

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 social security 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 6th September 1976 (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 definitions of “the Act” and “determining authority” there shall be substituted the following definitions—

““determining authority” means—

- (a) in relation to Great Britain, the Secretary of State, an appeal tribunal, a Commissioner, an adjudication officer, a social security appeal tribunal, an adjudicating medical practitioner, a medical appeal tribunal, a disability appeal tribunal or the Attendance Allowance Board, as the case may require, and
- (b) in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland, an appeal tribunal, a Commissioner, an adjudication officer, a social security appeal tribunal, an adjudicating medical practitioner, a medical appeal tribunal, a disability appeal tribunal or the Attendance Allowance Board for Northern Ireland, as the case may require;

“legislation” means—

- (a) in relation to Great Britain, the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995 and Chapter II of Part I of the Social Security Act 1998, in each case except in relation to the benefits referred to in paragraphs (i) to (viii) of section 177(5) of the Social Security Administration 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, the Jobseekers (Northern Ireland) Order 1995 and Chapter II of Part II of the Social Security (Northern Ireland) Order 1998, in each case except in relation to the benefits referred to in paragraphs (i) to (viii) of section 153(4) of the Social Security Administration (Northern Ireland) Act 1992,

in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument, but not one made for the purpose of giving effect to the provisions of any agreement applying to one of the two territories and providing for reciprocity with a scheme of social security in force outside the United Kingdom;”.

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

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3. In Article 2(1) and Article 2(2)(c), for the words “the Acts” there shall in each case be substituted the words “the legislation”.

4. Article 3 shall be replaced by the following—

“3. Where the determining authority has made a decision relating to a claim for benefit arising under or in connection with the legislation, including a decision as reviewed, revised or superseded,

(a) the decision may be revised or superseded, and

(b) any appeal from the decision may be determined

under and to the extent permitted by the legislation of the territory in which the claimant is, as if the decision had been made in that territory, notwithstanding that the decision was made in the other territory.”.

5. In Article 5, for the word “making” there shall be substituted the words “requiring the making by the Inland Revenue of”.

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

22nd July 1999

Secretary of State for Social Security.

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.

(L.S)

John O'Neill

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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.

(L.S.)

J. G. Sullivan

Assistant Secretary