STATUTORY RULES OF NORTHERN IRELAND

2017 No. 73

SOCIAL SECURITY

The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2017

Made - - - -	*30th March 2017*
Coming into operation	*6th April 2017*

The Orders in Council and Orders specified in Schedule 2 to this Order modified or adapted certain enactments so as to give effect to the agreements set out in the Schedules to those Orders in Council and Orders.

Her Majesty's Government in consequence of changes in the law of Northern Ireland has proposed to each of the Governments with whom the United Kingdom has made such an agreement, alterations to the agreement.

Section 155(1)(b), (2), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) provides that for the purpose of giving effect to any such agreement as it would be if it were so altered in accordance with such proposals, the Secretary of State may by Order make provision for modifying or adapting the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and any regulations made under those Acts, and Part 5 of the Pensions Act (Northern Ireland) 2015(**3**) and any regulations made under section 29 of that Act, in their application to cases affected by the proposed alterations.

Accordingly, the Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 155(1)(b), (2) and (5) and 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992.

Citation and commencement

1. This Order may be cited as the Social Security (Reciprocal Agreements) Order (Northern Ireland) 2017 and shall come into operation on 6th April 2017.

Modification of legislation

2. The Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and regulations made under those Acts, and

(**1**) 1992 c.8. Section 155 was amended by paragraph 31 of Schedule 16 to the Pensions Act (Northern Ireland) 2015 (c.5). Other amendments to section 155 are not relevant to this Order.
(**2**) 1992 c.7.
(**3**) 2015 c.5 (N.I.).

Part 5 (bereavement support payment) of the Pensions Act (Northern Ireland) 2015 and regulations made under section 29 of that Act, shall be modified to such extent as may be required to give effect to—

(a) the alterations set out in Schedule 1 which are proposed to the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2;

(b) the alterations set out in Schedule 3 which are proposed to the agreement set out in the Schedule to the Order referred to in Schedule 3.

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

Caroline Nokes
Parliamentary Under- Secretary of State
Department for Work and Pensions

30th March 2017

SCHEDULE 1

Article 2(a)

PROPOSED ALTERATIONS TO EXISTING AGREEMENTS

1. For the purposes of the alterations proposed in this Schedule—

(a) "bereavement benefits" means—

(i) widow's benefit,

(ii) bereavement benefit,

(iii) survivor's pension,

(iv) survivor's benefit,

(v) basic survivor's benefit,

(vi) death grant,

(vii) benefits in respect of the death of a spouse or civil partner, or

(viii) any equivalent terms;

(b) "the agreements set out in the Schedules" means the agreements set out in the Schedules to the Orders in Council and Orders specified in Schedule 2;

(c) bereavement support payment means payment under Part 5 (bereavement support payment) of the Pensions Act (Northern Ireland) 2015.

2. Subject to paragraphs 4 to 8 of this Schedule, where in the agreements set out in the Schedules there are references to bereavement benefits, such references shall be altered to include a reference to bereavement support payment.

3. Subject to paragraphs 4 to 8 of this Schedule, where in the agreements set out in the Schedules there are references to the legislation to which the agreements apply, such references shall be altered to include a reference to Part 5 of the Pensions Act (Northern Ireland) 2015.

4. For the purposes of entitlement to bereavement support payment, where in the agreements set out in the Schedules there are references to a person who is entitled to receive bereavement benefits under the legislation of the United Kingdom while that person is in the territory of the other country as if that person were in the territory of the United Kingdom, such references shall be altered to include a reference to a person who is ordinarily resident in the territory of the other country when their spouse or civil partner dies as if they were ordinarily resident in Northern Ireland at that time.

5. Where in the agreements set out in the Schedules there are references to an increase in the rate of bereavement benefits under the legislation of the United Kingdom such references shall be altered to include a reference to an increase in the rate of bereavement support payment in the case of a person who is ordinarily resident in the territory of the other country when their spouse or civil partner dies as if they were ordinarily resident in Northern Ireland at that time.

6. For the purposes of entitlement to the higher rate of bereavement support payment by virtue of regulations under section 29(4) (bereavement support payment) of the Pensions Act (Northern Ireland) 2015, where in the agreements set out in the Schedules there are references to a person who is entitled to bereavement benefits or an increase in bereavement benefits under the legislation of the United Kingdom in respect of a child who is in the territory of the other country as if that child were in the territory of the United Kingdom, such references shall be altered to include a reference to a person who is treated as entitled to child benefit in respect of a child when—

(a) the child is ordinarily resident in the territory of the other country, and

(b) that person would be entitled to child benefit in respect of that child if the child were in the territory of the United Kingdom.

7. Where in the agreements set out in the Schedules there are—