

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 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;

“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;
 - (iii) the Welfare Reform Act 2012;
- (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(4);
 - (ii) Chapter 2 (social security decisions and appeals) of Part 2 (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;

“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 relevant legislation which relates to that territory.

(1) 2007 c.15.

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

(3) 1992 c.8. Section 50 was amended by section 59(5) of and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c.4), paragraphs 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).

(4) 1992 c.8.

Status: This is the original version (as it was originally made).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

(3) The rules for the construction of Acts of Parliament and instruments contained in the Interpretation Act 1978⁽⁵⁾ 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 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⁽⁶⁾ 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 six months notice in writing to the other.

(5) 1978 c.30.

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