STATUTORY RULES OF NORTHERN IRELAND

2000 No. 377

SOCIAL SECURITY

The Social Security (Contributions) (Japan) Order (Northern Ireland) 2000

Made - - - - 1st December 2000

In exercise of the powers conferred on me by section 155(1)(*a*) and (2) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Contributions) (Japan) Order (Northern Ireland) 2000 and shall come into operation on the date on which the Parties exchange diplomatic notes informing each other that their respective constitutional requirements have been complied with.

(2) In this Order "the Agreement" means the Agreement on Social Security(**2**) between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Japan, which was signed on behalf of those Governments at Tokyo on 29th February 2000.

Modification of the Social Security Contributions and Benefits (Northern Ireland) Act and the Social Security Administration (Northern Ireland) Act

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**) and the Social Security Administration (Northern Ireland) Act 1992 shall be modified to such an extent as may be required to give effect to the provisions contained in the Agreement (set out in the Schedule to this Order), so far as the same relate to Northern Ireland.

(**1**) 1992 c. 8
(**2**) Cm. 4744
(**3**) 1992 c. 7

Dated this 1st day of December 2000

Peter Mandelson
One of Her Majesty's Principal Secretaries of State

SCHEDULE Article 2

Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan on Social Security

The United Kingdom of Great Britain and Northern Ireland and Japan,

Being resolved to foster progress in the field of social affairs by co-operating in the area of social security, in particular as regards compulsory coverage,

Have agreed as follows:

Article 1

1. For the purposes of this Agreement:

(a) "United Kingdom" means Great Britain and Northern Ireland and, where the context requires, also the Isle of Man, Jersey and Guernsey and, similarly, references to "territory" in relation to the United Kingdom shall, where the context requires, mean also the Isle of Man, Jersey and Guernsey;

(b) "Jersey" means the Island of Jersey;

(c) "Guernsey" means the Islands of Guernsey, Alderney, Herm and Jethou;

(d) "legislation" means,

(i) in relation to Japan, the laws and regulations of Japan concerning the pension systems specified in paragraph 1(*a*) of Article 2 except those promulgated for the implementation of other agreements on social security comparable with this Agreement, and

(ii) in relation to the United Kingdom, the Acts, Laws and Orders in Council, orders and regulations of the United Kingdom specified in paragraphs 1(*b*) and 2 of Article 2 and the orders and regulations made under them;

(e) "the EEA Agreement" means the Agreement establishing the European Economic Area dated 2nd May 1992(**4**) made between the European Community, its Member States and the Member States of the European Free Trade Association and any amendments or modifications thereto;

(f) "compulsory coverage" means,

(i) in relation to Japan, liability for contributions under the legislation of Japan or exemption from liability for contributions by the legislation of Japan, and

(ii) in relation to the United Kingdom, liability for contributions as an employed or self-employed person under the legislation of the United Kingdom;

(g) "competent authority" means,

(i) in relation to Japan, any of the Governmental organizations competent for the Japanese pension systems specified in paragraph 1(*a*) of Article 2, and

(ii) in relation to the United Kingdom, the Commissioners of Inland Revenue or their authorised representative, the Department of Health and Social Security of the Isle of Man, the Employment and Social Security Committee of the States of Jersey or the Guernsey Social Security Authority as the case may require;

(**4**) Treaty Series No. 26 (1995) Cm. 2847

(h) "competent institution" means, in relation to Japan, any of the insurance institutions, or any association thereof, responsible for the operation of the Japanese pension systems specified in paragraph 1(*a*) of Article 2;

2. For the purpose of this Agreement, any term not defined in this Agreement has the meanings assigned to it under the respective legislation of either Party.

Article 2

1. This Agreement shall apply,

(a) in relation to Japan, to the following Japanese pension systems:

(i) the National Pension;

(ii) the Employees' Pension Insurance;

(iii) the Mutual Aid Pension for National Public Officials;

(iv) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status;

(v) the Mutual Aid Pension for Private School Personnel; and

(vi) the Mutual Aid Pension for Agricultural, Forestry and Fishery Organization Personnel; and

(b) in relation to the United Kingdom, to:

(i) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and the Social Security (Consequential Provisions) Act 1992;

(ii) the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Social Security (Consequential Provisions) (Northern Ireland) Act 1992;

(iii) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and the Social Security (Consequential Provisions) Act 1992 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of Orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald);

(iv) the Social Insurance (Guernsey) Law, 1978;

(v) the Social Security (Jersey) Law, 1974;

and the Acts, Laws and orders which were repealed or consolidated by those Acts, Laws or orders.

2. In relation to the United Kingdom, this Agreement shall apply also to any Acts, Laws, Orders in Council, orders or regulations which supersede, replace, amend, supplement or consolidate the Acts, Laws or orders specified in paragraph 1(*b*).

3. This Agreement shall not affect rights and obligations arising under the law of the European Union or under the EEA Agreement, or under any agreement or convention on social security which either Party has concluded with a third party, but shall not prevent either Party taking into account in the operation of this Agreement the provisions of any such agreement or convention which that Party has concluded with a third party.

Article 3

Subject to the provisions of this Agreement, a national of one Party or any other person who is or has been subject to the legislation of one Party shall, while that person is in the territory of the other