

POLICY NOTE

THE SOCIAL SECURITY (GIBRALTAR) (ICELAND) (LIECHTENSTEIN) (NORWAY) (FURTHER PROVISION IN RESPECT OF SCOTLAND) ORDER 2024

SSI 2024/62

The above instrument was made in exercise of the powers conferred by 179(1)(a) of the Social Security Administration Act 1992. The instrument is a laid – no procedure instrument.

Purpose of the instrument

This Order gives effect to the Agreement on Social Security as set out in the Exchange of Letters between His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and His Majesty's Government of Gibraltar dated 25th January 2024 and 26th January 2024 respectively, the text of which is set out in the Schedule of the Social Security (Gibraltar) Order 2024.

This Order also amends the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023 to give effect to the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 30 June 2023, the text of which is set out in the schedule of the Social Security (Iceland) (Liechtenstein) (Norway) Order 2023.

Policy objectives

The Agreement ensures that individuals who move between the UK and Gibraltar, and who are in scope of the Agreement will have their social security position in respect of certain benefits protected. Eligible individuals will have access to a range of social security benefits, including reciprocal healthcare cover and an up-rated state pension. It also ensures that cross-border workers and their employers are only liable to pay social security contributions in one state at a time.

Article 61 provides that the Agreement will come into force when the parties notify each other in writing when the necessary domestic procedures for entry into force have been completed.

The Agreement covers social security contributions and pensions as well as benefits in respect of sickness and invalidity, long-term care, maternity, old-age, survivors', family, unemployment, accidents at work and occupational disease and bereavement. It also provides for the necessary administrative arrangements for data sharing, social security debt recovery and the mutual cooperation required for implementing reciprocity. The devolved benefits covered by the Agreement are:

- Child Disability Payment (care component);
- Adult Disability Payment (daily living component);
- Young Carer Grant;
- Child Winter Heating Payment;
- Carer's Allowance Supplement; and
- Carer Support Payment.

Industrial Injuries Disablement Benefit, currently delivered by DWP on behalf of Social Security Scotland, is also covered by this agreement. Pension Age Disability Payment will also be covered by the Agreement when it goes live.

The Social Security (Gibraltar) Order 2024 (“the 2024 Order”) modifies certain social security legislation to give effect to the Agreement. This Order will ensure corresponding provision is made to modify the social security legislation covered by the 2024 Order, insofar as it is within the legislative competence of the Scottish Parliament to make the modification.

This Order also amends the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023 to give effect to the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 30 June 2023, the text of which is set out in the schedule of the Social Security (Iceland) (Liechtenstein) (Norway) Order 2023.

The Convention ensures that individuals who move between the UK, Iceland, Liechtenstein and Norway, and who are in scope of the Convention will have their social security position in respect of certain benefits protected. It came into force on 1 January 2024.

The Social Security (Iceland) (Liechtenstein) (Norway) Order 2023 (“the 2023”) Order modifies certain security legislation to give effect to the Convention. This Order amends the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023 to make further provision to give effect to the Convention.

EU Alignment Consideration

This instrument makes similar provision to the EU rules on social security co-ordination set out in Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 (“the social security co-ordination rules”) for the individuals covered by this Agreement.

Consultation and Impact Assessments

These regulations are required to ensure the Convention and agreement are given legal effect insofar as they relate to devolved matters. There is, therefore, no requirement for consultation or impact assessments.

Financial Effects

This Order does not impose any costs on business, charities or the voluntary sector. Accordingly, no Business and Regulatory Impact Assessment has been prepared.

Scottish Government
Social Security Directorate

21 February 2024.