

## **EXPLANATORY MEMORANDUM**

### **THE SOCIAL SECURITY (RECIPROCAL AGREEMENTS) ORDER (NORTHERN IRELAND) 2017**

**S.R. 2017 No. 73**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above).
- 1.2 The Statutory Rule is made under powers conferred by the powers conferred by section sections 155(1)(b), (2) and (5) and 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992.

#### **2. Purpose**

- 2.1 Bereavement Support Payment is a new benefit which will replace the current bereavement benefits for those whose spouse or civil partner dies on or after 6 April 2017.
- 2.2 Reciprocal Agreements are agreements made between the Government of the United Kingdom and the governments of other countries providing for reciprocity in certain social security matters.
- 2.3 Section 155 of the Social Security Administration (Northern Ireland) Act 1992 sets out how reciprocal agreements with countries outside the UK (including amendments to them) are given legal effect in Northern Ireland which is by an Order made by the Secretary of State, or Minister in DWP.
- 2.4 This Order gives legal effect in Northern Ireland to the agreements to include Bereavement Support Payment under Part 5 of the Pensions Act (Northern Ireland) 2015.

#### **3. Background**

- 3.1 The UK has existing Reciprocal Agreements with other countries which cover social security benefits. We need to amend these agreements to include Bereavement Support Payment.
- 3.2 For Great Britain these changes are given effect via an Order in Council which you previously agreed, and which was signed at the Privy Council meeting on 15 February 2017.
- 3.3 In respect of Northern Ireland, these changes to the Reciprocal Agreements are given effect by an Order signed by DWP Ministers.

#### **4. Territorial Extent and Application**

4.1 This instrument relates to Northern Ireland.

#### **5. Consultation**

5.1 There is no requirement to consult on the proposals for this Statutory Rule.

#### **6. Equality Impact**

6.1 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.

#### **7. Regulatory Impact**

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

#### **8. Financial Implications**

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

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

9.1 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.

#### **10. EU Implications**

10.1 The proposed Regulations will implement an EU obligation and are to be made under section 2(2) of the European Communities Act 1972.

#### **11. Parity or Replicatory Measure**

11.1 The corresponding Great Britain Regulations are The Social Security (Reciprocal Agreements) Regulations 2017 (S.I. 2017/159) and come into force on 06 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.