
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 282

SOCIAL SECURITY

**The Social Security (Iceland) (Liechtenstein) (Norway)
(Further provision in respect of Scotland) Order 2023**

Made - - - - 11th October 2023
Laid before the Scottish
Parliament - - - - 13th October 2023
Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 11th day of October 2023

Present,

The King's Most Excellent Majesty in Council

This Order is made under the powers in section 179(1)(a) and (2) of the Social Security Administration Act 1992(1) which provide that, for the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in specified matters, His Majesty may by Order in Council make provision for modifying or adapting specified legislation in its application to cases affected by such agreement.

At London on 30 June 2023 a Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(2) (“the Convention”) was signed on behalf of the respective Governments. The Convention makes provision for reciprocal arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland in relation to social security following the United Kingdom's withdrawal from the European Union and the European Economic Area.

The Convention shall enter into force (in relation to the States which have notified the Depositary) on the first day of the month following the later of the dates on which the Depositary receives from the United Kingdom and at least one other party notification of completion of their respective internal requirements and procedures for entry into force of the Convention. For any other party which notifies the Depositary after this date, the Convention shall enter into force on the first day of the month following the date on which the Depositary receives that party's notification.

(1) 1992 c. 5. Section 179(1) has been amended by S.I. 2020/1508. Legislative competence for some welfare benefits was devolved to the Scottish Parliament by Part 3 of the Scotland Act 2016 (c. 11), which inserted exceptions into the Scotland Act 1998 (c. 46), schedule 5, Part 2, Section F1. By virtue of section 27(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), the function of His Majesty of making an Order in Council, so far as the function is exercisable within devolved competence, is exercisable by a Scottish Statutory Instrument.

(2) 2023 CP 889.

In order to give effect to the Convention, therefore, His Majesty, in exercise of the powers conferred upon Him by section 179(1)(a) and (2) of the Social Security Administration Act 1992 and of all other powers enabling Him to do so, is pleased, by and with the advice of His Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023 and comes into force—

- (a) in relation to the United Kingdom and the first EEA EFTA State to notify the Depositary in accordance with Article 74(1) and (2) (entry into force) of the Convention set out in the schedule of the 2023 Order, on the first day of the month following the later of the dates on which the Depositary receives the notification of that EEA EFTA State and the United Kingdom⁽³⁾, and
- (b) in relation to an EEA EFTA State which notifies the Depositary after the notification given by the EEA EFTA State referred to in sub-paragraph (a) in accordance with Article 74(1) and (3) of the Convention set out in the schedule of the 2023 Order, on the first day of the month following the date on which the Depositary receives the notification from that EEA EFTA State.

(2) In this Order—

- “the 2023 Order” means the Social Security (Iceland) (Liechtenstein) (Norway) Order 2023⁽⁴⁾,
- “the Depositary” is to be interpreted in accordance with Article 73(2) (authentic text and depositary) of the Convention set out in the schedule of the 2023 Order, and
- “EEA EFTA State” has the meaning given to it in Article 1(o) (definitions) of the Convention set out in the schedule of the 2023 Order.

Application of article 2 of the 2023 Order

2. Paragraphs (1) and (2) of article 2 of the 2023 Order (modification of legislation) apply insofar as—

- (a) it is within the legislative competence of the Scottish Parliament to make the modification paragraph (1) of article 2 of that Order describes, and
- (b) the 2023 Order does not make that modification.

Richard Tilbrook
Clerk of the Privy Council

(3) The date on which the Convention enters into force will be published on the relevant page on UK Treaties Online which can be found at <https://www.gov.uk/guidance/uk-treaties>.

(4) S.I. 2023/1060.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of certain social security legislation, so far as it relates to devolved matters, so as to give effect to the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 30 June 2023 (“the Convention”). It does so by applying the modifications provided for by article 2 of the Social Security (Iceland) (Liechtenstein) (Norway) Order 2023 (“the 2023 Order”), where the legislation being modified in the 2023 Order relates to a matter which falls within the legislative competence of the Scottish Parliament, and in relation to which competence for the exercise of functions has transferred to the Scottish Ministers. The Convention is set out in the schedule of the 2023 Order.

This Order has effect from the date on which the Convention enters into force in accordance with Article 74 (entry into force) of the Convention. Article 74 provides that the States shall notify the Depositary in writing of completion of their respective internal requirements and procedures for entry into force of the Convention. The Convention shall enter into force in relation to those States which have notified the Depositary, on the first day of the month following the later of the dates on which the Depositary receives the notifications of at least one EEA EFTA State and the United Kingdom. Where an EEA EFTA State notifies the Depositary after this date, the Convention shall enter into force on the first day of the month following the date on which the Depositary receives that State’s notification.

This Order does not impose any costs on business, charities or the voluntary sector. Accordingly, no Business and Regulatory Impact Assessment has been prepared.