

2016 No. 188

SOCIAL SECURITY

**The Social Security (Reciprocal Agreements) Order
(Northern Ireland) 2016**

Made - - - - *22nd March 2016*

Coming into operation - *6th April 2016*

The Orders in Council and Orders specified in Schedule 2 to this Order modified or adapted certain enactments so as to give effect to the agreements set out in the Schedules to those Orders in Council and Orders.

Her Majesty's Government in consequence of changes in the law of Northern Ireland has proposed to each of the Governments with whom the United Kingdom has made such an agreement, alterations to the agreement.

Section 155(1)(b), (2), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a) provides that for the purpose of giving effect to any such agreement as it would be if it were so altered in accordance with such proposals, the Secretary of State may by Order make provision for modifying or adapting the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and Part 1 of the Pensions Act (Northern Ireland) 2015(c), and any regulations made under those Acts or that Part, in their application to cases affected by the proposed alterations.

Accordingly, the Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 155(1)(b), (2) and (5) and section 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992.

Citation and commencement

1. This Order may be cited as the Social Security (Reciprocal Agreements) Order (Northern Ireland) 2016 and shall come into operation on 6th April 2016.

Modification of legislation

2. The Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, Part 1 of the Pensions Act (Northern

(a) 1992 c.8. Section 155 was amended by paragraph 21 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c.5). Other amendments to section 155 are not relevant to this Order.
(b) 1992 c.7.
(c) 2015 c.5 (N.I.).

Ireland) 2015 and regulations made under those Acts or that Part, shall be modified to such extent as may be required to give effect to—

- (a) the alterations set out in Schedule 1 which are proposed to the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2;
- (b) the alterations set out in Schedule 3 which are proposed to the agreements set out in the Schedules to the Orders referred to in Schedule 3.

Signed by authority of the Secretary of State for Work and Pensions

22nd March 2016

Altmann
Minister of State,
Department for Work and Pensions

SCHEDULE 1

Article 2(a)

PROPOSED ALTERATIONS TO EXISTING AGREEMENTS

1. Subject to paragraphs 3 and 4 of this Schedule, where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 there are references to a retirement pension, an old age pension, a pension for old age, a basic retirement pension or a basic old age pension (or any equivalent terms) under the legislation of the United Kingdom, such references shall be altered to include a reference to a state pension under Part 1 (state pension) of the Pensions Act (Northern Ireland) 2015.

2. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order, there are references to—

- (a) the legislation to which the agreements apply, such references shall be altered to include a reference to Part 1 of the Pensions Act (Northern Ireland) 2015;
- (b) any increase in the rate of a United Kingdom pension payable while in the territory of the other Party, such references shall be altered to include any increase in the rate of state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.

3. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order there are references to a person—

- (a) who is entitled to an old age pension or basic retirement pension (or any equivalent terms) under the legislation of the United Kingdom otherwise than by virtue of the provisions of those agreements providing for the determination of entitlement to such pension, those references shall be altered to include a reference to a state pension under section 2 (entitlement to state pension at full or reduced rate) or 4 (entitlement to state pension at transitional rate) of the Pensions Act (Northern Ireland) 2015;
- (b) who is entitled to a category B retirement pension under the legislation of the United Kingdom being also entitled to have any category A retirement pension entitlement calculated in accordance with any provision in the agreements providing for the determination of such entitlement—
 - (i) those references to a category B retirement pension shall be altered to include a reference to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 other than a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015; and
 - (ii) those references to a category A retirement pension shall be altered to include a reference to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015.

4. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order, there are provisions for the determination of entitlement to an old age pension or basic retirement pension (or any equivalent terms), those provisions shall be altered so that they apply for the purposes of entitlement to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015 in the following way—

- (a) the United Kingdom shall take account of contribution periods or equivalent periods completed by a person under the legislation of the other Party or Parties only for the purpose of determining whether that person has the minimum number of qualifying years for entitlement to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015;
- (b) the United Kingdom shall pay to a person an amount of state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015 based only on the contributions paid, credited or treated as paid under its legislation.

SCHEDULE 2

Article 2(a)

SPECIFIED ORDERS IN COUNCIL AND ORDERS OF THE SECRETARY OF STATE

<i>Title of Order or Order in Council</i>	<i>Reference</i>
The National Insurance and Industrial Injuries (Reciprocal Agreement with Luxembourg) Order (Northern Ireland) 1955	S.R. & O. (N.I.) 1955 No. 77
The National Insurance and Industrial Injuries (Reciprocal Agreement with Israel) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 32
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Belgium) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 93
The National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 101
The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 130
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Yugoslavia) Order (Northern Ireland) 1958	S.R. & O. (N.I.) 1958 No. 151
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Denmark) Order (Northern Ireland) 1960	S.R. & O. (N.I.) 1960 No. 16
The Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 148
The National Insurance and Industrial Injuries (Reciprocal Agreement with Turkey) Order (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 149
The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 143
The National Insurance and Industrial Injuries (Bermuda) Order (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 22
The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order (Northern Ireland) 1974	S.R. 1974 No. 153
The Family Allowances, National Insurance and Industrial Injuries (Spain) Order (Northern Ireland) 1975	S.R. 1975 No. 77
The Social Security (Portugal) Order (Northern Ireland) 1979	S.R. 1979 No. 303
The Social Security (Austria) Order (Northern Ireland) 1981	S.R. 1981 No. 144

<i>Title of Order or Order in Council</i>	<i>Reference</i>
The Social Security (Mauritius) Order (Northern Ireland) 1981	S.R. 1981 No. 363
The Social Security (Cyprus) Order (Northern Ireland) 1983	S.R. 1983 No. 387
The Social Security (Finland) Order (Northern Ireland) 1984	S.R. 1984 No. 68
The Social Security (United States of America) Order (Northern Ireland) 1984	S.R. 1984 No. 449
The Social Security (Iceland) Order (Northern Ireland) 1985	S.R. 1985 No. 205
The Social Security (Sweden) Order (Northern Ireland) 1988	S.R. 1988 No. 119
The Social Security (Philippines) Order (Northern Ireland) 1989	S.R. 1989 No. 428
The Social Security (Norway) Order (Northern Ireland) 1991	S.R. 1991 No. 139
The Social Security (Barbados) Order (Northern Ireland) 1992	S.R. 1992 No. 151
The Social Security (Jersey and Guernsey) Order (Northern Ireland) 1994	S.R. 1994 No. 427
The Social Security (Malta) Order (Northern Ireland) 1996	S.R. 1996 No. 345
The Social Security (Jamaica) Order (Northern Ireland) 1997	S.R. 1997 No. 183
The Social Security (Netherlands) Order (Northern Ireland) 2007	S.R. 2007 No. 295
The Social Security (Ireland) Order (Northern Ireland) 2007	S.R. 2007 No. 438

SCHEDULE 3

Article 2(b)

PROPOSED ALTERATIONS TO EXISTING AGREEMENTS WITH CANADA AND NEW ZEALAND

Canada

1. Where in the agreement set out in Schedule 1 to the Social Security (Canada) Order (Northern Ireland) 1995(a), there—

- (a) are references to a retirement pension, such references shall be altered to include a reference to a state pension under Part 1 (state pension) of the Pensions Act (Northern Ireland) 2015;
- (b) is a reference to the legislation to which the agreement applies, such reference shall be altered to include a reference to Part 1 of the Pensions Act (Northern Ireland) 2015.

New Zealand

2. In the agreement set out in the Schedule to the Social Security (New Zealand) Order (Northern Ireland) 1983(b)—

- (a) in Article 9(2) (United Kingdom retirement pension by virtue of residence in New Zealand), the reference to a basic retirement pension at the full standard rate under the legislation of the United Kingdom shall be altered to include a reference to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 payable at the full rate specified in regulations under section 3 (full and reduced rates of state pension) of that Act;
- (b) in Article 9(3) to (6), the references to a basic retirement pension under the legislation of the United Kingdom shall be altered to include a reference to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;
- (c) where there is a reference to the legislation to which the agreement applies, such reference shall be altered to include a reference to Part 1 of the Pensions Act (Northern Ireland) 2015.

Pensionable Age

3. The agreements referred to in paragraphs 1 and 2 shall be altered so that any references to a specific age in connection with a claim for or entitlement to a pension under the legislation of the United Kingdom shall be treated as references to pensionable age, which has the meaning given by section 121(1) (interpretation of Parts I to VI and supplementary provisions) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c).

(a) S.R. 1995 No. 405. These Statutory Rules were modified by S.R. 2015/207.

(b) S.R. 1983 No. 432. These Statutory Rules were modified by S.R. 2015/207.

(c) The definition of “pensionable age” was substituted by paragraph 9(a) of Schedule 2 to S.I. 1995/3213 (N.I. 22).

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Pensions Act (Northern Ireland) 2015 creates a new benefit called state pension to which people reaching pensionable age on or after 6th April 2016 may be entitled.

This Order provides that Part 1 of the Pensions Act (Northern Ireland) 2015, regulations made under it and other social security legislation, are to be modified to give effect to the alterations in—

Schedule 1, which are proposed to the agreements in the Schedules to the Orders in Council and Orders listed in Schedule 2, and

Schedule 3, which are proposed to the agreements in the Schedules to the Orders referred to in Schedule 3.

These Orders in Council and Orders give effect to agreements made between the Government of the United Kingdom and governments of other countries providing for reciprocity in certain social security matters. These agreements are now altered because of a change in the law of Northern Ireland and will now include the state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.

An impact assessment has not been produced for this Order as it has no impact on business or civil society organisations. A regulatory impact assessment for the changes made by the Pensions Act (Northern Ireland) 2015 is available from the Communications Team, Department for Social Development, 4th Floor, Lighthouse Building, Gasworks Business Park, Belfast BT7 2JB or

<https://www.dsdni.gov.uk/publications/pensions-bill-draft-regulatory-impact-assessment-june-2015>

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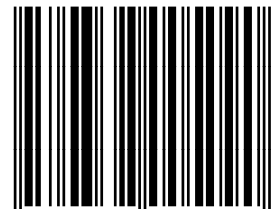
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