

## **EXPLANATORY MEMORANDUM**

### **THE SOCIAL SECURITY (GREAT BRITAIN RECIPROCAL ARRANGEMENTS) REGULATIONS (NORTHERN IRELAND) 2016**

**S.R. 2016 No. 149**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by section 87(5) and (6) of the Northern Ireland Act 1998<sup>(1)</sup> and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 The Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016 give effect in Northern Ireland to a new Memorandum of Reciprocal Arrangements between Great Britain and Northern Ireland which will replace the existing Memorandum, signed in 1976 and given effect in Northern Ireland by the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976 (S.R. 1976 No. 196).

#### **3. Background**

- 3.1 The Reciprocal Arrangements are designed to co-ordinate, to the extent agreed, the respective legislations; creating in effect, a single system of social security across the United Kingdom. They ensure that recipients of certain specified benefits do not experience a break in claim as a result of moving from one jurisdiction to the other and are entitled to benefits on the same basis as other people in the relevant jurisdiction.
- 3.2 The new Memorandum takes account, in particular, of changes to Social Security legislation introduced since the last modification of the present Arrangements in 1999: the introduction of the new State Pension, Employment and Support Allowance and Personal Independence Payment.
- 3.3 The Arrangements are made under section 87 of the Northern Ireland Act 1998. That Act was modified in 2008 to bring the Welfare Reform Act 2007 and the Welfare Reform Act (Northern Ireland) 2007, which introduced Employment and Support Allowance as a replacement for Incapacity Benefit, within its scope. The Welfare Reform (Northern Ireland) Order 2015, the Pensions Act 2014 and the Pensions Act (Northern Ireland) 2015, which introduced Personal Independence Payment and the new State Pension, were

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(1) 1998 c.47; section 87(6) was amended by Article 2 of the Northern Ireland Act 1998 (Modification) Order 2008 (S.I. 2008/ 1242) and Article 2 of the Northern Ireland Act 1998 (Modification) Order 2016 (S.I. 2016/ 160)

brought within the scope of section 87 by the Northern Ireland Act 1998 (Modification) Order 2016.

- 3.4 The Secretary of State and the Minister for Social Development have agreed that Employment and Support Allowance, the new State Pension and Personal Independence Payment should be covered by the Reciprocal Arrangements.
- 3.5 Responsibility for the Arrangements lies with the Department for Social Development and the Department for Work and Pensions. Section 87(2) of the Northern Ireland Act 1998 requires the consent of Treasury and the Department of Finance and Personnel.
- 3.6 The new Memorandum is set out in the Schedule to the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016. The Rule contains three Regulations:

- Regulation 1 provides for citation, commencement and interpretation.
- Regulations 2 adapts Northern Ireland primary and subordinate legislation, namely:
  - the Social Security Administration (Northern Ireland) Act 1992;
  - the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
  - the Jobseekers (Northern Ireland) Order 1995;
  - the Social Security (Northern Ireland) Order 1998;
  - the Welfare Reform and Pensions (Northern Ireland) Order 1999;
  - the Welfare Reform Act (Northern Ireland) 2007;
  - the Welfare Reform (Northern Ireland) Order 2015;
  - the Pensions Act (Northern Ireland) 2015,

to have effect subject to such adaptations as may be required to give effect to the Memorandum.

- Regulation 3 makes consequential revocations and, in particular, it revokes the 1976 Memorandum of Reciprocal Arrangements.

#### **4. Consultation**

- 4.1 As these Regulations are merely continuing and extending the existing reciprocal arrangements, they have not been subject to formal public consultation.

#### **5. Equality Impact**

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the proposals and concluded that the proposals do not have significant implications for equality of opportunity.

## **6. Regulatory Impact**

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

## **7. Financial Implications**

7.1 The Regulations are not expected to give rise to any significant cost.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

- (a) is not incompatible with any of the Convention rights,
- (b) is not incompatible with Community law,
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 None.

## **10. Parity or Replicatory Measure**

10.1 The corresponding Great Britain Regulations are the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016 (S.I. 2016/ 287) and come into force on 6 April 2015. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.