

STATUTORY INSTRUMENTS

2019 No. 129

**EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
SOCIAL SECURITY, NORTHERN IRELAND**

The Social Security (Amendment) (Northern
Ireland) (EU Exit) Regulations 2019

Made - - - - 29th January 2019

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by sections 8(1) and 23(1) of the European Union (Withdrawal) Act 2018 ^{M1}, makes the following Regulations.

In accordance with paragraph 1 of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Marginal Citations

M1 2018 c. 16.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2. In section 144 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{M2} (entitlement of pensioners to Christmas bonus), in subsection (1)(a), for “any other” substitute “a”.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I2 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M2 1992 c. 7, to which there are amendments not relevant to these Regulations.

Amendment of the Social Security Administration (Northern Ireland) Act 1992

3.—(1) The Social Security Administration (Northern Ireland) Act 1992 ^{M3} is amended in accordance with this regulation.

(2) In section 71 (overlapping benefits – general), in subsection (5), for “member State other than the United Kingdom” substitute “ member State ”.

(3) In section 72 (income support and other payments) in subsection (2)(a), for “other member State” substitute “ member State ”.

(4) In section 76 (child benefit – overlap with benefits under legislation of other member States)—

(a) in the heading, omit “other”;

(b) for “member State other than the United Kingdom” substitute “ member State ”.

^{F1}(5)

Textual Amendments

F1 Reg. 3(5) omitted (16.12.2020) by virtue of The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), Sch. para. 4

Commencement Information

I3 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M3 1992 c. 8; section 71(5) was amended by section 254(1) of, and paragraph 111 of Schedule 24 to, the Civil Partnership Act 2004 (c. 33) and section 2(3) of, and paragraph 47 of Schedule 1 to, the Child Benefit Act 2005 (c. 6); section 72 was amended by section 14 of, and paragraph 11 of Schedule 2 to, the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and section 28(1) of, and paragraph 4(8) of Schedule 3 to, the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)); section 76 was amended by section 2(3) of, and paragraphs 27 and 48 of Schedule 1 to, the Child Benefit Act 2005; section 155(4)(ah) was inserted by section 30(5) of, and paragraph 31(3) of Schedule 16 to, the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)) and there are other amendments that are not relevant to these Regulations.

Amendments of secondary legislation

4. The Schedule contains amendments of secondary legislation.

Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Signed by authority of the Secretary of State for Work and Pensions

Department for Work and Pensions

Alok Sharma
Minister of State for Employment

SCHEDULE

Regulation 4

Amendments of secondary legislation

The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976

1.—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 ^{M4} are amended in accordance with this paragraph.

(2) In regulation 9B ^{M5} (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the heading, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

Commencement Information

I5 Sch. para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M4 S.R. 1976 No. 99, amended by S.R. 2016 No. 229; there are other amendments but none is relevant.
M5 Regulation 9B was inserted by regulation 2(3) of S.R. 2016 No. 229.

The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978

2.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 ^{M6} are amended in accordance with this paragraph.

(2) In regulation 12A ^{M7} (modification of Parts 2 and 3 of the Act in relation to accidents happening or prescribed diseases contracted outside Northern Ireland)—

- (a) in paragraph (1), in the definition of “prescribed area”, omit “(other than the United Kingdom)”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for “or a Member State (including the United Kingdom)” substitute “, a Member State or the United Kingdom ”;
 - (ii) in sub-paragraph (b), omit “(other than the United Kingdom)”.

Commencement Information

I6 Sch. para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M6 S.R. 1978 No. 114, amended by S.R. 1979 No. 131; there are other amendments but none is relevant.
M7 Regulation 12A was inserted by regulation 2 of S.R. 1979 No. 131.

The Statutory Sick Pay (Mariners, Airmen and Persons Abroad) Regulations (Northern Ireland) 1982

3.—(1) The Statutory Sick Pay (Mariners, Airmen and Persons Abroad) Regulations (Northern Ireland) 1982^{M8} are amended in accordance with this paragraph.

- (2) In regulation 4 (persons in other member States – meaning of “employee”)—
- (a) in the heading, omit “other”;
 - (b) in paragraph (a), omit “other than the United Kingdom”.

Commencement Information

I7 Sch. para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M8 S.R. [1982 No. 306](#), to which there are amendments not relevant to these Regulations.

The Statutory Maternity Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 1987

4.—(1) The Statutory Maternity Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 1987^{M9} are amended in accordance with this paragraph.

- (2) In regulation 2 (persons in other member States – meaning of “employee”)—
- (a) in the heading, omit “other”;
 - (b) in paragraph (a), omit “other than the United Kingdom”.

(3) In regulation 5 (women who worked in the European Community) in paragraph (1)(b), omit “other than the United Kingdom”.

Commencement Information

I8 Sch. para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M9 S.R. [1987 No. 171](#), amended by S.R. [1996 No. 108](#).

The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988

5.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988^{M10} are amended in accordance with this paragraph.

(2) In regulation 8 (duplication and prescribed payments), in paragraph (1)(g), omit “other than the United Kingdom”.

(3) The amendment made by sub-paragraph (2) also has effect in relation to regulation 8 as that regulation relates to child benefit and guardian's allowance by virtue of the transitional provision in regulation 44 of the Child Benefit and Guardian's Allowance (Administration) Regulations 2003^{M11}.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I9 Sch. para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M10 S.R. 1988 No. 142, the Regulations are revoked in so far as they relate to child benefit or guardian's allowance by regulation 43 of, and Part 2 of Schedule 3 to, S.I. 2003/492; regulation 44 of those Regulations sets out transitional provisions; there are other amending instruments but none is relevant.

M11 S.I. 2003/492, to which there are amendments not relevant to these Regulations.

The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992

6.—(1) The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 ^{M12} are amended in accordance with this paragraph.

(2) In regulation 2B ^{M13} (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the heading, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

Commencement Information

I10 Sch. para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M12 S.R. 1992 No. 20, amended by S.R. 2016 No. 229; there are other amendments but none is relevant.

M13 Regulation 2B was inserted by regulation 3(3) of S.R. 2016 No. 229.

The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992

7.—(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 ^{M14} are amended in accordance with this paragraph.

(2) In regulation 2B ^{M15} (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the heading, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

Commencement Information

I11 Sch. para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M14 S.R. 1992 No. 32, amended by S.R. 2016 No. 229; there are other amendments but none is relevant.

M15 Regulation 2B was inserted by regulation 4(4) of S.R. 2016 No. 229.

The Housing Benefit Regulations (Northern Ireland) 2006

8.—(1) The Housing Benefit Regulations (Northern Ireland) 2006^{M16} are amended in accordance with this paragraph.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in paragraph (18), in the definition of “prescribed area”^{M17}, omit “(other than the United Kingdom)”.

(3) In regulation 102 (recovery of overpayments from prescribed benefits), in paragraph (1)(c), omit “other than the United Kingdom”.

Commencement Information

I12 Sch. para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M16 S.R. 2006 No. 405, amended by S.R. 2008 No. 504 and S.R. 2017 No. 1; there are other amendments but none is relevant.

M17 The definition of “prescribed area” was inserted by regulation 2(2)(h)(iii) of S.R. 2017 No. 1.

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

9.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006^{M18} are amended in accordance with this paragraph.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in paragraph (18), in the definition of “prescribed area”^{M19}, omit “(other than the United Kingdom)”.

(3) In regulation 83 (recovery of overpayments from prescribed benefits), in paragraph (1)(c), omit “other than the United Kingdom”.

Commencement Information

I13 Sch. para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M18 S.R. 2006 No. 406, amended by S.R. 2008 No. 504 and S.R. 2017 No. 1; there are other amendments but none is relevant.

M19 The definition of “prescribed area” was inserted by regulation 3(2)(h)(iii) of S.R. 2017 No. 1.

The Universal Credit Regulations (Northern Ireland) 2016

10. In regulation 11 (temporary absence from Northern Ireland) of the Universal Credit Regulations (Northern Ireland) 2016^{M20}, in paragraph (5), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I14 Sch. para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M20 S.R. [2016 No. 216](#), to which there are amendments not relevant to these Regulations.

The Personal Independence Payment Regulations (Northern Ireland) 2016

11.—(1) The Personal Independence Payment Regulations (Northern Ireland) 2016 ^{M21} are amended in accordance with this paragraph.

(2) In regulation 23 (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the heading, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

Commencement Information

I15 Sch. para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M21 S.R. [2016 No. 217](#), to which there are amendments not relevant to these Regulations.

The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations (Northern Ireland) 2017

12. In regulation 5 (transitional provision) of the Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations (Northern Ireland) 2017 ^{M22}, in paragraph (4), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

Commencement Information

I16 Sch. para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M22 S.R. [2017 No. 1](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. (See end of Document for details)*

These Regulations are made in exercise of the powers in sections 8 and 23 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union and to make consequential provision.

These Regulations make amendments to domestic legislation in the field of social security in Northern Ireland, to reflect that the United Kingdom will no longer be a Member State of the European Union and to amend section 155 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) to allow for the implementation of reciprocal agreements with the European Union or individual Member States following the United Kingdom's exit from the European Union.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.