
STATUTORY INSTRUMENTS

1999 No. 2225

SOCIAL SECURITY

The Child Benefit (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999

Made - - - - *5th August 1999*
Laid before Parliament *11th August 1999*
Coming into force - - *1st September 1999*

The Secretary of State for Social Security, in exercise of powers conferred upon him by section 178(3) of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999 and shall come into force on 1st September 1999.

(2) In these Regulations, “the Principal Arrangements” means the arrangements contained in the Memorandum of Reciprocal Arrangements set out in Schedule 1 to the Child Benefit (Northern Ireland Reciprocal Arrangements) Regulations 1977⁽³⁾.

Modification of the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 and the Social Security Act 1998 and variation of the Principal Arrangements

2.—(1) The provisions of the arrangements contained in the exchange of letters set out in the Schedule to these Regulations shall have effect so far as they relate to Great Britain, and the effect of the Principal Arrangements shall be varied in accordance with those provisions.

(2) The Social Security Contributions and Benefits Act 1992⁽⁴⁾, the Social Security Administration Act 1992 and Chapter II of Part I of the Social Security Act 1998⁽⁵⁾, and regulations made or having effect as if made under any of those Acts so far as such regulations relate to Great Britain, shall have effect subject to such modifications as may be required for the purpose of

(1) 1992 c. 5; section 178(3) was amended by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 106.
(2) See section 173(1)(b) of the Social Security Administration Act 1992.
(3) S.I.1977/7.
(4) 1992 c. 4.
(5) 1998 c. 14.

giving effect to the provisions of the Principal Arrangements as amended by the provisions of the arrangements set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Social Security.

5th August 1999

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE

Regulation 2(1)

No. 1

The Secretary of State for Social Security, with the consent of the Treasury, to the Department of Health and Social Services for Northern Ireland

22nd July 1999

Sir

I refer to the Memorandum of Reciprocal Arrangements relating to schemes of child benefit made between the Secretary of State for Social Services, with the consent of the Treasury, of the one part and the Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance for Northern Ireland, of the other part, which came into operation on 7th February 1977 (which in this letter is referred to as “the Memorandum”).

The Secretary of State for Social Security, with the consent of the Treasury, proposes the following amendments to the Memorandum:

1. In Article 1(1), for the definition of “legislation” there shall be substituted the following definition—

““legislation” means—

- (a) in relation to Great Britain, the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and Chapter II of Part I of the Social Security Act 1998, insofar as their provisions relate to the scheme of child benefit contained in Part IX of the Social Security Contributions and Benefits Act 1992, and
- (b) in relation to Northern Ireland, the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Chapter II of Part II of the Social Security (Northern Ireland) Order 1998, insofar as their provisions relate to the scheme of child benefit contained in Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument other than one made for the purpose only of giving effect to the provisions of any agreement applying to one of the two territories with the government of any country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of those schemes of child benefit;”.

2. In Article 1(1), in the definition of “the Residence and Persons Abroad Regulations”—

- (a) for the words “regulations made under the Act” there shall be substituted the words “Great Britain”, and
- (b) for the words “regulations made under the Order” there shall be substituted the words “Northern Ireland”.

3. In Article 1(1), for the definition of “determining authority” there shall be substituted the following definition—

““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal, a Commissioner, an adjudication officer or a social security appeal tribunal, as the case may require, and in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland, an appeal tribunal, a Commissioner, an adjudication officer or a social security appeal tribunal, as the case may require;”.

4. In Article 1(1), the definition of “schemes” shall be omitted.

5. In Article 1(2), for the words “Act or the Order” there shall be substituted the word “legislation”.

Status: This is the original version (as it was originally made).

6. In Article 2, for the words “schemes of child benefit established by the Act or by the Order” there shall be substituted the word “legislation”.

7. In Article 3, for the words “or review” there shall be substituted the words “, revision of or supersession”.

8. In Article 5(a), for the words “both the Act and the Order” there shall be substituted the words “the legislation of both Great Britain and Northern Ireland”.

9. In Article 5(b), for the words “Act or the Order” there shall be substituted the words “legislation of either Great Britain or Northern Ireland”.

I suggest that if these proposals are acceptable to you this letter and your reply shall constitute arrangements between us that shall enter into force on 1st September 1999.

Alistair Darling

Secretary of State for Social Security.

22nd July 1999

We consent.

Clive J C Betts

Jane Kennedy

Two of the Lords Commissioners of Her Majesty’s Treasury.

27th July 1999

No. 2

The Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, to the Secretary of State for Social Security

30th July 1999

Sir

I refer to your letter of 22nd July 1999 which reads as follows:

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

The Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, accepts the proposals of the Secretary of State for Social Security, made with the consent of the Treasury, and agrees that your letter and this reply shall constitute arrangements between us that shall enter into force on 1st September 1999.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th July 1999.

John O'Neill

Assistant Secretary

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 2nd August 1999.

J G Sullivan

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to reciprocal arrangements relating to child benefit that have been made between the Secretary of State for Social Security, with the consent of the Treasury, of the one part and the Department of Health and Social Services for Northern Ireland, with the consent of the Department of Finance and Personnel, of the other part.

These arrangements amend earlier reciprocal arrangements relating to child benefit in order to take into account changes made by the Social Security Act 1998 to the decision-making process for social security and related matters, and to make other minor and consequential amendments.

These Regulations do not impose any costs on business.