
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 212

SOCIAL SECURITY

**The Social Security (Switzerland) (Citizens’
Rights Agreement) Order (Northern Ireland) 2019**

Made - - - - 30th October 2019

Coming into operation in accordance with Article 1

The Secretary of State and the Commissioners for Her Majesty’s Revenue and Customs make the following Order in exercise of the powers conferred by section 155(1) and (2) of the Social Security Administration (Northern Ireland) Act 1992(1).

Citation and commencement

1.—(1) This Order may be cited as the Social Security (Switzerland) (Citizens’ Rights Agreement) Order (Northern Ireland) 2019 and shall come into operation on the occurrence of the later of the events in paragraph (2).

(2) The events are—

(a) immediately after the Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(2) having come into operation; and

(b) the earlier of the following—

(i) the first day of the second month following the date of receipt of the later of the notifications referred to in Article 36(2)(b) of the Switzerland Citizens’ Rights Agreement set out in the Schedule to this Order, which has been published as an associated document; and

(1) 1992 c. 8; section 155 is to be amended by S.I. 2019/129 with effect from exit day (as defined in section 20(1) of the European Union (Withdrawal) Act 2018 (c. 16)) and there are other amendments that are not relevant to this Order. In relation to Child Benefit and Guardian’s Allowance in Northern Ireland, the power under section 155 was transferred to the Board by section 50(1)(d) of the Tax Credits Act 2002 (c. 21). The Board is defined in section 67 of that Act as the Commissioners of Inland Revenue however expressed. The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty’s Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that, insofar as is appropriate, in consequence of section 5, a reference to the Commissioners of Inland Revenue shall be taken as a reference to the Commissioners for Her Majesty’s Revenue and Customs

(2) S.I. 2019/129

- (ii) the specified date referred to in Article 36(3)(a) of the Switzerland Citizens' Rights Agreement set out in the Schedule to this Order⁽³⁾, which has been published as an associated document.

Modification of legislation

2.—(1) The legislation to which this paragraph applies is modified or adapted to the extent required to give effect to the provisions contained in the Switzerland Citizens' Rights Agreement set out in the Schedule to this Order, which has been published as an associated document.

(2) Paragraph 1 applies to—

- (a) the Social Security Administration (Northern Ireland) Act 1992;
- (b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁴⁾;
- (c) the Jobseekers (Northern Ireland) Order 1995⁽⁵⁾;
- (d) Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998⁽⁶⁾;
- (e) the State Pension Credit Act (Northern Ireland) 2002⁽⁷⁾;
- (f) Part 1 of the Welfare Reform Act (Northern Ireland) 2007⁽⁸⁾;
- (g) Parts 2 and 5 of the Welfare Reform (Northern Ireland) Order 2015⁽⁹⁾;
- (h) Parts 1 and 5 of the Pensions Act (Northern Ireland) 2015⁽¹⁰⁾;
- (i) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems⁽¹¹⁾, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018⁽¹²⁾;
- (j) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004⁽¹³⁾, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018; and
- (k) regulations within the scope of section 155(5) of the Social Security Administration (Northern Ireland) Act 1992,

so far as those provisions relate to Northern Ireland.

(3) The date on which the Switzerland Citizens' Rights Agreement enters into force for the United Kingdom will be published on the relevant page on UK Treaties Online which can be found at this link: <https://www.gov.uk/uk-treaties>

(4) 1992 c. 7

(5) S.I. 1995/2705 (N.I. 15)

(6) S.I. 1998/1506 (N.I. 10)

(7) 2002 c. 14 (N.I.)

(8) 2007 c. 2 (N.I.)

(9) S.I. 2015/2006 (N.I. 1)

(10) 2015 c. 5 (N.I.)

(11) Regulation (EC) No 883/2004 is amended by S.I. 2019/722 with effect from exit day

(12) 2018 c. 16

(13) Regulation (EC) No 987/2009 is amended by S.I. 2019/723 with effect from exit day

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

30th October 2019

Justin Tomlinson
Minister of State for Disabled People, Health and
Work
Department for Work and Pensions

30th October 2019

Ruth Stanier
Penny Ciniewicz
Two of the Commissioners for Her Majesty's
Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Order)

This 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 (“Switzerland”) on Citizens’ Rights 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 Switzerland Citizens’ Rights Agreement”). Part 3 of the Switzerland Citizens’ Rights Agreement makes provision in relation to social security coordination.

The rules of the European Union relating to social security coordination apply between the United Kingdom and Switzerland as provided for by the Agreement between the European Community and its Member States, on the one part, and the Swiss Confederation, on the other, on the free movement of persons, signed at Luxembourg on 21st June 1999 (“FMOPA”). When the United Kingdom leaves the European Union, FMOPA will also cease to apply.

The relevant European Union regulations are Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16th September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (“the EU social security coordination regulations”). The EU social security coordination regulations form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day.

Article 36(2) of the Switzerland Citizens’ Rights Agreement provides that it comes into force on 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. Article 36(3) also permits provisional application from the specified date.

The specified date for the purposes of the Switzerland Citizens’ Rights Agreement 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 case where there are transitional arrangements, the date on which these cease to apply. A transitional arrangement means an arrangement during which time FMOPA continues to apply to the United Kingdom.

The Order 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 gives effect to previously announced policy.