STATUTORY RULES OF NORTHERN IRELAND

2015 No. 281

[F1SOCIAL SECURITY

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

Made - - - -	*24th June 2015*
Coming into operation	*15th July 2015*

The Department for Social Development is designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to social security(**2**).

Accordingly the Department for Social Development makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.**]**

F1 Regulation revoked (with saving) (31.12.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), **reg. 4(1)**

[F1Citation, 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 (Northern Ireland) 2015 and shall come into operation on 15th July 2015.

(2) For the purposes of these Regulations—

"EEA national" means a national of an EEA state or Switzerland;

"relevant EU Regulation" means—

[F2"Trade and Cooperation Agreement" has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020;

"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.**]**

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7)

(**2**) *See* S.I. 2010/2473

F1 Regulation revoked (with saving) (31.12.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), **reg. 4(1)**

F2 Words in reg. 1(2) substituted (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), regs. 1(3), **3(2)**

Commencement Information

I1 Reg. 1 in operation at 15.7.2015, see **reg. 1(1)**

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

2. Regulation 3 applies where—

(a) a person is **[**F3a United Kingdom 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

[F4(d) that person is covered by—

(i) Title III of Part Two of the withdrawal agreement as set out in Articles 30 and 32 of that agreement;

(ii) Title III of Part Two of the EEA EFTA separation agreement as set out in Articles 29 and 31 of that agreement;

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

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

F1 Regulation revoked (with saving) (31.12.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), **reg. 4(1)**

F3 Words in reg. 2(a) inserted (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), regs. 1(3), **3(3)(a)**

F4 Reg. 2(d) substituted (31.7.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), regs. 1(3), **3(3)(b)**

Commencement Information

I2 Reg. 2 in operation at 15.7.2015, see **reg. 1(1)**

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

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

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

(**3**) S.R. 1992 No. 269; revoked with effect from 1st March 2001 by Article 3 of S.R. 2000 No. 407 subject to the savings provisions referred to in Article 2(2) and treated as continuing in operation to the extent provided for by section 299 of the Pensions Act 2004 (c. 35)

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

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

(2) The legislation mentioned in Article 2 of the Social Security (Canada) Order (Northern Ireland) 1995(**4**) 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), for "resident in the United Kingdom" there were substituted (in both places it appears) "resident in the territory comprising the EEA states and Switzerland";

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

(3) The legislation mentioned in Article 2 of the Social Security (New Zealand) Order (Northern Ireland) 1983(**5**) is modified in relation to that person to give effect to the Convention set out in the Schedule to the Order as if it read as follows—

(a) in Article 8(1), for "resident in the United Kingdom" and "resident there" there were substituted "resident in the territory comprising the EEA states and Switzerland";

(b) in Article 9(1), for "the United Kingdom" there were substituted "the territory comprising the EEA states and Switzerland";

(c) in Article 9(2), for "or resident in, the United Kingdom" there were substituted "or resident in, the territory comprising the EEA States and Switzerland";

(d) in Article 9(3), for "or resident in, the United Kingdom" there were substituted "or resident in, the territory comprising the EEA states and Switzerland";

(e) in Article 9(6) for "leaves the United Kingdom" to the end there were substituted "leaves the area comprising the EEA states and Switzerland, unless that person is usually resident in that area and that person's absence is only temporary.";

(f) in Article 11(1), for "the United Kingdom" there were substituted "the territory comprising the EEA states and Switzerland";

(g) in Article 11(2), for "or resident in, the United Kingdom" there were substituted "or resident in, the territory comprising the EEA states or Switzerland" and for "her arrival in the United Kingdom" there were substituted "her arrival in the territory comprising the EEA states and Switzerland";

(h) in Article 11(3), for "or resident in, the United Kingdom" there were substituted "or resident in, the territory comprising the EEA states or Switzerland"; and

(i) in Article 11(4) for "leaves the United Kingdom" to the end there were substituted "leaves the area comprising the EEA states and Switzerland, unless that person is usually resident in that area and that person's absence is only temporary.".

F1 Regulation revoked (with saving) (31.12.2021) by The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/207), **reg. 4(1)**

Commencement Information

I3 Reg. 3 in operation at 15.7.2015, see **reg. 1(1)**

(**4**) S.R. 1995 No. 405
(**5**) S.R. 1983 No. 432