

EXPLANATORY MEMORANDUM

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

S.R. 2016 No.393

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Communities 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), (6) and (10) of the Northern Ireland Act 1998⁽¹⁾ and section 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 These Regulations give effect in Northern Ireland to amendments to the Memorandum of Reciprocal Arrangements (“the Memorandum”) relating to social security between Great Britain and Northern Ireland which is set out in the Schedule to the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016.
- 2.2 The Memorandum lists the legislation and benefits which are covered by the arrangements. These Regulations make two additions to the list of benefits to which the arrangements apply and provide for the conversion, into statutory awards, of extra-statutory payments of contributory employment and support allowance currently being made to persons who moved between the territories in the period before 6 April 2016.

3. Background

- 3.1 Reciprocal Arrangements between Northern Ireland and Great Britain ensure that recipients of specified benefits experience no break in claim as a result of moving from one jurisdiction to the other. They also allow National Insurance Contributions paid in one jurisdiction to be used to establish a right to benefit in the other. The arrangements provide the administrative and legislative link between the social security systems, creating, in effect, a single system across the United Kingdom.
- 3.2 These Regulations give effect to a formal exchange of letters between ministers which amend the Memorandum. The amendments will bring about the incorporation of income-based jobseeker’s allowance and bereavement support payment in the arrangements. They also seek to provide for the

(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)

conversion, into statutory awards, of extra-statutory payments of contributory employment and support allowance, which are currently being made to persons who have moved between Great Britain and Northern Ireland in the period before 6 April 2016.

- 3.3 The contribution-based strand of jobseeker's allowance is currently included in the arrangements. These Regulations bring the income-based strand of jobseeker's allowance within the scope of the arrangements. This means, for example, someone entitled to income-based jobseeker's allowance who moves from Great Britain to Northern Ireland will not have to serve waiting days before becoming entitled to income-based jobseeker's allowance in Northern Ireland.
- 3.4 Bereavement support payment replaces the current system of bereavement benefits, including bereavement payment, bereavement allowance and widowed parent's allowance, for new claimants, from 6 April 2017. The existing bereavement benefits are already included in the reciprocal arrangements. These Regulations will bring bereavement support payment within the scope of the arrangements from the date of its introduction.
- 3.5 Employment and support allowance has been covered by the reciprocal arrangements from 6 April 2016. However, any employment and support allowance claimants who moved between Great Britain and Northern Ireland in the period before 6 April 2016, and who found themselves financially disadvantaged as a consequence of the previous omission of employment and support allowance from the arrangements (for example because their National Insurance contributions were not recognised or because they had to make a new claim), have been receiving extra-statutory payments to make good any shortfall in the amount of their statutory entitlement.
- 3.6 These Regulations regularise these payments. From 27 November 2016, these payments will be converted into statutory awards of contributory employment and support allowance.

4. Consultation

- 4.1 The regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain. They continue and extend the existing reciprocal arrangements.

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) (Amendment) Regulations 2016 (S.I. 2016/1050) and come into force on 27 November 2016 and 6 April 2017. 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.