

**2019 No. 213**

**EXITING THE EUROPEAN UNION**

**SOCIAL SECURITY**

**The Social Security (Amendment) (EU Exit) Regulations  
(Northern Ireland) 2019**

*Made* - - - - *7th November 2019*

*Coming into operation in accordance with regulation 1*

The Department for Communities makes the following Regulations in exercise of the powers conferred by section 115(3) and (4) of the Immigration and Asylum Act 1999(a), and now vested in it(b).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 and shall come into operation on exit day(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations**

2. In Part II of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(e) (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999), for paragraph 2 (in so far as it does not relate to child benefit) substitute—

“2. A person who is lawfully working in Northern Ireland and is a national of a State with which—

(a) the European Union has concluded an agreement under Article 217 of the Treaty on the Functioning of the European Union(f) (an “EU Agreement”) providing, in

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(a) 1999 c. 33

(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(c) Section 44A of the Interpretation Act (Northern Ireland) 1954 provides that “exit day” has the same meaning as in the European Union (Withdrawal) Act 2018 (c. 16). Section 20(1) to (5) of the European Union (Withdrawal) Act 2018 contains the interpretation provisions for “exit day”

(d) 1954 c. 33 (N.I.)

(e) S.R. 2000 No. 71; the relevant amendments to Part II are paragraph 1(s) of the Schedule to S.R. 2002 No. 323 and regulation 22(4) of S.R. 2016 No. 228. This statutory rule amends S.R. 2000 No. 71 in relation to attendance allowance, severe disablement allowance, carer’s allowance, disability living allowance, personal independence payment and a social fund payment. S.I. 2019/1431 makes an identical amendment in relation to child benefit

(f) OJ C 202, 7.6.2016, p.144

the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families; or

- (b) the United Kingdom has concluded an agreement which replaces in whole or in part an EU Agreement in sub-paragraph (a) which has ceased to apply to, and in, the United Kingdom, providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families.”.

Sealed with the Official Seal of the Department for Communities on 7th November 2019  
(L.S.)

*Anne McCleary*

A senior officer of the Department for Communities

### **EXPLANATORY NOTE**

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

These Regulations amend the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000 (S.R. 2000 No. 71) (the “Immigration and Asylum Regulations”) to reflect the United Kingdom’s transition to trade and partnership agreements, which replace association agreements concluded with third countries under Article 217 of the Treaty on the Functioning of the European Union, as a consequence of the United Kingdom’s exit from the European Union.

Regulation 2 amends Part II of the Schedule to the Immigration and Asylum Regulations so that a person who is lawfully working in Northern Ireland and who is a national of a State with which the United Kingdom has concluded an agreement which replaces an EU Agreement providing for equal treatment in the field of social security, and where that EU Agreement has ceased to apply in whole or in part to, and in, the United Kingdom, is not treated as a person subject to immigration control for the purposes of benefits specified in regulation 2(2) of the Immigration and Asylum Regulations. “EU Agreement” is defined as an agreement concluded by the European Union under Article 217 of the Treaty on the Functioning of the European Union.

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