Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 349

SOCIAL SECURITY

The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*25th February 2015*
Coming into force - -	*1st April 2015*

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to social security [F2].

Accordingly the Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

F1 1972 c. 68.
F2 *See*S.I. 2010/2473.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations 2015.

(2) They come into force on 1st April 2015.

(3) For the purposes of these Regulations—

⌊[F3](a) "withdrawal agreement", "EEA EFTA separation agreement" and "Swiss citizens' rights agreement" have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

(aa) "Trade and Cooperation Agreement" has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020;**⌋**

(b) "EEA national" means a national of an EEA state [F4] or Switzerland.

F3 Reg. 1(3)(a)(aa) substituted for reg. 1(3)(a) (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) (EU Exit) Regulations 2021 (S.I. 2021/811), regs. 1(2), **3(2)**

F4 As defined by Schedule 1 to Section 5 of the Interpretation Act 1978 c. 30.

Modifications of the Australia Order, Canada Order and New Zealand Order

2. Regulation 3 applies where-

(a) a person is **[**F5a UK or**]** an EEA National;

(b) that person is habitually resident in an EEA state or Switzerland;

(c) that person can demonstrate a genuine and sufficient link to the United Kingdom social security system; and

[F6(d) that person is covered by—

(i) Title III of Part 2 of the withdrawal agreement as set out at Article 30 and 32 of that agreement;

(ii) Title III of Part 2 of the EEA EFTA separation agreement as set out at Article 29 and 31 of that agreement;

(iii) Part Three of the Swiss citizens' rights agreement as set out at Article 25 and 26a of that agreement;

(iv) the Protocol on Social Security Coordination in the Trade and Cooperation Agreement as set out at Article SSC.2 of Title 1 of that agreement.**]**

F5 Words in reg. 2(a) inserted (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) (EU Exit) Regulations 2021 (S.I. 2021/811), regs. 1(2), **3(3)**

F6 Reg. 2(d) substituted (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) (EU Exit) Regulations 2021 (S.I. 2021/811), regs. 1(2), **3(4)**

3.—(1) The legislation mentioned in Article 2 to the Social Security (Australia Order) 1992 [F7] is modified in relation to that person to give effect to Schedule 1 of the Australia Order as if it read as follows—

(a) in article 3(1), "that part of the territory" were substituted by "the territory comprising the EEA states and Switzerland" the first time it occurs, and by "the relevant part of the territory of the United Kingdom" the second time it occurs;

(b) in article 3(5), "the United Kingdom" were substituted by "the area comprising the EEA States and Switzerland";

(c) in article 5(1), "in that part of the territory" were substituted by " in the territory comprising the EEA states and Switzerland " and "of that part of the territory" were substituted by "of the relevant part of the territory of the United Kingdom"; and

(d) in article 5(4), "the United Kingdom" were substituted by "the area comprising the EEA states and Switzerland".

(2) The legislation mentioned in Article 2 of the Social Security (Canada) Order 1995 [F8] is modified in relation to that person to give effect to the Schedule to the letter reproduced in Schedule 1 to that Order as if it read as follows—

(a) in paragraph (9)(a), "resident in the United Kingdom" were substituted in both places it appears by " resident in the territory comprising the EEA states and Switzerland ";

(b) in paragraph (11), "the United Kingdom" were substituted by "the territory comprising the EEA states and Switzerland".