

1999 No. 2227

SOCIAL SECURITY

The Social Security (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999

Made - - - - 5th August 1999
Laid before Parliament 11th August 1999
Coming into force 1st September 1999

The Secretary of State for Social Security, in exercise of powers conferred upon him by section 177(4) of the Social Security Administration Act 1992(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999 and shall come into force on 1st September 1999.

(2) In these Regulations, “the Principal Arrangements” means the arrangements contained in the Memorandum of Reciprocal Arrangements set out in Schedule 1 to the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 1976(c).

Adaptation of the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Jobseekers Act 1995 and the Social Security Act 1998 and variation of the Principal Arrangements

2.—(1) The provisions of the arrangements contained in the exchange of letters set out in the Schedule to these Regulations shall have effect so far as they relate to Great Britain, and the effect of the Principal Arrangements shall be varied in accordance with those provisions.

(2) The Social Security Contributions and Benefits Act 1992(d), the Social Security Administration Act 1992, the Jobseekers Act 1995(e) and Chapter II of Part I of the Social Security Act 1998(f), and regulations made or having effect as if made under any of those Acts so far as such regulations relate to Great Britain, shall have effect subject to such adaptations as may be required for the purpose of giving effect to the provisions of the Principal Arrangements as amended by the provisions of the arrangements set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Social Security.

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

5th August 1999

(a) 1992 c. 5; section 177(5), which sets out the legislation to which section 177(4) applies, was amended by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 68, and by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 105.
(b) See section 173(1)(b) of the Social Security Administration Act 1992.
(c) S.I. 1976/1003.
(d) 1992 c. 4.
(e) 1995 c. 18.
(f) 1998 c. 14.

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 words "the legislation".

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.

22nd July 1999

Alistair Darling
Secretary of State for Social Security.

We consent.

27th July 1999

Clive J C Betts
Jane Kennedy
Two of the Lords Commissioners of Her Majesty’s Treasury.

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.

John O’Neill
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.

J G Sullivan
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to arrangements relating to social security that have been made between the Secretary of State for Social Security, 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 and Personnel, of the other part.

These arrangements amend earlier reciprocal arrangements relating to social security in order to take into account changes made by the Social Security Act 1998 to the decision-making process for social security and related matters, and to make other minor and consequential amendments.

These Regulations do not impose any costs on business.

£1.50

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