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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 281**

**EXITING THE EUROPEAN UNION  
SOCIAL SECURITY**

**The Social Security (Amendment) (EU  
Exit) Regulations (Northern Ireland) 2021**

*Made - - - - 7th October 2021*

*Coming into operation 28th October 2021*

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<sup>(1)</sup>, and now vested in it<sup>(2)</sup>.

**Citation, commencement, interpretation and effect**

1.—(1) These Regulations may be cited as the Social Security (Amendment) (EU Exit) Regulations (Northern Ireland) 2021 and shall come into operation on 28th October 2021.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

(3) The substitution made by regulation 2(2) does not have effect in relation to a claim for universal credit, or an award of universal credit without a claim<sup>(4)</sup>, made before 28th October 2021.

(4) The amendments made by regulation 2(3) do not have effect in relation to claims made before 28th October 2021.

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

2.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000<sup>(5)</sup> are amended in accordance with paragraphs (2) and (3).

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(1) 1999 c. 33

(2) 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.))

(3) 1954 c. 33 (N.I.)

(4) See regulation 8 of S.R. 2016 No. 220 for circumstances in which universal credit may be awarded without a claim

(5) S.R. 2000 No. 71; relevant amending Regulations are S.R. 2002 No. 323, S.R. 2016 No. 228, S.R. 2016 No. 236 and S.R. 2019 No. 213. The coming into operation of S.R. 2019 No. 213 is stated to be “exit day” but by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1) references to “exit day” are to be read as references to “IP completion day” as defined in section 39(1) of that Act

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) In regulation 2(1A)(6) (persons not excluded from specified benefits under section 115 of the Act) for “paragraphs 2, 3 and 4” substitute “paragraphs 2 and 3”.

(3) In Part II of the Schedule(7) (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999) in paragraph 2(8) (in so far as it does not relate to child benefit)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b) for the words “an EU Agreement in sub-paragraph (a)” substitute “an agreement under Article 217 of the Treaty on the Functioning of the European Union(9)”.

Sealed with the Official Seal of the Department for Communities on 7th October 2021

(L.S.)

*Anne McCleary*  
A senior officer of the Department for  
Communities

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(6) Regulation 2(1A) was inserted by regulation 29(3)(a) of [S.R. 2016 No. 236](#)

(7) Relevant amendments to Part II of the Schedule are paragraph 1(s) of the Schedule to [S.R. 2002 No. 323](#), regulation 22(4) of [S.R. 2016 No. 228](#) and regulation 2 of [S.R. 2019 No. 213](#)

(8) Paragraph 2 is substituted by regulation 2 of [S.R. 2019 No. 213](#)

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

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## 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 Regulations”) to reflect the United Kingdom’s transition to trade and continuity agreements (“TCAs”) to replace Association Agreements concluded with third countries under Article 217 of the Treaty on the Functioning of the European Union which provide for equal treatment, as a consequence of the United Kingdom’s exit from the European Union.

Regulation 1 provides for citation, commencement, interpretation and effect.

Regulation 2(2) amends regulation 2 of the Immigration Regulations to remove paragraph 4 of Part I of the Schedule as a relevant provision for persons making a claim for universal credit. Paragraph 4 continues to provide that lawfully present nationals of states which have ratified the European Convention on Social and Medical Assistance or the Council of Europe Social Charter are not treated as being subject to immigration control for the purposes of the benefits specified in regulation 2(1) of the Immigration Regulations.

Regulation 2(3)(a) revokes paragraph 2(a) of Part II of the Schedule to the Immigration Regulations to provide that where an Association Agreement has not been transitioned to a TCA, nationals of that country who are lawfully working will only be treated as not being subject to immigration control for the purposes of the benefits specified in regulation 2(2) of the Immigration Regulations where that person has made a claim for that benefit before 28th October 2021. Regulation 2(3)(b) makes a consequential amendment.