STATUTORY RULES OF NORTHERN IRELAND

2016 No. 149

SOCIAL SECURITY

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

Made - - - -	*11th March 2016*
Coming into operation	*6th April 2016*

The Department for Social Development, 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**).

Citation and commencement

1. These regulations may be cited as the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016 and shall come into operation 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 Northern Ireland.

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

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

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

(c) the Jobseekers (Northern Ireland) Order 1995(**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**) 1992 c.7

(**4**) S.I. 1995/2705 (N.I. 15)

(d) Chapter 2 (social security decisions and appeals) of Part 2 (decisions and appeals) of the Social Security (Northern Ireland) Order 1998(**5**);

(e) the following provisions of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**6**)—

(i) Article 21(**7**) (supply of pension information in connection with divorce etc.), 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 5 (pension sharing) of that Order, and

(ii) Chapter 2 of Part 5;

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

(g) Part 5 (personal independence payment) of the Welfare Reform (Northern Ireland) Order 2015(**9**);

(h) Part 1 (state pension) of the Pensions Act (Northern Ireland) 2015(**10**).

Revocations and Savings

3.—(1) The following regulations are revoked—

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

(b) the Social Security (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 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.

Sealed with the Official Seal of the Department for Social Development on 11th March 2016

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(**5**) S.I. 1998/1506 (N.I. 10)
(**6**) S.I. 1999/3147 (N.I. 11)
(**7**) Article 21 was amended by paragraph 108 of Schedule 29 to the Civil Partnership Act 2004 (c.33)
(**8**) 2007 c.2 (N.I.)
(**9**) S.I. 2015/2006 (N.I. 1)
(**10**) 2015 c.5 (N.I.)
(**11**) S.R. 1976 No. 196
(**12**) S.R. 1999 No. 350

SCHEDULE Article 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) 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 or a Commissioner appointed under section 50 (appointment of Commissioners) of the Social Security Administration (Northern Ireland) Act 1992,

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(**14**);

(ii) the Social Security Contributions and Benefits Act 1992(**15**), except Parts 7 (income-related benefits), 10 (Christmas bonus for pensioners), 11 (statutory sick pay), 12 (statutory maternity pay), 12ZA(**16**) (statutory paternity pay), 12ZB(**17**) (statutory adoption pay) and 12ZC(**18**) (statutory shared parental pay);

(iii) the Jobseekers Act 1995(**19**), 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;

(iv) Chapter 2 (social security decisions and appeals) of Part 1 (decisions and appeals) of the Social Security Act 1998(**20**);

(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(**21**);

(vi) Part 1 (employment and support allowance) of the Welfare Reform Act 2007(**22**);

(**13**) 2007 c.15
(**14**) 1992 c.5
(**15**) 1992 c.4
(**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 of the Children and Families Act 2014 (c.6)
(**19**) 1995 c.18; section 1(4) is repealed by paragraph 1 of Schedule 14 to the Welfare Reform Act 2012 (c.5). This repeal has effect on different days in different areas as a result of the gradual introduction of Universal Credit
(**20**) 1998 c.14
(**21**) 1999 c.30; section 23 was amended by paragraphs 157 and 158 of Schedule 27 to the Civil Partnership Act 2004 (c.33)
(**22**) 2007 c.5