2020 No. 1597

SOCIAL SECURITY

The Social Security (Norway) Order 2020

Made	-	-	-	-		16th December 2020
Coming i	nto f	orce		-	-	1st January 2021

At the Court at Windsor Castle, the 16th day of December 2020 Present, The Queen's Most Excellent Majesty in Council

Whereas by the Social Security (Norway) Order 1991(1) (hereinafter referred to as the "Principal Order") made in pursuance of section 143 of the Social Security Act 1975(2) and section 15 of the Child Benefit Act 1975(3), it was ordered that these Acts be modified to such extent as may be required to give effect to the provisions contained in the Convention(4) and the Protocol set out in the Schedule to the Principal Order (hereinafter referred to as the "Principal Convention"), so far as the same relates to England, Wales and Scotland:

And Whereas by the Social Security (Norway) Order 1992(5) (hereinafter referred to as the "Amending Order") made in pursuance of section 179 of the Social Security Administration Act 1992(6), it was ordered that the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992(7) be modified, and the Principal Order varied, to such extent as may be required to give effect to the provisions contained in the Agreement contained in the Notes exchanged on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on 5th November 1992(8) which amended the Principal Convention as set out in the Schedule to the Amending Order:

And Whereas the Principal Convention was further amended by the Agreement(9) contained in the Letters exchanged on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on 7th December 2020 (which Letters are set out in the Schedule to this Order):

⁽¹⁾ S.I. 1991/767, relevant amending instruments are S.I. 1992/3212, 1995/767, and 2005/2765.

^{(2) 1975} c. 14. This provision is now replaced by section 179 of the Social Security Administration Act 1992 c. 5.

^{(3) 1975} c. 61. This provision is now replaced by section 179 of the Social Security Administration Act 1992.

^{(4) 1991} Cm 1331.

⁽⁵⁾ S.I. 1992/3212.

^{(6) 1992 (}c. 5). Section 179 has been relevantly amended by paragraph 2(2) of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

^{(7) 1992} c. 4.

⁽⁸⁾ Cm 2107.

⁽⁹⁾ The Agreement is laid before Parliament in the Treaty Series for information.

And Whereas by section 179(1) and (2) of the Social Security Administration Act 1992, it is provided that Her Majesty may by Order in Council make provision for modifying or adapting specified legislation in its application to cases affected by agreement with the Governments of countries outside the United Kingdom providing for matters specified in that section:

Now therefore, Her Majesty, in pursuance of section 179(1) and (2) of the Social Security Administration Act 1992 and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Social Security (Norway) Order 2020 and comes into force on 1st January 2021.

Commencement Information

II Art. 1 in force at 1.1.2021, see art. 1

Modification of legislation and variation of the Principal Order

2.—(1) Subject to paragraph (3), the legislation specified in paragraph (2) is modified, and the Principal Order is varied, to the extent required to give effect to the Principal Convention as amended by the Agreement set out in the Schedule to this Order, as it applies to England, Wales and Scotland.

- (2) The legislation specified in this paragraph is—
 - (a) the Social Security Administration Act 1992(10);
 - (b) the Social Security Contributions and Benefits Act 1992;
 - (c) the Jobseekers Act 1995(11);
 - (d) Chapter 2 of Part 1 of the Social Security Act 1998(12);
 - (e) Part 2 of the Social Security Contributions (Transfer of Functions, etc) Act 1999(13);
 - (f) the State Pension Credit Act 2002(14);
 - (g) Part 1 of the Welfare Reform Act 2007(15);
 - (h) Parts 1 and 4 of the Welfare Reform Act 2012(16);
 - (i) Parts 1 and 5 of the Pensions Act 2014(17);
 - (j) the following as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(18)—

⁽¹⁰⁾ No modifications are made in respect of community charge benefits, payments out of the social fund, Christmas bonus, statutory sick pay, or statutory maternity pay because the power in section 179(4)(b)(i)-(v) of the Social Security Administration Act 1992 excludes these benefits from the scope of the power.

^{(11) 1995} c. 18.

⁽**12**) 1998 c. 14.

⁽**13**) 1999 c. 2.

^{(14) 2002} c. 16. (15) 2007 c. 5.

⁽¹⁵⁾ 2007 c. 5. (16) 2012 c. 5.

^{(17) 2014} c. 19.

^{(18) 2018} c. 16. Section 3 is to be amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Regulation 883/2004 and 987/2009 as they form part of domestic law under section 3 of the European Union (Withdrawal Agreement) Act 2020 are revoked (with savings) by S.I. 2020/1508.

- (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;
- (ii) 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 on the coordination of social security systems;
- (k) regulations within the scope of section 179(5)(19) of the Social Security Administration Act 1992.

(3) Paragraph (1) does not modify legislation in so far as it would be within the legislative competence of the Scottish Parliament to make such modifications^{F1}...(20).

(4) Paragraph (1) also modifies [F2Part 3] of the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 so far as such provision relates to Northern Ireland(21).

- F1 Words in art. 2(3) omitted (12.10.2023) by virtue of The Social Security (Iceland) (Liechtenstein) (Norway) Order 2023 (S.I. 2023/1060), arts. 1(2), 4(1)(a)
- F2 Words in art. 2(4) substituted (12.10.2023) by The Social Security (Iceland) (Liechtenstein) (Norway) Order 2023 (S.I. 2023/1060), arts. 1(2), 4(1)(b)

Commencement Information

Art. 2 in force at 1.1.2021, see art. 1 12

Revocations

3. The Social Security (Norway) Order 1992(22) is revoked(23).

Commencement Information

13 Art. 3 in force at 1.1.2021, see art. 1

> Richard Tilbrook Clerk of the Privy Council

⁽¹⁹⁾ Subsection (5) of section 179 has been amended by paragraph 70(4) of Schedule 2 to the Jobseekers Act 1995; paragraph 21(4) of Schedule 2 to the State Pension Credit Act 2002; paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21); paragraph 10(29)(c) of Schedule 3 to the Welfare Reform Act 2007; paragraph 27(4) of Schedule 2, to the Welfare Reform Act 2012 and paragraph 25(4)(a) and (b) of Schedule 12, and paragraph 33(4)(a) and (b) of Schedule 16, to the Pensions Act 2014 and by regulation 3 of S.I. 2011/2425.

⁽²⁰⁾ S. I. 2017/444. (21) S.I. 1999/671.

⁽²²⁾ S.I. 1992/3212.

⁽²³⁾ The Agreement set out in the Schedule to this Order renders the Social Security (Norway) Order 1992 (S.I. 1992/3212) redundant.

SCHEDULE

Article 2

Exchange of Letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the continued application and amendment of the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, and the Protocol concerning Medical Treatment, done at Oslo on 19 June 1990

Commencement Information I4 Sch. in force at 1.1.2021, see art. 1

HE Ms Ine Eriksen Søreide Minister of Foreign Affairs of the Kingdom of Norway

07 December 2020

Your Excellency,

I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, signed at Oslo on 19 June 1990, as amended by an exchange of Notes in 1992 (hereinafter referred to as "the Convention") with integrated Protocol Concerning Medical Treatment of 19 June 1990 (hereinafter referred to as "the Protocol") and to recent discussions between Her Majesty's Revenue and Customs, the Department of Work and Pensions and the Department of Health and Social Care for the United Kingdom and the Ministry of Labour and Social Affairs, the Ministry of Health and Care Services and the Ministry of Children and Family affairs for Norway concerning necessary amendments to the Convention and the Protocol.

In these discussions, our two Governments have considered that the Convention and the Protocol have been superseded by the laws of the European Union ("EU") on the same subject-matter, as regards persons to whom those Isws were at that date or subsequently became applicable, which applied as between the United Kingdom and the Kingdom of Norway by virtue of the Agreement on the European Economic Area done at Porto on 2 May 1992.

Our two Governments have further noted that, following the departure of the United Kingdom from the European Union, EU law will cease to apply to the United Kingdom at the end of the transition period on 31 December 2020. The United Kingdom and the Kingdom of Norway, however, wish to maintain and develop their strong relationship in the fields of social security at the end of this period.

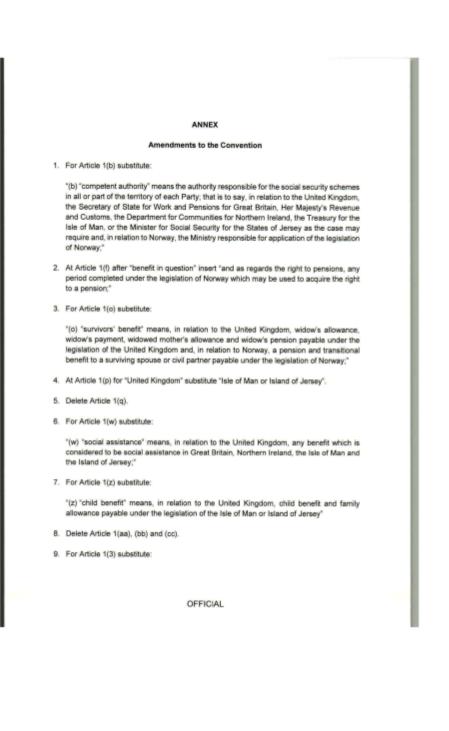
Consequently, the United Kingdom and the Kingdom of Norway have agreed that the Convention and the Protocol are to apply between them, with particular provision in respect of the Isle of Man and the Island of Jersey, subject to the amendments set out in the Annex to this Letter ('this Agreement'). I therefore have the honour to propose, on behalf of the Government of the United Kingdom, that the provisions of the Convention and the Protocol, as amended in the Annex to this Letter, shall have legal force and effect as between the United Kingdom and the Kingdom of Norway and shall replace any and all prior versions of the Convention and the Protocol.

I have further the honour to propose that this Agreement shall enter into force on 1 January 2021.

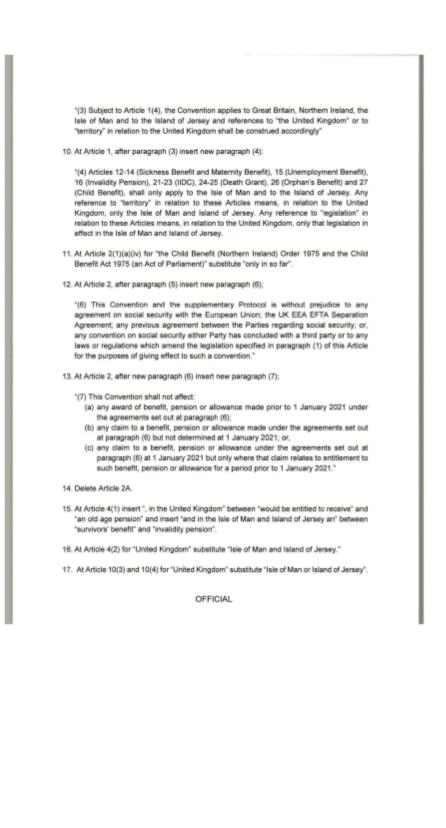
If the foregoing proposals are acceptable to the Government of the Kingdom of Norway, I have the honour to propose that this Letter together with your Excellency's reply shall constitute an

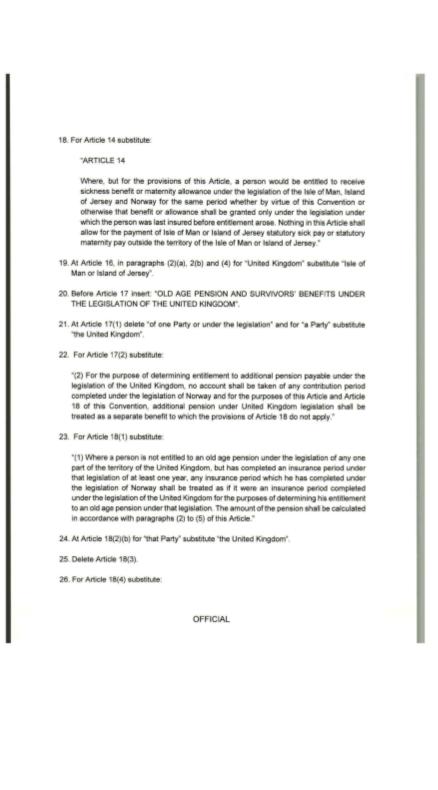
agreement between our Governments which shall enter into force in accordance with the provisions set out above. I avail myself of this opportunity to renew to your Excellency the assurance of my highest consideration. Gummy Mr Richard Wood British Ambassador to Norway

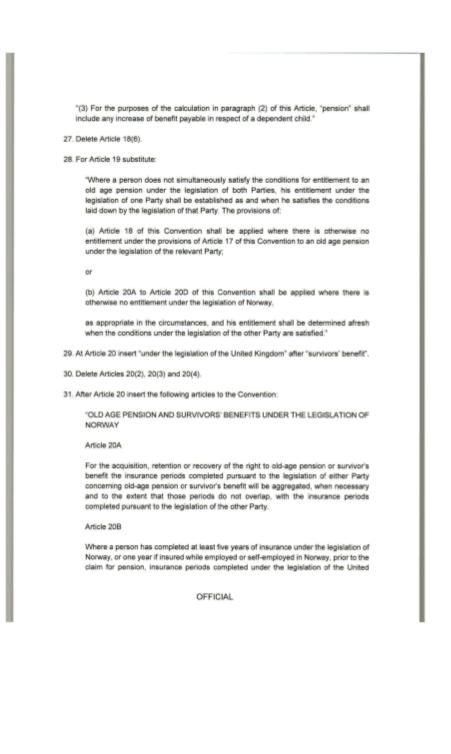
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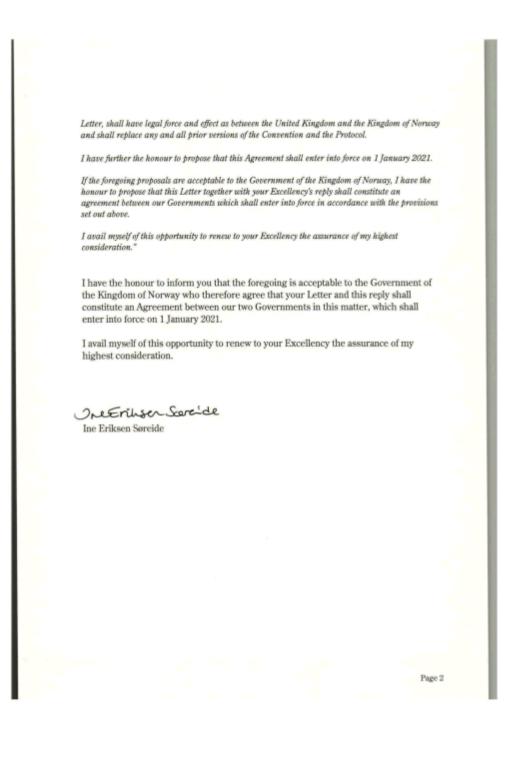






To the extent that future insurance periods or future pension point years taken 2 into account for the calculation of a survivors' benefit in accordance with Article 20D coincide with corresponding insurance periods taken into account for the calculation of a benefit under the legislation of the United Kingdom, the latter periods shall not be taken into account for the calculation of an old age pension under the legislation of Norway." 32. At Article 23 for "both Parties" substitute "Norway, the Isle of Man or Island of Jersey". 33. Delete Section 11, Article 28. Amendments to the Protocol 1. In Article 1(a)(i) for "the Isle of Man Department of Health and Social Security", substitute "the Isle of Man Department of Health and Social Care". 2. In Article 1(a)(ii) for "the Public Health Committee of the States of Jersey" substitute "the Health and Community Services Department of the States of Jersey": 3. For Article 1(a)(iii) substitute: "(iii) in relation to Norway, medical treatment fully or partially funded by the public authorities in accordance with the legislation in force in Norway;*. 4. In Article 1(c)(i) for "the Department of Health" substitute "the Department of Health and Social Care". 5. In Article 1(c)(ii) for "the Isle of Man Department of Health and Social Security" substitute "the Isle of Man Department of Health and Social Care". 6. In Article 1(c)(ii) for "the Public Health Committee of the States of Jersey" substitute "the Health and Community Services Department of the States of Jersey". 7. For Article 1(c)(iv) substitute: "(iv) in relation to Norway, the Ministry responsible for matters covered by this Protocol;". OFFICIAL

ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS
Minister of Foreign Affairs
Oslo, 7 December 2020
Usio, 7 December 2020
Your Excellency
I have the honour to acknowledge receipt of your Letter of 7 December 2020 which reads as follows:
"I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, signed at Oslo on 19 June 1990, as amended by an exchange of Notes in 1992 (hereinafter referred to as "the Convention") with integrated Protocol Concerning Medical Treatment of 19 June 1990 (hereinafter referred to as "the Protocol") and to recent discussions between Her Majesty's Revenue and Customs, the Department of Work and Pensions and the Department of Health and Social Care for the United Kingdom and the Ministry of Labour and Social Affairs, the Ministry of Health and Care Services and the Ministry of Children and Family affairs for Norway concerning necessary amendments to the Convention and the Protocol.
In these discussions, our two Governments have considered that the Convention and the Protocol have been superseded by the laws of the European Union ("EU") on the same subject-matter, as regards persons to whom those laws were at that date or subsequently became applicable, which applied as between the United Kingdom and the Kingdom of Norway by virtue of the Agreement on the European Economic Area done at Porto on 2 May 1992.
Our two Governments have further noted that, following the departure of the United Kingdom from the European Union, EU law will cease to apply to the United Kingdom at the end of the transition period on 31 December 2020. The United Kingdom and the Kingdom of Norway, however, with to maintain and develop their strong relationship in the fields of social security at the end of this period.
Consequently, the United Kingdom and the Kingdom of Norway have agreed that the Convention and the Protocol are to apply between them, with particular provision in respect of the Isle of Man and the Island of Jersey, subject to the amendments set out in the Annex to this Letter ("this Agreement"). I therefore have the honour to propose, on behalf of the Government of the United Kingdom, that the provisions of the Convention and the Protocol, as amended in the Annex to this
HE Mr Richard Wood Ambassador of the United Kingdom to Norway
Oslo



EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of specified social security legislation, so as to give effect in Great Britain to the amendments agreed on 7th December 2020 ("the Agreement") to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, and the Protocol concerning Medical Treatment, done at Oslo at 19 June 1990 ("the Convention").

The Agreement provides for the changes to the Convention to take effect from 1st January 2021.

This Order revokes the Social Security (Norway) Order 1992.

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.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Norway) Order 2020.