
STATUTORY INSTRUMENTS

2020 No. 1570

SOCIAL SECURITY

The Social Security (Switzerland) (Citizens’ Rights Agreement) (Revocation) Order 2020

Made - - - - 16th December 2020

Coming into force - - 17th December 2020

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen’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) (“the 1992 Act”), 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, Her Majesty may by Order in Council make provision for modifying or adapting specified legislation in its application to cases affected by such agreement.

Following the withdrawal of the United Kingdom from the European Union, the Freedom of Movement of Persons Agreement between the European Community and its Member States, on the one part, and the Swiss Confederation on the other, signed at Luxembourg on 21st June 1999 no longer applies as between the United Kingdom and the Swiss Confederation.

At Bern on 25th February 2019 an Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation(2) on citizens’ rights following the withdrawal of the United Kingdom from the European Union (“the Switzerland Citizens’ Rights Agreement”) was signed on behalf of the respective Governments. Part 3 of that Agreement makes provision in relation to social security.

The Switzerland Citizens’ Rights Agreement is to enter into force from the later of the specified date or the first day of the second month following the date of receipt of the later of the parties’ notifications that they have completed their internal procedures. The specified date is the date on which, in the absence of any transitional arrangements, the United Kingdom ceases to be a Member State of the European Union, or in the event there are transitional arrangements, the date on which those transitional arrangements cease to apply to the United Kingdom.

In view of the agreement between the United Kingdom and the European Union under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s

(1) 1992 c. 5. Section 179 has been relevantly amended by paragraph 2(2) of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and by S.I. 2020/1508. There are other amendments that are not relevant to this Order.

(2) 2019 CP 64.

withdrawal from the EU (as that agreement is modified from time to time in accordance with any provision of it) and the operation of section 7B of the European Union (Withdrawal) Act 2018⁽³⁾ which provides that the rights, powers, liabilities, obligations, restrictions, remedies and procedures under the Switzerland Citizens' Rights Agreement are to be recognised and available in domestic law and enforced, allowed and followed accordingly, Her Majesty, in exercise of the powers conferred on Her by section 179(1)(a) and (2) of the 1992 Act, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020.

(2) This Order comes into force on the day after the day on which it is made.

Revocation

2. The Social Security (Switzerland) (Citizens' Rights Agreement) Order 2019⁽⁴⁾ is revoked.

Richard Tilbrook
Clerk of the Privy Council

⁽³⁾ 2018 c. 16. Section 7B is inserted by section 6 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

⁽⁴⁾ S.I. 2019/1303.

EXPLANATORY NOTE

(This note is not part of the Order)

The Social Security (Switzerland) (Citizens' Rights Agreement) Order 2019 ([S.I. 2019/1303](#)) ("the 2019 Order") makes provision for the modification of certain social security legislation so as to give effect to the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights ("the Switzerland Citizens' Rights Agreement") following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement, signed at Bern on 25th February 2019.

The 2019 Order was to have come into force on IP completion day. Because the Switzerland Citizens' Rights Agreement is incorporated into United Kingdom law from that day by section 7B of the European Union (Withdrawal) Act 2018 ([c. 16](#)) ("the 2018 Act"), it is necessary for the 2019 Order to be revoked by article 2 of this Order.

This instrument does not impose any costs on business, charities or the voluntary sector. A Tax Information and Impact Note has not been prepared for this instrument as it only revokes an instrument which has been superseded by section 7B of the 2018 Act.