

2020 No. 129

SOCIAL SECURITY

**The Universal Credit (Great Britain Reciprocal Arrangements)
Regulations (Northern Ireland) 2020**

Made - - - - - *3rd July 2020*

Coming into operation - - - - - *24th July 2020*

The Department for Communities, being the Northern Ireland Department responsible for social security, makes the following Regulations in exercise of the powers conferred by sections 87(5) and (6) of the Northern Ireland Act 1998(a) and section 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c).

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2020 and come into operation on 24th July 2020.

Adaptation of legislation

2.—(1) The provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule shall have effect so far as they relate to Northern Ireland.

(2) The following legislation, and any subordinate legislation made or having effect as if made under that legislation, so far as it relates to Northern Ireland, shall have effect subject to such adaptations as may be required for the purpose of giving effect to the provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule—

- (a) the Social Security Administration (Northern Ireland) Act 1992;
- (b) Chapter II (social security decisions and appeals) of Part II (decisions and appeals) of the Social Security (Northern Ireland) Order 1998(d);
- (c) Welfare Reform (Northern Ireland) Order 2015(e).

Sealed with the Official Seal of the Department for Communities on 3rd July 2020

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(a) 1998 c. 47; section 87(6) was amended by Article 2 of the Northern Ireland Act 1998 (Modification) Order 2016 (S.I. 2016/160). Other amendments to section 87 are not relevant to these Regulations
(b) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the Northern Ireland Contributions Act 2014 (c. 7)
(c) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(d) S.I. 1998/1506 (N.I. 10)
(e) S.I. 2015/2006 (N.I. 1)

SCHEDULE

Regulation 2

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO UNIVERSAL CREDIT BETWEEN THE SECRETARY OF STATE FOR WORK AND PENSIONS, WITH THE CONSENT OF THE TREASURY, OF THE ONE PART AND THE MINISTER FOR COMMUNITIES (BEING THE NORTHERN IRELAND MINISTER HAVING RESPONSIBILITY FOR SOCIAL SECURITY), WITH THE CONSENT OF THE DEPARTMENT OF FINANCE, OF THE OTHER PART

1.—(1) In this Memorandum—

“determining authority” means—

- (a) in relation to Great Britain, the Secretary of State, the First-Tier Tribunal established under section 3(1) (the First-tier Tribunal and Upper Tribunal) of the Tribunals, Courts and Enforcement Act 2007^(a) or the Upper Tribunal established under section 3(2) of that Act, and
- (b) in relation to Northern Ireland, the Northern Ireland department having responsibility for social security, an appeal tribunal constituted under Chapter I (general) of Part II (decisions and appeals) of the Social Security (Northern Ireland) Order 1998 or a Commissioner appointed under section 50 (appointment of Commissioners) of the Social Security Administration (Northern Ireland) Act 1992^(b),

as the case may require;

“the relevant legislation” means—

- (a) in relation to Great Britain the following legislation and any subordinate legislation made or having effect as if made under that legislation—
 - (i) the Social Security Administration Act 1992;
 - (ii) Chapter 2 (social security decisions and appeals) of Part 1 (decisions and appeals) of the Social Security Act 1998^(c);
 - (iii) the Welfare Reform Act 2012^(d).
- (b) in relation to Northern Ireland the following legislation and any subordinate legislation made or having effect as if made under that legislation—
 - (i) the Social Security Administration (Northern Ireland) Act 1992;
 - (ii) Chapter II (social security decisions and appeals) of Part II (decisions and appeals) of the Social Security (Northern Ireland) Order 1998;
 - (iii) the Welfare Reform (Northern Ireland) Order 2015,

in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any subordinate legislation, but not legislation 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;

(a) 2007 c. 15

(b) 1992 c. 8; section 50 was amended by paragraph 24(2) and (3) of Schedule 4 to, the Northern Ireland Act 2009 (c. 3) and paragraph 8 of Schedule 1 to the Department of Justice Act (Northern Ireland) 2010 (c. 3)

(c) 1998 c. 14

(d) 2012 c. 5

“territory” means Great Britain or Northern Ireland, as the case may require.

(2) In the application of this Memorandum to a territory, expressions used in this Memorandum shall have the same as in the relevant legislation which relates to that territory.

(3) The rules for the construction of Acts of Parliament and instruments contained in the Interpretation Act 1978(a) shall apply for the purposes of the interpretation of this Agreement as they apply for the purposes of the interpretation of an Act of Parliament or instrument.

2.—(1) Acts, omissions or events having effect in one territory for the purposes of the relevant legislation are to have corresponding effect in the other territory and in particular—

- (a) a claim for universal credit made in one territory has effect as if made in the other;
- (b) residence, presence or employment in one territory have effect as if it were residence, presence or employment in the other;
- (c) any period of time served for any purpose in one territory has effect as if it were served for a corresponding purpose in the other.

3. Where the determining authority has made a decision relating to a claim for universal credit arising under or in connection with the relevant legislation, including a decision as 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 relevant 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.

4. The provisions of Articles 2 and 3 of this Memorandum shall not confer a right to double benefit.

5. The Social Security, Child Support and Pensions Joint Authority(b) shall from time to time determine the administrative procedures appropriate for the purposes of giving effect to the provisions of this Memorandum.

6. The arrangements in this Memorandum shall come into force on 24th July 2020, but either Party may terminate them by giving not less than 6 months notice in writing to the other.

Justin Tomlinson
Minister of State
Department for Work and Pensions

1st July 2020

We consent

Maggi Throup
James Morris
Two of the Lords Commissioners of Her Majesty’s Treasury

1st July 2020

Carál Ní Chuilín
Minister for Communities (being the Northern Ireland Minister having responsibility for social security)
1st July 2020

(a) 1978 c. 30
(b) See section 88(1)(b) of the Northern Ireland Act 1998 (c. 47)

The Department of Finance hereby consents

1st July 2020

Emer Morelli
A senior officer for the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Northern Ireland to reciprocal arrangements between Great Britain and Northern Ireland relating to universal credit. The arrangements are made between the Secretary of State for Work and Pensions, with the consent of the Treasury, of the one part and the Minister for Communities in Northern Ireland, with the consent of the Department of Finance, of the other part. These arrangements are contained in the Memorandum set out in the Schedule to these Regulations.

The Regulations provide that the legislation referred to in regulation 2(2) is adapted to give effect to the provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule.

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