STATUTORY INSTRUMENTS

2016 No. 1050

SOCIAL SECURITY

The Social Security (Northern Ireland Reciprocal Arrangements) (Amendment) Regulations 2016

Made - - - - 1st November 2016
Laid before the House of Commons - - - - 4th November 2016
Coming into force in accordance with regulation 1(2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 87(4), (6) and (9) of the Northern Ireland Act 1998(**1**) and section 189(1), (4) and (5) of the Social Security Administration Act 1992(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Northern Ireland Reciprocal Arrangements) (Amendment) Regulations 2016.

(2) These Regulations come into force—

(a) for the purposes of income-based jobseeker's allowance and contributory employment and support allowance on 27th November 2016;

(b) for all other purposes on 6th April 2017.

(3) In these Regulations—

(a) "the Principal Arrangements" means the provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016(**3**);

(b) "contributory employment and support allowance" has the meaning given by section 1(7) of the Welfare Reform Act 2007(**4**) and section 1(7) of the Welfare Reform Act (Northern Ireland) 2007(**5**);

(**1**) 1998 c.47. Section 87(6) was amended by S.I.s 2000/741, 2000/3254, 2002/265, 2003/1890, 2006/2659, 2008/1242, 2009/885 and 2016/160. Other amendments to section 87 are not relevant to these Regulations.
(**2**) 1992 c.5. Section 189(1) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14), by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and by paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c.21). Section 189(4) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 and by S.I. 2013/252. Section 189(5) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998.
(**3**) S.I. 2016/287.
(**4**) 2007 c.5.

(c) "income-based jobseeker's allowance" has the meaning given by the Jobseekers Act 1995(**6**) and the Jobseekers (Northern Ireland) Order 1995(**7**).

Adaptation of legislation

2.—(1) The provisions 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 following legislation, and any subordinate legislation made or having effect as if made under that legislation, so far as it relates 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 varied by the provisions contained in the exchange of letters set out in the Schedule to these Regulations—

(a) the Social Security Administration Act 1992;

(b) the Social Security Contributions and Benefits Act 1992(**8**);

(c) the Jobseekers Act 1995(**9**);

(d) Chapter 2 (social security decisions and appeals) of Part 1 (decisions and appeals) of the Social Security Act 1998(**10**);

(e) Part 1 (employment and support allowance) of the Welfare Reform Act 2007(**11**);

(f) Part 5 (bereavement support payment) of the Pensions Act 2014(**12**).

Signed by authority of the Secretary of State for Work and Pensions

Damian Hinds
Minister of State for Employment,
Department for Work and Pensions

1st November 2016

(**5**) 2007 c.2 (N.I.).
(**6**) 1995 c.18.
(**7**) S.I. 1995/2705 (N.I. 15).
(**8**) 1992 c.4.
(**9**) 1995 c.18.
(**10**) 1998 c.14.
(**11**) 2007 c.5.
(**12**) 2014 c.19.

SCHEDULE(**13**) Regulation 2(1)

No.1

The Minister of State for Employment, with the consent of the Treasury, to the Minister for Communities for Northern Ireland

27th October 2016

Sir,

I refer to the 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, which came into force on 6th April 2016 (which in this letter is referred to as "the Memorandum").

I propose, with the consent of the Treasury, the following amendments to the Memorandum.

In Article 1(1), in the definition of "legislation"—

1. in paragraph (a)—

(a) in sub-paragraph (iii) omit the words ", 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";

(b) after sub-paragraph (viii) insert—

"(ix) Part 5 (bereavement support payment) of the Pensions Act 2014;";

2. in paragraph (b)—

(a) in sub-paragraph (iii) omit the words ", 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";

(b) after sub-paragraph (viii) insert—

"(ix) Part 5 (bereavement support payment) of the Pensions Act (Northern Ireland) 2015;".

After Article 2, insert—

"**2A.** Article 2B applies to a claimant who—

(a) was entitled to an award of employment and support allowance under Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007 following a decision made by a determining authority in Great Britain or Northern Ireland;

(b) moved from one territory to the other and, owing to the lack of arrangements as provided for in section 87(2) of the Northern Ireland Act 1998 in relation to employment and support allowance for any period before 6th April 2016, had their entitlement terminated as a consequence of that move;

(c) does not satisfy the conditions set out in whichever of the following applies in the new territory—

(i) Part 1 (contributory allowance) of Schedule 1 (employment and support allowance: additional conditions) to the Welfare Reform Act 2007; or

(ii) Part 1 (contributory allowance) of Schedule 1 (employment and support allowance: additional conditions) to the Welfare Reform Act (Northern Ireland) 2007;

(**13**) The Department for Social Development was renamed the Department for Communities on 8th May 2016 by virtue of section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)). The Department of Finance and Personnel was renamed the Department of Finance on 8th May 2016 by virtue of section 1(4) of the Departments Act (Northern Ireland) 2016.