

SCHEDULE

MEMORANDUM OF RECIPROCAL ARRANGEMENTS RELATING TO SOCIAL SECURITY BETWEEN THE SECRETARY OF STATE FOR WORK AND PENSIONS, WITH THE CONSENT OF THE TREASURY, OF THE ONE PART AND THE MINISTER FOR SOCIAL DEVELOPMENT (BEING THE NORTHERN IRELAND MINISTER HAVING RESPONSIBILITY FOR SOCIAL SECURITY), WITH THE CONSENT OF THE DEPARTMENT OF FINANCE AND PERSONNEL, 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 the Upper Tribunal) of the Tribunals, Courts and Enforcement Act 2007(1) 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 1 (general) of Part 2 (decisions and appeals) of the Social Security (Northern Ireland) Order 1998(2) or a Commissioner appointed under section 50 (appointment of Commissioners) of the Social Security Administration (Northern Ireland) Act 1992(3),

as the case may require;

“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) the Social Security Contributions and Benefits Act 1992, except Parts 7 (income-related benefits), 10 (Christmas bonus for pensioners), 11 (statutory sick pay), 12 (statutory maternity pay), 12ZA (statutory paternity pay)(4), 12ZB (statutory adoption pay)(5) and 12ZC (statutory shared parental pay)(6);
 - (iii) the Jobseekers Act 1995, except in relation to an income-based jobseeker’s allowance, which has the meaning given by section 1(4) (the jobseeker’s allowance) of that Act(7);
 - (iv) Chapter 2 (social security decisions and appeals) of Part 1 (decisions and appeals) of the Social Security Act 1998;
 - (v) section 23 (supply of pension information in connection with divorce etc.), so far as it relates to shareable state scheme rights, and Chapter 2 (sharing of state scheme rights) of Part 4 (pension sharing) of the Welfare Reform and Pensions Act 1999;
 - (vi) Part 1 (employment and support allowance) of the Welfare Reform Act 2007;
 - (vii) Part 4 (personal independence payment) of the Welfare Reform Act 2012;
 - (viii) Part 1 (state pension) of the Pensions Act 2014;

(1) 2007 c.15.

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

(3) 1992 c.8.

(4) Part 12ZA was inserted by section 2 of the Employment Act 2002 (c.22).

(5) Part 12ZB was inserted by section 4 of the Employment Act 2002.

(6) Part 12ZC was inserted by section 119(1) of the Children and Families Act 2014 (c.6).

(7) Section 1(4) is repealed by paragraph 1 of Schedule 14 to the Welfare Reform Act 2012. This repeal has effect on different days in different areas as a result of the gradual introduction of Universal Credit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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⁽⁸⁾;
 - (ii) the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁹⁾ except Parts 7 (income-related benefits), 10 (Christmas bonus for pensioners), 11 (statutory sick pay), 12 (statutory maternity pay), 12ZA (statutory paternity pay)⁽¹⁰⁾, 12ZB (statutory adoption pay)⁽¹¹⁾ and 12ZC (statutory shared parental pay)⁽¹²⁾;
 - (iii) the Jobseekers (Northern Ireland) Order 1995⁽¹³⁾, except in relation to an income-based jobseeker’s allowance, which has the meaning given by Article 3(4) (the jobseeker’s allowance) of that Order;
 - (iv) Chapter 2 (social security decisions and appeals) of Part 2 (decisions and appeals) of the Social Security (Northern Ireland) Order 1998;
 - (v) Article 21 (supply of pension information in connection with divorce etc.), so far as it relates to shareable state scheme rights, and Chapter 2 (sharing of state scheme rights) of Part 5 (pension sharing) of the Welfare Reform and Pensions (Northern Ireland) Order 1999⁽¹⁴⁾;
 - (vi) Part 1 (employment and support allowance) of the Welfare Reform Act (Northern Ireland) 2007⁽¹⁵⁾;
 - (vii) Part 5 (personal independence payment) of the Welfare Reform (Northern Ireland) Order 2015⁽¹⁶⁾;
 - (viii) Part 1 (state pension) of the Pensions Act (Northern Ireland) 2015⁽¹⁷⁾;

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;

“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 meaning as in the legislation which relates to that territory.

(3) The rules for the construction of Acts of Parliament and instruments contained in the Interpretation Act 1978⁽¹⁸⁾ 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.

⁽⁸⁾ 1992 c.8.

⁽⁹⁾ 1992 c.7.

⁽¹⁰⁾ Part 12ZA was inserted by Article 5 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I.2)) and was amended paragraph 2(6) of Schedule 1 to the Work and Families Act (Northern Ireland) 2015 (c.1 (N.I.)).

⁽¹¹⁾ Part 12ZB was inserted by Article 6 of the Employment (Northern Ireland) Order 2002.

⁽¹²⁾ Part 12ZC was inserted by section 5 of the Work and Families Act (Northern Ireland) 2015.

⁽¹³⁾ S.I. 1995/2705 (N.I. 15).

⁽¹⁴⁾ S.I. 1999/3147 (N.I. 11). Article 21 was amended by paragraph 108 of Schedule 29 to the Civil Partnership Act 2004.

⁽¹⁵⁾ 2007 c.2 (N.I.).

⁽¹⁶⁾ S.I. 2015/2006 (N.I. 1).

⁽¹⁷⁾ 2015 c.5 (N.I.).

⁽¹⁸⁾ 1978 c.30.