Participating State or even if the undertaking which employs him has its principal place of business, or his employer has his place of residence, in the territory of another Participating State.

3. Workers who follow their occupation on board a ship flying the flag of a Participating State shall be subject to the legislation of that State.

4. The provisions of this Article shall apply to members of the service staff of diplomatic missions or consular posts and also to persons employed in the private service of officials of such missions or posts. However, such workers who are members of a participating State which is the sending State may opt for the application of the legislation of that State.

ARTICLE 10

A self-employed person who follows his occupation in the territory of a Participating State shall be subject to the legislation of the State, even if he resides in the territory on another Participating State.

ARTICLE 11

The provisions of Articles 9 and 10 shall not apply in the case of voluntary insurance.

ARTICLE 12

1. Where the application of the legislation of two or more Participating States would result in the person concerned becoming insured under a compulsory insurance scheme and at the same time permit membership as a voluntary contributor to another compulsory insurance scheme, the person concerned shall be subject to the provisions of the first-mentioned compulsory insurance scheme only.

2. In cases where the application of the legislation of two or more Participating States would permit membership as a voluntary contributor to two or more compulsory insurance schemes, the person concerned shall be entitled to be insured under the insurance scheme of the Participating State where he is resident or if he is not resident in the territory of one of the Participating States, under the scheme of the Participating State whose legislation last applied to him.

ARTICLE 13

The competent institutions of two or more of the Participating States may by mutual agreement make exceptions to the provisions of Articles 9 and 12 in the interests of the persons affected thereby.

PART III. DETAILED PROVISIONS GOVERNING THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER 1: INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS

Common Provisions

ARTICLE 14

Where an insured person has been subject successively or alternatively to the legislation of two or more Participating States, such insured person or his survivors shall be entitled to benefits in accordance with the provisions of this Chapter, even if an insured person could be entitled to claim benefits under the legislation of one or more of the Participating States without the provisions of this Chapter being applied.

ARTICLE 15

Where the legislation of a Participating State makes the acquisition or maintenance of entitlement to benefits conditional upon the completion of a number of insurance periods, the institution administering that legislation shall, to that end, for the purpose of adding periods together, take account of all insurance periods completed under the legislation of any other Participating State treating them as periods completed under the legislation of any other participating State treating them as periods completed under the legislation of the first State.

ARTICLE 16

1. The institution of each Participating State to whose legislation the person concerned has been subject shall determine, in accordance with the legislation which it applies, whether such person satisfies the conditions for entitlement to benefits having regard, where appropriate, to the provisions of Article 15.

2. If the person concerned satisfies those conditions, the said institution shall calculate the notional amount of the benefit he could claim if all the insurance periods completed under the different legislation of the Participating States concerned, and taken into account in accordance with the provisions of Article 15 for determining entitlement, had been completed exclusively under the legislation applied by the said institution.

3. The actual amount payable by the said institution shall bear a direct ratio to the notional amount calculated in accordance with the preceding paragraph as the number of insurance periods completed under the legislation of that institution bears to the total number of insurance periods completed before the contingency arose under the legislation of all the Participating States.

ARTICLE 17

1. For the purposes of calculating the notional amount referred to in paragraph 2 of Article 16, where the legislation of a Participating State provides that benefits are to be calculated on the sum total of insurable earnings or number of contributions, the earnings or contributions to be taken into account by the competent institution of that State with respect to the periods completed under the legislation of other Participating States shall be determined on the basis of the average earnings or the contributions recorded for the periods completed under the legislation of the first-mentioned State.

ARTICLE 18

Where the legislation of a Participating State provides that the amount of benefit shall vary according to the number of dependents of the insured, the competent institution shall also take account of the dependents resident in the territory of another Participating State, as if such dependents were resident in the territory of the first-participation State.

ARTICLE 19

1. Where at any given date an insured person does not satisfy the qualifying conditions required by the legislation of all the participating States concerned (regard being had to the provision of Article 17) but satisfies the qualifying conditions required by only one or more of them, then the amount of the benefits payable shall be calculated in accordance with paragraphs 2 and 3 of Article 16 by each of the competent institutions applying the legislation the qualifying conditions of which are fulfilled.

Provided that -

- (a) Where the insured person concerned satisfies the conditions of at least two legislations without any need to include periods of insurance completed under legislations, the conditions of which are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of paragraphs 2 and 3 of Article 16;
- (b) Where the insured person concerned satisfies the qualifying conditions of one legislation only without any need to invoke the provisions of Article 15, the amount of benefit payable shall be calculated exclusively in accordance with the provisions of the legislation the qualifying conditions of which are fulfilled, taking account of periods completed under the legislation only.

2. Benefits awarded under one or more of the legislations concerned in the cases covered by the preceding paragraph shall be automatically recalculated in accordance with the provisions of paragraphs 2 and 3 of Article 16 as and when the qualifying conditions prescribed by one or more of the other legislations concerned are satisfied, the provisions of Article 15 being taken into account, where applicable.

ARTICLE 20

1. Where the amount of benefits which an insured person would be entitled to claim under the legislation of a Participating States, disregarding the provisions of Articles 15 and 18 is greater than the sum total of the benefits payable in accordance with those provisions, the competent institution of that State shall pay him a supplement equal to the difference between the two amounts and shall bear the whole cost thereof.

2. In cases where the application of the preceding paragraph of this Article would result in payment of the insured person concerned of supplements from the institutions of two or more Participating States, he shall be entitled to the largest supplement only, the cost of such supplement being apportioned among the competent institutions of the said Participating States according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which each all the said institutions would have had to pay.

3. The supplement referred to in the preceding paragraphs of this Article shall be deemed to be a component of the benefits provided by the institution liable for payment. Its amount shall be determined once and for all, except where it may be necessary to apply the provisions of paragraph 2 of Article 18.

Special Provision Concerning Invalidity Benefit

ARTICLE 21

1. Where appropriate, invalidity benefits shall be converted to old-age benefits, subject to the conditions prescribed by the legislation or legislations under which they have been awarded and in accordance with the provisions of Articles 15 to 19.

2. Where, in the cases referred to in Article 18, a recipient of invalidity benefits payable under the legislation of one or more of the Participating States becomes entitled to old-age benefit, any institution liable to pay invalidity benefits shall continue to pay such recipient the benefit to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

CHAPTER II : BENEFITS IN THE CASE OF EMPLOYMENT INJURIES AND OCCUPATIONAL DISEASE

ARTICLE 22

1. An insured person resident in the territory of a Participating State other than the competent State, who suffers personal injury caused by accident or contracts an occupational disease shall receive, in the territory of the Participating State where he is resident-

- (a) Benefits in kind, to be provided directly by the institution of the place of residence, at the expense and on behalf of the competent institution, in accordance with the provisions of the legislation which the institution of the place of residence administers, as if the insured person was subject to the legislation applied by that institution;
- (b) Cash benefits, paid out directly by the competent institution under the legislation administered by the institution, as if the insured person were resident in the territory of the competent State; however where an agreement has been reached to this effect between the competent institution and the institution of the place of residence, such cash benefits may be paid out directly by the institution of the place of residence on behalf and at the expense of the competent institution.

2. Where an insured person covered by this Article transfers his residence to or makes a stay in the territory of the competent State he shall receive benefit in accordance with the provisions of the legislation of the said State, even if has commenced to draw benefit elsewhere before his stay or transfer of residence.

ARTICLE 23

1. An insured person, having sustained personal injury caused by accident or having contracted an occupational disease who -

- (a) is staying in the territory of a Participating State other than the competent State; or
- (b) after having become entitled to benefits payable by the competent institution, is authorised by the said institution to return to the territory of a Participating State other than the competent state where he is resident, or to transfer his residence to the territory of a Participating State other than the competent State; or
- (c) is authorised by the competent institution to move to the territory of a Participating State other than the competent State in order to receive the treatment necessary for his condition; shall be entitled to -

- (i) benefits in kind provided on behalf and at the expense of the competent institution by the institution of the place of residence or of stay, in accordance with the provisions of the legislation applied by the latter institution, as if such insured person was subject to the provisions of the legislation applied by that institution ;
 - (ii) cash benefits, paid out directly by the competent institution, under the provisions of the legislation applied by that institution, as if the insured person were resident or staying in the territory of the competent State; however, where an agreement has been reached to this effect between the competent institution and the institution of the place of stay or residence, such cash benefits may be paid out directly by the institution of the place of stay or residence on behalf and at the expense of the competent institution.
2. (a) The authorisation referred to in sub-paragraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the insured person.
- (b) The authorization referred to in sub-paragraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Participating State in which the insured person resides.

ARTICLE 24

In the cases referred to in paragraph 1 of Article 21 and paragraph 1 of Article 22, the competent authorities of two or more Participating States may agree to make the provision of prosthetic appliances, major aids and other major benefits in kind conditional on the prior authorisation of the competent institution.

ARTICLE 25

1. Where the legislation of the competent State provides for payment of the cost of transporting the injured person to his place of residence or to hospital, the cost of transport to the corresponding place in the territory of another Participating State where he is resident shall be defrayed by the competent institution, in accordance with the provisions of the legislation it applies; provided it has given prior authorisation for the said transport, due account being taken of the reasons justifying it.

2. Where the legislation of the competent State makes provision for the payment of the cost of transporting the body of a deceased worker to the place of burial, the cost of transport to the corresponding burial place in the territory of another Participating State where the deceased was resident shall be borne by the competent institution, in accordance with the legislation it applies.

3. The application of the paragraphs of this Article between two or more of the Participating States may be subject to the making of agreements between the said States.

ARTICLE 26

A Participating State shall provide benefits in kind for employment injuries to any person insured with another Participating State.

ARTICLE 27

Where the legislation of a Participating State explicitly or implicitly provides that previous employment injuries or occupational diseases shall be taken into account in the assessment of the degree of incapacity, the competent institution of that State shall also take into account for this purpose employment injuries or occupational diseases previously recognised in accordance with the legislation of any other Participating State, as if they had occurred under the legislation of that State.

ARTICLE 28

Where the legislation of a Participating State fixes a maximum period for the provision of benefits, the institution which apply that legislation may, where appropriate, take account of any period during which benefits have already been provided by the Institution of another Participating State for the same case of employment injury or occupational disease.

ARTICLE 29

Where the legislation of a Participating State provides that cash benefits are payable to dependents, the competent institution of the said State shall also take account of dependents resident in the territory of another Participating State, as if they reside in the territory of the first-mentioned State, and appropriate apportionments shall be made accordingly where possible.

ARTICLE 30

1. Where an insured person certified as having contracted an occupational disease was engaged, under the legislation of two or more Participating States, in an activity likely to cause such disease, the benefit entitlement of such insured person or his dependents shall be assessed exclusively under the legislation of the last of such Participating States whose conditions for entitlement are fulfilled.

2. Where the legislation of a Participating State makes entitlement to benefits for occupational disease conditional on the occupation liable to cause the disease in question having been followed for a specified period, the competent institution of that State shall take into account, to the extent necessary, all periods during which such an occupation was followed in the territory of any other Participating State.

ARTICLE 31

Where an insured person having contracted an occupational disease has received or continues to receive benefit paid by the institution of a Participating State, and, in the event of an aggravation of his condition, claims benefit from the institution of another Participating State, the following provisions shall apply:

- (a) where the insured person was not engaged, under the legislation of the second State, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first State shall bear the cost of the benefit, taking the aggravation into account, in accordance with the legislation it applies;
- (b) where the insured person was engaged in such an occupation under the legislation of the second State, the competent institution of the first State shall bear the cost of the benefit, leaving the aggravation out of account, in accordance with the legislation applied by it; the competent institution of the second State shall grant a benefit supplement equal to the difference between the rate of benefit payable after the aggravation of his condition and the rate previously payable, in accordance with the legislation applied by it.

ARTICLE 32

1. The competent institution shall reimburse the cost of benefits in kind paid out on its behalf by the institution of the place of residence or stay under paragraph 1 (a) of Article 21 and paragraph 1 (c) (i) of Article 22.
2. The reimbursements referred to in the preceding paragraph shall be determined and made under arrangements to be agreed between the competent authorities of the Participating States.
3. Two or more Participating States may agree that there be no refunds between the institutions in their jurisdictions.

CHAPTER III: FUNERAL BENEFIT

ARTICLE 33

Where the legislation of a Participating State makes the acquisition, maintenance or recovery of entitlement of funeral benefits conditional upon the completion of a number of insurance periods, the institution administering the said legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of all insurance periods completed under the legislation of any of the other Participating States, treating them as periods completed under the legislation of the first State.

ARTICLE 34

1. Where a person dies in the territory of a Participating State other than the competent State, the death shall be deemed to have occurred in the territory of the competent State.

2. The competent institution shall provide funeral benefits due under the legislation which it applies, even if the beneficiary resides in the territory of a Participating State other than the competent State.

3. Where funeral benefits are payable in respect of the same death under the legislation of two or more Participating States only the largest of these benefits shall be paid; all the benefits payable under the different legislation shall be added together firstly and each Participating State shall be liable to pay a proportion of the largest benefit, such proportion representing the ratio which the benefit payable under each Participating State's legislation bears to the sum total of all the benefits payable under the different legislation.

4. The provisions of the preceding paragraphs of this Article shall apply also where death results from the employment injuries or occupational diseases.

CHAPTER IV: SICKNESS AND MATERNITY

ARTICLE 35

Where the legislation of a Participating State makes the acquisition or maintenance of entitlement to benefits conditional upon the completion of a number of insurance periods, the institution administering that legislation shall, to that end, for the purpose of adding periods together, take account of all insurance periods completed under the legislation of any other Participating State, treating them as periods completed under the legislation of the first State.

ARTICLE 36

1. An insured person resident in the territory of a Participating State other than the competent and who satisfies the conditions for entitlement specified by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 35, shall receive in the territory of the Participating State in which he or she is resident, cash benefits, paid out directly by the competent institution under the legislation administered by that institution, as if the insured person were resident in the territory of the competent State, however, where an agreement had been reached to this effect between the competent institution and the institution of the place of residence, such cash benefits may be paid out directly by the institution of the place of residence on behalf of and at the expense of the competent institution.

2. Where an insured person covered by this Article transfers residence to or makes a stay in the territory of the competent State, he or she shall receive benefits in accordance with the provisions of the said legislation of the said State even if he or she commenced to draw benefit for the same case of sickness or maternity elsewhere before the stay or transfer of residence.

ARTICLE 37

1. An insured person who satisfies the conditions for entitlement to benefits under the legislation of competent State, regard being had, where appropriate, to the provisions of Article 35, and who:

- (a) has a condition which necessitates the immediate provision of benefits during a stay in the territory of a Participating State other than the competent State; or
- (b) after having become entitled to benefits payable by the competent institution, is authorised by the said institution to return to the territory of a Participating State other than the competent State where he or she is resident or to transfer residence to the territory of a Participating State other than the competent State; or
- (c) is authorised by the competent institution to move to the territory of a Participating State other than the competent State in order to receive the treatment necessary for his or her condition,

shall be entitled to cash benefits, paid out directly by the competent institution under the provisions of the legislation applied by that institution, as if the insured person were resident or staying in the territory of the competent State; however, where an agreement has been reached to this effect between the competent institution and the institution of the place of stay or residence, such cash benefits may be paid by the institution of the place of stay or residence, on behalf and at the expense of the competent institution.

2. (a) The authorisation referred to in sub-paragraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the insured person;
- (b) The authorisation referred to in sub-paragraph (c) of the preceding paragraph shall not be given in the territory of the Participating State in which the insured person resides.

ARTICLE 38

Where the legislation of a Participating State provides that cash benefits are payable to dependent the competent institution of the said State shall also, take account of dependents residents in the territory of another Participating State, as if they were resident in the territory of the first-mentioned State and appropriate apportionment shall be made accordingly where possible.

ARTICLE 39

Where the legislation of a Participating State fixes a maximum period for the provisions of benefits, the competent institution of the said Participating State shall also, where appropriate, take account of any period during which benefits have already been provided by any other of the Participating States for the same case of sickness or maternity.

PART IV: MISCELLANEOUS PROVISIONS

ARTICLE 40

1. The competent authorities of the Participating States shall communicate to each other-
 - (a) all information concerning measures taken by them for the application of this Convention; and

- (b) all information concerning their legislation subsequent amendments of such legislation which may affect the application of this Convention; and
- (c) all statistical information concerning beneficiaries and the amount of benefits paid under this Convention.

2. For the purpose of the application of this Convention, the competent authorities and competent institutions of the Participating States shall -

- (a) assist one another as if they were applying their own legislation; and
- (b) provide administrative assistance, free of charge however, the competent authorities of the Participating States may agree to reimburse certain expenses.

3. For the purpose of the application of this Convention the competent authorities and competent institutions of the Participating States may communicate directly with one another and with the persons concerned or their representatives.

ARTICLE 41

Any exemption from, or reduction of, taxes, stamp duty, legal or registration costs specified by the legislation of one Participating State with respect to the certificates, documents or other documentary evidence to be submitted under the legislation of that State shall be extended to cover similar certificates, documents or other documentary evidence to be submitted under this Convention.

ARTICLE 42

1. If the claimant is resident in a Participating State other than the competent State, he may validly submit his claim to the institution of his place of residence, which shall refer it to the competent institution or institutions mentioned in the application.

2. Any claim, application, declaration or appeal which should have been made under the legislation of a Participating State within a prescribed time limit to an authority, institution or jurisdiction of that State shall be admissible if it is submitted within the same time unit to an authority, institution of jurisdiction of another Participating States. In such event, authority, institution declaration or appeal, shall transmit it without delay to the competent authority, institution or jurisdiction of the first State, either directly or through the competent authority, institution or jurisdiction of the Participating State concerned. The date which any claim, application, declaration or appeal was submitted to an authority institution or jurisdiction of the second State shall be deemed to be the date on which it was lodged with the competent authority, institution or jurisdiction.

ARTICLE 43

Investigations or medical examinations prescribed by the legislation of one Participating State may, at the request of the institution which administers such legislation, be carried out in the territory of another Participating State by the institution of the place of stay or residence, and in this case they shall be deemed to have been made in the territory of the first State.

ARTICLE 44

1. Where, under this Convention, the competent institution of a Participating State is liable to pay cash benefits to a beneficiary who is staying or is in the territory of another Participating State, the liability shall be expressed in the currency of the first State. That institution concerned shall validly discharge its liability in the currency of the second State.

2. Where, under this Convention, the competent institution of a Participating State is liable to pay sums in refund of benefits paid out by the institution of another Participating State, its liability shall be expressed in the currency of the second State; the first institution shall validly discharge its liability in the currency of the second State, unless the Participating concerned have agreed to other ways of settlement.

3. Transfers of funds as a result of the application of this Convention shall be made in accordance with the agreements in force on this subject, at the time of such transfer, between the Participating States concerned, calling such agreements, the necessary measures for making such transfers shall be drawn up by mutual agreement between the said States.

ARTICLE 45

1. Any dispute arising between two or more Participating States as to the interpretation or application of this Convention shall first be subject to negotiation between the States parties to the dispute.

2. Where the dispute is not settled within three months from the request for the commencement of negotiations as prescribed in paragraph 1 of this Article, the dispute shall be submitted to arbitration on the written request of any of the Participating States.

3. The written request shall be addressed to the Director-General who shall promptly notify the Parties to the dispute of his receipt of the request for arbitration.

4. Any dispute to be submitted to the arbitration shall be referred to a tribunal consisting of three arbitrators. Each Party to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall appoint the third arbitrator who shall be the Chairman. The Chairman must be a person with legal qualifications.

5. For the purposes of establishing a tribunal referred to in the preceding paragraph, a list of arbitrators consisting of persons experienced in the practice of Social Security shall be drawn up and maintained by the Director-General. To this end, every Participating State shall be invited to nominate two persons, and the names of the persons so nominated shall constitute the list. The term of an arbitrator, including that of any arbitrator nominated to fill a vacancy, shall be three years and may be renewed. The Chairman need not be appointed from the list.

6. If within thirty days following the date of notification by the Director-General in accordance with paragraph 3 of this Article either Party fails to appoint an arbitrator, either Party may request the Director-General to appoint the other arbitrator. If within fifteen days of appointment of the last of the two arbitrators the Chairman has not been appointed, either Party may request the Director-General to appoint the Chairman.

7. Where more than two Participating States are Parties to a dispute; the Parties concerned shall agree among themselves on the arbitrators to be appointed from the list. In the absence of such appointment within the prescribed period, the Director-General shall appoint a sole arbitrator whether from the list or otherwise, for the purpose.

8. The arbitral tribunal so established shall make a determination within ninety days from the date of its constitution. The decision of a sole arbitrator or of a majority in other cases shall be accepted by the Parties to the dispute as the final adjudication thereof.

9. The procedure of the tribunal shall be fixed by the arbitrators but the Chairman shall be empowered to settle all questions of procedures in any case where there is disagreement.

10. The Authority shall make arrangements for dealing with the expenses of the arbitration.

ARTICLE 46

1. This Convention may be amended by all the Participating States.

2. Any such amendment shall enter into force one month after notification or acceptance by all the participating States.

3. Benefits which have accrued to an insured person shall in no way be prejudiced or affected by any amendment to this Convention.

ARTICLE 47

The Participating States shall review this Convention within three years of its entry into force.

PART V: TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 48

1. Subject to paragraph 3 of this Article, where title to benefits arose before the entry into force of this Convention, the benefits payable under such title shall be dealt with under the appropriate national legislation and not according to the Convention.

2. Every insurance period completed under the legislation of a Participating State before the date on which this Convention enters into force shall be taken into account for the purpose of determining rights from this Convention.

3. Any benefit which has not been assessed and paid or which has been suspended on account of the residence of the person concerned in the territory of any Participating State other than the State where the institution liable to pay the benefits is situated shall, at the request of the person concerned, be assessed and paid, or its suspension terminated, as from the date on which this Convention enters into force.

4. Where the request referred to in the preceding paragraph is made within the two years of the date on which this Convention enters into force entitlements and rights arising in accordance with the provisions of this Convention shall be acquired as from that date, and no provision to the contrary in the legislation of any of the Participating States with respect to entitlements or rights lapsing or becoming statute-barred shall apply to the person concerned.

5. Where the request referred to in paragraph 3 above is made more than two years after the date on which this Convention enters into force, any entitlements or rights which are not held to be statute-barred or to have lapsed shall be payable only from the date on which the request was made, unless there are more favorable provisions in the legislation of the Participating State concerned.

ARTICLE 49

1. This Convention shall be open to : -

- (a) Antigua and Barbuda
- (b) British Virgin Islands
- (c) Dominica
- (d) Grenada
- (e) Montserrat
- (f) Saint Kitts and Nevis
- (g) Saint Lucia
- (h) Saint Vincent and the Grenadines

It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Director-General.

2. This Convention shall enter into force on the first day of the third month following that in which the third instrument of ratification or acceptance is deposited.

3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall enter into force three months after the date of deposit of its instrument of ratification or acceptance.

ARTICLE 50

1. After entry into force of this Convention the Participating States may invite any State to accede to this Convention, always provided that the resolution containing such invitation received the unanimous agreement of the Member States of the Organisation who have ratified this Convention.

2. Accession shall be effected by the deposit with the Director-General of an instrument of accession which shall take effect three months after the date of its deposit.

ARTICLE 51

1. This Convention shall remain in force without limitation of time.

2. Any Participating State may, in so far as it is concerned, denounce the Convention after it has been in force for five years in respect of that State by giving notice to this effect to the Director-General.

3. Such denunciation shall take effect six months after the date on which such notice is received by the Director-General.

ARTICLE 52

1. In the event of denunciation of this Convention all rights acquired under the Convention shall be maintained.

2. In the event of the denunciation or termination of this Convention, negotiation shall take place for the settlement of any rights then in the course of acquisition by virtue of the provisions of the Convention.

ARTICLE 53

The Participating States shall make all the necessary arrangements for the application of this Convention.

ARTICLE 54

The Director-General shall promptly communicate to the Participating States:

- (a) information on each signing and the deposit of each instrument of ratification, acceptance or accession in accordance with the provisions of paragraph 1 of Article 48 or paragraph 2 of Article 49;
- (b) any date of entry into force of this Convention in accordance with the provisions of Article 48 and Article 49;
- (c) any notice of denunciation received in accordance with the provisions of paragraph 2 of Article 50;

(d) copies of the list and any modifications received in accordance with the provisions of Article 3.

ARTICLE 55

1. The Application of this Convention shall be governed by the Administrative Agreement.
2. Any signatory State of this Convention which ratifies or accepts it must, at the same time, either ratify or accept Administrative Agreement.
3. Any State which accedes to this Convention must, at the same time, accede to the Administrative Agreement.
4. Any Participating State which denounces this Convention shall, by so doing, be deemed to have denounced the Administrative Agreement.
5. The Administrative Agreement shall be an Annex to this Convention.

IN WITNESS WHEREOF the undersigned duly authorised by respective Governments, have signed this Agreement at Grenada 21st day of June 1991.

For the Government of

ANTIGUA AND BARBUDA

THE COMMONWEALTH OF DOMINICA

GRENADA

ST KITTS AND NEVIS

SAINT LUCIA

SAINT VINCENT AND THE GRENADINES

MONSTERRAT

BRITISH VIRGIN ISLANDS