STATUTORY RULES OF NORTHERN IRELAND

2016 No. 188

SOCIAL SECURITY

The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2016

Made - - - -	*22nd March 2016*
Coming into operation	*6th April 2016*

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 Part 1 of the Pensions Act (Northern Ireland) 2015(**3**), and any regulations made under those Acts or that Part, 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 section 155(1)(b), (2) and (5) and section 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) 2016 and shall come into operation on 6th April 2016.

Modification of legislation

2. The Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, Part 1 of the Pensions Act (Northern

(**1**) 1992 c.8. Section 155 was amended by paragraph 21 of Schedule 12 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.).

Ireland) 2015 and regulations made under those Acts or that Part, 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 agreements set out in the Schedules to the Orders referred to in Schedule 3.

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

Altmann
Minister of State,
22nd March 2016 Department for Work and Pensions

SCHEDULE 1

Article 2(a)

PROPOSED ALTERATIONS TO EXISTING AGREEMENTS

1. Subject to paragraphs 3 and 4 of this Schedule, where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 there are references to a retirement pension, an old age pension, a pension for old age, a basic retirement pension or a basic old age pension (or any equivalent terms) under the legislation of the United Kingdom, such references shall be altered to include a reference to a state pension under Part 1 (state pension) of the Pensions Act (Northern Ireland) 2015.

2. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order, there are references to—

(a) the legislation to which the agreements apply, such references shall be altered to include a reference to Part 1 of the Pensions Act (Northern Ireland) 2015;

(b) any increase in the rate of a United Kingdom pension payable while in the territory of the other Party, such references shall be altered to include any increase in the rate of state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.

3. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order there are references to a person—

(a) who is entitled to an old age pension or basic retirement pension (or any equivalent terms) under the legislation of the United Kingdom otherwise than by virtue of the provisions of those agreements providing for the determination of entitlement to such pension, those references shall be altered to include a reference to a state pension under section 2 (entitlement to state pension at full or reduced rate) or 4 (entitlement to state pension at transitional rate) of the Pensions Act (Northern Ireland) 2015;

(b) who is entitled to a category B retirement pension under the legislation of the United Kingdom being also entitled to have any category A retirement pension entitlement calculated in accordance with any provision in the agreements providing for the determination of such entitlement—

(i) those references to a category B retirement pension shall be altered to include a reference to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 other than a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015; and

(ii) those references to a category A retirement pension shall be altered to include a reference to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015.

4. Where in the agreements set out in the Schedules to the Orders in Council and Orders made by the Secretary of State specified in Schedule 2 to this Order, there are provisions for the determination of entitlement to an old age pension or basic retirement pension (or any equivalent terms), those provisions shall be altered so that they apply for the purposes of entitlement to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015 in the following way—

(a) the United Kingdom shall take account of contribution periods or equivalent periods completed by a person under the legislation of the other Party or Parties only for the purpose of determining whether that person has the minimum number of qualifying years for entitlement to a state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015;

(b) the United Kingdom shall pay to a person an amount of state pension under section 2 or 4 of the Pensions Act (Northern Ireland) 2015 based only on the contributions paid, credited or treated as paid under its legislation.