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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 350**

**SOCIAL SECURITY**

**The Social Security (Great Britain Reciprocal Arrangements)  
(Amendment) Regulations (Northern Ireland) 1999**

*Made* - - - - *10th August 1999*  
*Coming into operation* *1st September 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 153(3) of the Social Security Administration (Northern Ireland) Act 1992<sup>(1)</sup> and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st September 1999.

(2) In these Regulations, “the Principal Arrangements” means the arrangements contained in the Memorandum of Reciprocal Arrangements set out in Schedule 1 to the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976<sup>(2)</sup>.

**Adaptation of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995 and the Social Security (Northern Ireland) Order 1998 and variation of the Principal Arrangements**

2.—(1) The provisions of the arrangements contained in the exchange of letters set out in the Schedule to these Regulations shall have effect so far as they relate to Northern Ireland, and the effect of the Principal Arrangements shall be varied in accordance with those provisions.

(2) The Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(3)</sup>, the Social Security Administration (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995<sup>(4)</sup> and Chapter II of Part II of the Social Security (Northern Ireland) Order 1998<sup>(5)</sup>, and regulations made or having effect as if made under any of those Acts or Orders so far as such regulations relate to Northern Ireland, shall have effect subject to such adaptations as may be required

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(1) 1992 c. 8; section 153(4), which sets out the legislation to which section 153(3) applies, was amended by paragraph 46 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and by paragraph 82 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(2) S.R. 1976 No. 196

(3) 1992 c. 7

(4) S.I. 1995/2705 (N.I. 15)

(5) S.I. 1998/1506 (N.I. 10)

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for the purpose of giving effect to the provisions of the Principal Arrangements as amended by the provisions of the arrangements set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th August 1999.

*W. B. J. Davis*  
Assistant Secretary

SCHEDULE

Regulation 2(1)

No. 1

**The Secretary of State for Social Security, with the consent of the Treasury,  
to the Department of Health and Social Services for Northern Ireland**

22nd July 1999

Sir

I refer to the Memorandum of Reciprocal Arrangements relating to social security between the Secretary of State for Social Services, with the consent of the Treasury, of the one part and the Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance for Northern Ireland, of the other part, which came into operation on 6th September 1976 (which in this letter is referred to as “the Memorandum”).

The Secretary of State for Social Security, with the consent of the Treasury, proposes the following amendments to the Memorandum:

1. In Article 1(1), for the definitions of “the Act” and “determining authority” there shall be substituted the following definitions—

““determining authority” means—

- (a) in relation to Great Britain, the Secretary of State, an appeal tribunal, a Commissioner, an adjudication officer, a social security appeal tribunal, an adjudicating medical practitioner, a medical appeal tribunal, a disability appeal tribunal or the Attendance Allowance Board, as the case may require, and
- (b) in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland, an appeal tribunal, a Commissioner, an adjudication officer, a social security appeal tribunal, an adjudicating medical practitioner, a medical appeal tribunal, a disability appeal tribunal or the Attendance Allowance Board for Northern Ireland, as the case may require;

“legislation” means—

- (a) in relation to Great Britain, the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995 and Chapter II of Part I of the Social Security Act 1998, in each case except in relation to the benefits referred to in paragraphs (i) to (viii) of section 177(5) of the Social Security Administration Act 1992, and
- (b) in relation to Northern Ireland, the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995 and Chapter II of Part II of the Social Security (Northern Ireland) Order 1998, in each case except in relation to the benefits referred to in paragraphs (i) to (viii) of section 153(4) of the Social Security Administration (Northern Ireland) Act 1992,

in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument, but not one made for the purpose of giving effect to the provisions of any agreement applying to one of the two territories and providing for reciprocity with a scheme of social security in force outside the United Kingdom;”.

2. In Article 1(2), for the words “the Act” there shall be substituted the word “the legislation”.

3. In Article 2(1) and Article 2(2)(c), for the words “the Acts” there shall in each case be substituted the words “the legislation”.

4. Article 3 shall be replaced by the following—

“3. Where the determining authority has made a decision relating to a claim for benefit arising under or in connection with the legislation, including a decision as reviewed, revised or superseded,

(a) the decision may be revised or superseded, and

(b) any appeal from the decision may be determined

under and to the extent permitted by the legislation of the territory in which the claimant is, as if the decision had been made in that territory, notwithstanding that the decision was made in the other territory.”.

5. In Article 5, for the word “making” there shall be substituted the words “requiring the making by the Inland Revenue of”.

I suggest that if these proposals are acceptable to you this letter and your reply shall constitute arrangements between us that shall enter into force on 1st September 1999.

*Alistair Darling*

22nd July 1999

Secretary of State for Social Security.

We consent.

Clive J. C. Betts

Jane Kennedy

Two of the Lords Commissioners of Her Majesty’s Treasury.

27th July 1999

## No. 2

### **The Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, to the Secretary of State for Social Security**

30th July 1999

Sir

I refer to your letter of 22nd July 1999 which reads as follows:

[The letter here sets out the text of No. 1]

The Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, accepts the proposals of the Secretary of State for Social Security, made with the consent of the Treasury, and agrees that your letter and this reply shall constitute arrangements between us that shall enter into force on 1st September 1999.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th July 1999.

(L.S)

*John O'Neill*

Assistant Secretary

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 2nd August 1999.

(L.S.)

*J. G. Sullivan*

Assistant Secretary

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations give effect in Northern Ireland to arrangements relating to social security that have been made between the Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, of the one part and the Secretary of State for Social Security with the consent of the Treasury, of the other part.

These arrangements amend earlier reciprocal arrangements relating to social security in order to take into account changes made by the Social Security (Northern Ireland) Order 1998 to the decision making process for social security and related matters, and to make other minor and consequential amendments.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.