

**2017 No. 159**

**SOCIAL SECURITY**

**The Social Security (Reciprocal Agreements) Order 2017**

*Made* - - - - *15th February 2017*

*Coming into force* - - *6th April 2017*

At the Court at Buckingham Palace, the 15th day of February 2017

Present,

The Queen's Most Excellent Majesty in Council

The Orders in Council specified in Schedule 2 to this Order modified or adapted certain enactments so as to give effect to the agreements set out in the Schedules to those Orders.

Her Majesty's Government in consequence of changes in the law of Great Britain has proposed to each of the Governments with whom the United Kingdom has made such an agreement, alterations to the agreement.

Section 179(1)(b), (2), (4) and (5) of the Social Security Administration Act 1992<sup>(a)</sup> provides that for the purpose of giving effect to any such agreement as it would be if it were so altered in accordance with such proposals, Her Majesty may by Order in Council make provision for modifying or adapting the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992<sup>(b)</sup> and Part 5 of the Pensions Act 2014<sup>(c)</sup>, and any regulations made under those Acts or section 30 of the Pensions Act 2014, in their application to cases affected by the proposed alterations.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, in exercise of the powers conferred by sections 179(1)(b), (2) and (5) and 189(4) and (5)<sup>(d)</sup> of the Social Security Administration Act 1992, to order as follows.

**Citation and commencement**

**1.** This Order may be cited as the Social Security (Reciprocal Agreements) Order 2017 and shall come into force on 6th April 2017.

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- (a) 1992 c.5. Section 179 was amended by paragraph 33 of Schedule 16 to the Pensions Act 2014 (c.19). Other amendments to section 179 are not relevant to this Order.
- (b) 1992 c.4.
- (c) 2014 c.19.
- (d) Subsections (4) and (5) of section 189 were amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14). Sub-section (4) was also amended by S.I. 2013/252.

## **Modification of legislation**

2. The Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and Part 5 (bereavement support payment) of the Pensions Act 2014 and regulations made under those Acts or section 30 of the Pensions Act 2014, shall be modified to such extent as may be required to give effect to—

- (a) the alterations set out in Schedule 1 which are proposed to the agreements set out in the Schedules to the Orders in Council specified in Schedule 2;
- (b) the alterations set out in Schedule 3 which are proposed to the agreement set out in the Schedule to the Order in Council referred to in Schedule 3.

*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2(a)

### PROPOSED ALTERATIONS TO EXISTING AGREEMENTS

1. For the purposes of the alterations proposed in this Schedule—

(a) “bereavement benefits” means—

- (i) widow’s benefit,
- (ii) bereavement benefit,
- (iii) survivor’s pension,
- (iv) survivor’s benefit,
- (v) basic survivor’s benefit,
- (vi) death grant,
- (vii) benefits in respect of the death of a spouse or civil partner, or
- (viii) any equivalent terms;

(b) “the agreements set out in the Schedules” means the agreements set out in the Schedules to the Orders in Council specified in Schedule 2;

(c) bereavement support payment means payment under Part 5 (bereavement support payment) of the Pensions Act 2014.

2. Subject to paragraphs 4 to 8 of this Schedule, where in the agreements set out in the Schedules there are references to bereavement benefits, such references shall be altered to include a reference to bereavement support payment.

3. Subject to paragraphs 4 to 8 of this Schedule, where in the agreements set out in the Schedules there are references to the legislation to which the agreements apply, such references shall be altered to include a reference to Part 5 of the Pensions Act 2014.

4. For the purposes of entitlement to bereavement support payment, where in the agreements set out in the Schedules there are references to a person who is entitled to receive bereavement benefits under the legislation of the United Kingdom while that person is in the territory of the other country as if that person were in the territory of the United Kingdom, such references shall be altered to include a reference to a person who is ordinarily resident in the territory of the other country when their spouse or civil partner dies as if they were ordinarily resident in Great Britain at that time.

5. Where in the agreements set out in the Schedules there are references to an increase in the rate of bereavement benefits under the legislation of the United Kingdom such references shall be altered to include a reference to an increase in the rate of bereavement support payment in the case of a person who is ordinarily resident in the territory of the other country when their spouse or civil partner dies as if they were ordinarily resident in Great Britain at that time.

6. For the purposes of entitlement to the higher rate of bereavement support payment by virtue of regulations under section 30(4) (bereavement support payment) of the Pensions Act 2014, where in the agreements set out in the Schedules there are references to a person who is entitled to bereavement benefits or an increase in bereavement benefits under the legislation of the United Kingdom in respect of a child who is in the territory of the other country as if that child were in the territory of the United Kingdom, such references shall be altered to include a reference to a person who is treated as entitled to child benefit in respect of a child when—

- (a) the child is ordinarily resident in the territory of the other country, and
- (b) that person would be entitled to child benefit in respect of that child if the child were in the territory of the United Kingdom.

7. Where in the agreements set out in the Schedules there are—

- (a) references to the calculation of pro-rata bereavement benefits, or
- (b) provisions relating to the calculation of pro-rata bereavement benefits,

such references or provisions shall not be altered to include a reference to bereavement support payment.

8. Where in the agreements set out in the Schedules there are references to a person being treated as having—

- (a) paid contributions,
- (b) been credited with contributions,
- (c) been credited with earnings, or
- (d) completed an insurance period, a contribution period or an equivalent period,

under the legislation of the United Kingdom, for the purpose of calculating entitlement to bereavement support payment such references shall not be altered to apply to bereavement support payment.

## SCHEDULE 2

### SPECIFIED ORDERS IN COUNCIL

Article 2(a)

<i>Title of Order in Council</i>	<i>Reference</i>
National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	S.I. 1953/884
National Insurance and Industrial Injuries (Luxembourg) Order 1955	S.I. 1955/420
National Insurance and Industrial Injuries (Israel) Order 1957	S.I. 1957/1879
National Insurance and Industrial Injuries (France) Order 1958	S.I. 1958/597
Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	S.I. 1958/771
Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958	S.I. 1958/1263
Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960	S.I. 1960/211
National Insurance and Industrial Injuries (Turkey) Order 1961	S.I. 1961/584
Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	S.I. 1961/1202

<i>Title of Order in Council</i>	<i>Reference</i>
Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974	S.I. 1974/555
Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	S.I. 1975/415
Social Security (Portugal) Order 1979	S.I. 1979/921
Social Security (Austria) Order 1981	S.I. 1981/605
Social Security (Cyprus) Order 1983	S.I. 1983/1698
Social Security (Finland) Order 1984	S.I. 1984/125
Social Security (United States of America) Order 1984	S.I. 1984/1817
Social Security (Philippines) Order 1989	S.I. 1989/2002
Social Security (Norway) Order 1991	S.I. 1991/767
Social Security (Barbados) Order 1992	S.I. 1992/812
Social Security (Jersey and Guernsey) Order 1994	S.I. 1994/2802
Social Security (Jamaica) Order 1997	S.I. 1997/871
Social Security (Netherlands) Order 2007	S.I. 2007/631
Social Security (Ireland) Order 2007	S.I. 2007/2122

### SCHEDULE 3

Article 2(b)

## PROPOSED ALTERATIONS TO EXISTING AGREEMENT WITH NEW ZEALAND

### **New Zealand**

1. In the agreement set out in the Schedule to the Social Security (New Zealand) Order 1983(a)—

- (a) where there are references to the legislation to which the agreement applies, such references shall be altered to include a reference to Part 5 of the Pensions Act 2014;

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(a) S.I. 1983/1894.

- (b) Article 11 (United Kingdom widow's benefit by virtue of residence in New Zealand) shall be altered so that it applies for the purpose of entitlement to bereavement support payment under Part 5 of the Pensions Act 2014 in the following way—
  - (i) a person who is ordinarily resident in New Zealand when their spouse or civil partner dies is to be treated as ordinarily resident in Great Britain at that time; and
  - (ii) paragraph (4) is to be disregarded.

## EXPLANATORY NOTE

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

Part 5 of the Pensions Act 2014 creates a new benefit called bereavement support payment to which the spouse or civil partner of a person who dies on or after 6th April 2017 may be entitled.

This Order provides that the Social Security Administration Act 1992, Social Security Contributions and Benefits Act 1992 and Part 5 of the Pensions Act 2014 and regulations made under those Acts or section 30 of the Pensions Act 2014 are to be modified to give effect to—

the alterations set out in Schedule 1 which are proposed to the agreements in the Schedules to the Orders in Council specified in Schedule 2, and

the alterations set out in Schedule 3 which are proposed to the agreement in the Schedule to the Order in Council referred to in Schedule 3.

These Orders in Council give effect to agreements made between the Government of the United Kingdom and the governments of other countries providing for reciprocity in certain social security matters. These agreements are now altered because of a change in the law of Great Britain to include bereavement support payment under Part 5 of the Pensions Act 2014.

An impact assessment has not been produced for this Order as it has no impact on business or civil society organisations. An impact assessment for the changes made by the Pensions Act 2014 is available from the Better Regulation Unit, Department for Work and Pensions, Caxton House, 6 – 12 Tothill Street, London SW1H 9NA or

<https://www.gov.uk/government/publications/pensions-act-2014-impact-assessments-may-2014>

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