

1982 No. 1527

SOCIAL SECURITY

The Social Security (Jersey and Guernsey) Order 1982

Made - - - - 27th October 1982
Coming into Operation 1st November 1982

At the Court of Saint James, the 27th day of October 1982

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 30th day of September 1982, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas by the Social Security (Jersey and Guernsey) Order 1978 (a) (hereinafter referred to as "the Principal Order"), made in pursuance of section 143(1) of the Social Security Act 1975 (b), it was ordered that the said Act be modified to such extent as may be required to give effect to provisions contained in the Agreement on Social Security set out in the Schedule to the Principal Order, so far as the same related to England, Wales and Scotland:

And Whereas those provisions were modified by Letters exchanged on behalf of the Contracting Parties on the 30th September 1982 (which Letters are set out in the Schedule hereto):

And Whereas it is provided that such modification shall enter into force on 1st November 1982:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the said section 143(1) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Social Security (Jersey and Guernsey) Order 1982 and shall come into operation on 1st November 1982.

(a) S.I. 1978/1527.

(b) 1975 c.14; section 143 was amended by section 6(1) of the Social Security Act 1981 (c.33).

Modification of Act and Variation of Order

2. The Social Security Act 1975 shall be modified and the Principal Order shall be varied to such extent as may be required to give effect to the provisions contained in the Letters set out in the Schedule to this Order, so far as the same relate to England, Wales and Scotland.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

LETTERS EXCHANGED ON 30th SEPTEMBER 1982 BETWEEN THE SECRETARY OF STATE FOR SOCIAL SERVICES AND THE JERSEY SOCIAL SECURITY COMMITTEE AND THE GUERNSEY STATES INSURANCE AUTHORITY

No. 1

THE SECRETARY OF STATE FOR SOCIAL SERVICES TO THE SOCIAL SECURITY COMMITTEE
20th August 1982

Sir

I refer to the Agreement on Social Security between the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security constituted under the Isle of Man Board of Social Security Act 1970, of the first part, the Social Security Committee, with the consent of the States of Jersey, of the second part, and the States Insurance Authority, with the consent of the States of Guernsey, of the third part, which entered into force on 6 November 1978 (which in this letter is referred to as "the Agreement") and to recent discussions between the Department of Health and Social Security, the Social Security Committee and the States Insurance Authority concerning the need to amend the Agreement. The Secretary of State for Social Services proposes the following amendments:

- (a) Article 14 of the Agreement shall be deleted.
- (b) Article 15 shall be amended by deleting the words "or of paragraph (3) of Article 14".
- (c) Paragraph (1) of Article 16 shall be amended—
 - (i) by substituting for the words "Articles 13 and 14" the words "Article 13";
 - (ii) by adding at the end (after the word "legislation") the words "except to the extent that contributions would by virtue of the provisions of paragraph (6) thereof be treated as paid or credited under the legislation of that country".
- (d) Paragraph 7(b) of Article 17 shall be amended by substituting for the words "Articles 13 or 14" the words "Article 13".
- (e) Paragraph (2) of Article 26 shall be deleted and the following substituted:—

“(2) Where benefit is payable to any person for any period under the legislation of one country and, but for the provisions of this Article, an increase of benefit would have been payable in respect of that person for the same period under the legislation of another country, an adjustment shall be made, subject to the provisions of this Article, under the legislation of the latter country;

Provided that this paragraph shall not apply in any case where a woman is receiving old age benefit under the legislation of the United Kingdom or the Isle of Man, and her husband is entitled to an increase of benefit in respect of her under the legislation of Jersey or Guernsey.”.

I suggest that if these proposals are acceptable to you that this letter and your reply together with the letter I have sent to the States Insurance Authority and their reply shall constitute an Agreement between us which shall enter into force on 1st November 1982

Hugh Rossi,
for the Secretary of State
for Social Services.

No. 2

THE SECRETARY OF STATE FOR SOCIAL SERVICES TO THE STATES INSURANCE AUTHORITY
20th August 1982
Sir

[The letter here sets out the text as in No. 1 except final paragraph]

I suggest that if these proposals are acceptable to the States Insurance Authority that this letter and your reply together with the letter I have sent to the Social Security Committee and their reply shall constitute an Agreement between us which shall enter into force on 1st November 1982.

Hugh Rossi,
for the Secretary of State
for Social Services.

No. 3

THE SOCIAL SECURITY COMMITTEE TO THE SECRETARY OF STATE FOR SOCIAL SERVICES
27th September 1982
Sir

I refer to your letter of 20th August 1982 which reads as follows:—

[The letter here sets out the text of No. 1]

The Social Security Committee accept the proposals of the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland and the Isle of Man Board of Social Security and agree that your letter and this reply (together with that of the States Insurance Authority) shall constitute an Agreement between us.

E. J. M. Potter,
for the Social Security Committee.

No. 4

THE STATES INSURANCE AUTHORITY TO THE SECRETARY OF STATE FOR SOCIAL SERVICES
10th September 1982

Sir

I refer to your letter of 20th August 1982 which reads as follows:—

[The letter here sets out the text of No. 2]

The States Insurance Authority accept the proposals of the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland and the Isle of Man Board of Social Security and agree that your letter and this reply (together with that of the Social Security Committee) shall constitute an Agreement between us.

R. M. Chilcott,
for the States Insurance Authority.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect in England, Wales and Scotland to the provisions contained in Letters (set out in the Schedule) exchanged between the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security, of the first part, the Social Security Committee, with the consent of the States of Jersey, of the second part and the States Insurance Authority, with the consent of the States of Guernsey, of the third part, which amend provisions relating to old age benefit contained in the Agreement set out in the Schedule to the Social Security (Jersey and Guernsey) Order 1978.

SI 1982/1527
ISBN 0-11-027527-6

