STATUTORY RULES OF NORTHERN IRELAND

2016 No. 393

SOCIAL SECURITY

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

Made - - - - 4th November 2016
Coming into operation in accordance with Regulation 1(2)

The Department for Communities, being the Northern Ireland Department responsible for social security, makes the following Regulations in exercise of the powers conferred by section 87(5), (6) and (10) of the Northern Ireland Act 1998(**1**) and section 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**).

Citation, commencement and interpretation

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

(2) These Regulations shall come into operation—

(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 6thApril 2017.

(3) In these Regulations—

(a) "the Principal Arrangements" means the arrangements contained in the Memorandum of Reciprocal Arrangements set out in the Schedule to the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016(**4**);

(**1**) 1998 c.47; section 87(6) was amended by Article 2 of the Northern Ireland Act 1998 (Modification) Order 2000 (S.I. 2000/741), Article 2 of the Northern Ireland Act 1998 (Modification) Order 2008 (S.I. 2008/1242) and Article 2 of the Northern Ireland Act 1998 (Modification) Order 2016 (S.I. 2016/160). Other amendments to section 87 are not relevant to these Regulations

(**2**) 1992 c.8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c.7)

(**3**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(**4**) S.R. 2016 No. 149

(b) "contributory employment and support allowance" has the meaning given by section 1(7) of the Welfare Reform Act 2007(**5**) and section 1(7) of the Welfare Reform Act (Northern Ireland) 2007(**6**);

(c) "income-based jobseeker's allowance" has the meaning given by the Jobseekers Act 1995(**7**) and the Jobseekers (Northern Ireland) Order 1995(**8**).

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 Northern Ireland, 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 Northern Ireland, 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 amended by the provisions contained in the exchange of letters set out in the Schedule to these Regulations—

(a) the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**9**);

(b) the Social Security Administration (Northern Ireland) Act 1992;

(c) the Jobseekers (Northern Ireland) Order 1995;

(d) Chapter 2 (social security decisions and appeals) of Part 2 (decisions and appeals) of the Social Security (Northern Ireland) Order 1998(**10**);

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

(f) Part 5 (bereavement support payment) of the Pensions Act (Northern Ireland) 2015(**12**).

Sealed with the Official Seal of the Department for Communities on 4th November 2016

Anne McCleary
A senior officer of the Department for Communities

(**5**) 2007 c.5
(**6**) 2007 c.2 (N.I.)
(**7**) 1995 c.18
(**8**) S.I 1995/2705 (N.I. 15)
(**9**) 1992 c.7
(**10**) S.I. 1998/1506 (N.I. 10)
(**11**) 2007 c.2 (N.I.)
(**12**) 2015 c.5 (N.I.)

SCHEDULE 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—