STATUTORY INSTRUMENTS

# 2016 No. 287

# SOCIAL SECURITY

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

| | |
|---|---|
| *Made - - - -* | *3.35 p.m. on 3rd March 2016* |
| *Laid before the House of Commons - - - -* | *5 p.m. on 3rd March 2016* |
| *Coming into force - -* | *6th April 2016* |

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 and commencement

**1.** These Regulations may be cited as the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016 and come into force on 6th April 2016.

### Adaptation of legislation

**2.**—(1) The provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to these Regulations shall have effect so far as they relate to Great Britain.

(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 contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to these Regulations—

(a) the Social Security Administration Act 1992;

(b) the Social Security Contributions and Benefits Act 1992(**3**);

(c) the Jobseekers Act 1995(**4**);

(**1**) 1998 c.47. Section 87(6) was amended by S.I.s 2000/741, 2008/1242 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) and (5) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 and by S.I. 2013/252.

(**3**) 1992 c.4.

(**4**) 1995 c.18.

(d) Chapter 2 (social security decisions and appeals) of Part 1 (decisions and appeals) of the Social Security Act 1998(**5**);

(e) (i) section 23 (supply of pension information in connection with divorce etc.)(**6**), so far as it relates to shareable state scheme rights (which means rights in relation to which pension sharing is available under Chapter 2 (sharing of state scheme rights) of Part 4 (pension sharing) of the Welfare Reform and Pensions Act 1999)(**7**), and

(ii) Chapter 2 of Part 4,

of the Welfare Reform and Pensions Act 1999;

(f) Part 1 (employment and support allowance) of the Welfare Reform Act 2007(**8**);

(g) Part 4 (personal independence payment) of the Welfare Reform Act 2012(**9**);

(h) Part 1 (state pension) of the Pensions Act 2014(**10**).

**Revocations and savings**

**3.**—(1) The following Regulations are revoked—

(a) the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 1976(**11**);

(b) the Social Security (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999(**12**).

(2) Anything done under or by virtue of the regulations revoked by these Regulations shall be deemed to have been done under or by virtue of the corresponding provision of these Regulations.

*Priti Patel*
Minister for Employment,
Department for Work and Pensions

At 3.35 pm on 3rd March 2016

(**5**) 1998 c.14.
(**6**) Section 23 was amended by paragraph 157 of Schedule 27 and paragraph 1 of Schedule 30 to the Civil Partnership Act 2004 (c.33).
(**7**) 1999 c.30.
(**8**) 2007 c.5.
(**9**) 2012 c.5.
(**10**) 2014 c.19.
(**11**) S.I. 1976/1003.
(**12**) S.I. 1999/2227.

## SCHEDULE

Regulation 2

## 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(**13**) 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(**14**) or a Commissioner appointed under section 50 (appointment of Commissioners) of the Social Security Administration (Northern Ireland) Act 1992(**15**),

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)(**16**), 12ZB (statutory adoption pay)(**17**) and 12ZC (statutory shared parental pay)(**18**);

(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(**19**);

(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;

---

(**13**) 2007 c.15.
(**14**) S.I. 1998/1506 (N.I.10).
(**15**) 1992 c.8.
(**16**) Part 12ZA was inserted by section 2 of the Employment Act 2002 (c.22).
(**17**) Part 12ZB was inserted by section 4 of the Employment Act 2002.
(**18**) Part 12ZC was inserted by section 119(1) of the Children and Families Act 2014 (c.6).
(**19**) 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.