

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015 (Revoked with saving). (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the operation of the Social Security (Australia) Order (Northern Ireland) 1992 (“the Australia Order”), the Social Security (Canada) Order (Northern Ireland) 1995, and the Social Security (New Zealand) Order (Northern Ireland) 1983 which give effect in Northern Ireland to reciprocal agreements on social security made between the Governments of those respective countries and the Government of the United Kingdom.

Those reciprocal agreements include provisions applying to persons resident in the United Kingdom who had previously been resident in Australia, Canada or New Zealand. These specify that, for the purpose of determining entitlement to a retirement pension in the United Kingdom, legislation mentioned in the agreements is modified so that those persons are treated as if they (or, in some cases their spouse) had paid national insurance contributions in the United Kingdom during the periods in which they were resident in Australia, Canada or New Zealand. The agreement with New Zealand also contains similar provisions for widows and orphans benefits, and the agreement with Australia contains similar provisions for widows benefits.

The Australia Order was revoked in 2001, with savings, and continues to have effect to the extent provided for by virtue of section 299 of the Pensions Act 2004.

In accordance with Article 21 of the Treaty on the Functioning of the European Union these Regulations ensure that residence in the EEA territories and Switzerland is treated as residence in the UK for the purposes of the agreements in the case of persons who (a) are an EEA or Swiss national (b) fall within the personal scope of Regulation (EC) No 1408/71 or Regulation (EC) No 883/04 on the coordination of social security systems (c) are habitually resident in an EEA State or Switzerland and (d) have a genuine and sufficient link to the UK.

Regulation 4 revokes the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) (Northern Ireland) Regulations 2015.

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