STATUTORY RULES OF NORTHERN IRELAND

1997 No. 339

SOCIAL SECURITY

The Social Security (United States of America) Order (Northern Ireland) 1997

Made - - - -	*22nd July 1997*
Coming into operation	*1st September 1997*

In exercise of the powers conferred on me by section 155(1) 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 (United States of America) Order (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

(2) In this Order—

(a) "the Agreement" means the Agreement on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America;

(b) "the Administrative Agreement" means the Administrative Agreement for the implementation of the Agreement,

which were signed at London on behalf of those Governments(**2**) on the 13th February 1984.

Modification of the Social Security Contributions and Benefits (Northern Ireland) Act and the Social Security Administration (Northern Ireland) Act and amendment of the Social Security (United States of America) Order

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**) and the Social Security Administration (Northern Ireland) Act 1992 shall be modified and the Social Security (United States of America) Order (Northern Ireland) 1984(**4**) ("the principal Order") shall be amended so as to give effect to the Agreement, set out in Schedule 1 to the principal Order, as modified by the Supplementary Agreement set out in Schedule 1 to this Order and to

(**1**) 1992 c. 8
(**2**) Cmnd. 9443
(**3**) 1992 c. 7
(**4**) S.R. 1984 No. 449

the Administrative Agreement, set out in Schedule 2 to the principal Order, as modified by the Supplementary Administrative Agreement(**5**) set out in Schedule 2 to this Order, so far as the same relate to Northern Ireland.

Amendment of Order

3. In the Schedule to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1988(**6**) and in Schedules 2 and 3 to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1995(**7**) the entry relating to the Social Security (United States of America) Order (Northern Ireland) 1984 shall be omitted.

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of State

Dated this 22nd day of July 1997.

(**5**) Cm 3374, publishes both the Supplementary Agreement and the Supplementary Administrative Agreement
(**6**) S.R. 1988 No. 120
(**7**) S.R. 1995 No. 110

SCHEDULE 1

Article 2

Supplementary Agreement amending the Agreement on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America;

Having considered the Agreement on Social Security which was signed on their behalf at London on 13th February 1984 (hereinafter referred to as "the Agreement");

Having recognised the need to revise certain provisions of the Agreement;

Have agreed as follows:

ARTICLE 1

1. Article 1 of the Agreement shall be revised as follows:

(a) Paragraph 1 shall be revised to read as follows:

"1. "Territory" means,

as regards the United States, the States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands, and

as regards the United Kingdom, England, Scotland, Wales, Northern Ireland, and also the Isle of Man, the Island of Jersey, and the Islands of Guernsey, Alderney, Herm and Jethou; and references to the "United Kingdom" or to "territory" in relation to the United Kingdom shall include the Isle of Man, the Island of Jersey, and the Islands of Guernsey, Alderney, Herm and Jethou where appropriate;".

(b) Paragraph 3 shall be revised to read as follows:

"3. "Competent Authority" means,

as regards the United States, the Commissioner of Social Security, and

as regards the United Kingdom, the Department of Social Security for Great Britain, the Department of Health and Social Services for Northern Ireland, the Department of Health and Social Security of the Isle of Man, the Employment and Social Security Committee of the States of the Island of Jersey or the Guernsey Social Security Authority as the case may require;".

(c) Paragraph 7 shall be revised to read as follows:

"7. As regards the United Kingdom:

(a) "insurance period" means,

a contribution period or an equivalent period;

(b) "contribution period" means,

a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid;

(c) "equivalent period" means,

a period for which contributions appropriate to the benefit in question have been credited;

(d) "survivor's benefit" means,

widow's allowance, widow's payment, widowed mother's allowance and widow's pension;

(e) "child's survivor benefit" means,

guardian's allowance and child's special allowance;

(f) "laws on coverage" means,

the laws and regulations relating to the imposition of liability for the payment of social security contributions;

(g) "qualifying period" for invalidity benefit means,

(i) a period of incapacity of 364 days under the laws of Great Britain, Northern Ireland or the Isle of Man, or

(ii) a period of incapacity of 364 days under the laws of Jersey, or

(iii) a period of incapacity of 156 days, excluding Sundays, under the laws of Guernsey;

(h) "first contribution condition" means,

(i) under the laws of Great Britain, Northern Ireland or the Isle of Man, that a person has paid at least 52 Class I or Class II contributions at any time before 6 April 1975, or has paid, in one contribution year, Class I or Class II contributions producing an earnings factor of at least 50 times that year's lower earnings limit in a tax year beginning on or after 6 April 1975, or

(ii) under the laws of Jersey, that a person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from these contributions is not less than 0.25, or

(iii) under the laws of Guernsey, that a person has paid at least 26 reckonable contributions since 4 January 1965 or the date of his entry into the Guernsey scheme;

(i) "second contribution condition" means,

(i) under the laws of Great Britain, Northern Ireland or the Isle of Man, that a person has either paid or been credited with Class I or Class II contributions producing an earnings factor of at least 50 times the lower earnings limit in each of the last 2 complete contribution years before the relevant benefit year, or

(ii) under the laws of Jersey, that a person has paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00, or

(iii) under the laws of Guernsey, that a person has paid or been credited with at least 26 reckonable contributions in the relevant contribution year;

(j) a "qualifying year" means,

(i) at least 50 weeks of insurance for periods before 6 April 1975, or that the person has received, or been treated as having received, earnings of at least 52 times the lower earnings limit in a tax year after 5 April 1978 under the laws of Great Britain, Northern Ireland and the Isle of Man, or

(ii) an annual contribution factor of 1.00 under the laws of Jersey, or

(iii) 50 weeks under the laws of Guernsey;

(k) a "reckonable year" means a tax year between 6 April 1975 and 5 April 1978 during which contributions have been paid on earnings received (or treated as received) of at least 50 times the lower earnings limit for that year;

(l) "prescribed period" means, in relation to Jersey and Guernsey, the period commencing on the same date under the laws of Jersey or Guernsey, as the case may be, as the relevant period for the purposes of old age pension and ending on 31 December next preceding the date on which entitlement to invalidity benefit first arose;

(m) "sickness benefit" means,

(i) short-term incapacity benefit at the lower, higher or long-term rate payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or

(ii) sickness benefit payable under the legislation of Jersey or Guernsey;

(n) "invalidity benefit" means,

(i) long-term incapacity benefit, additional pension, invalidity allowance and incapacity age addition payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, or

(ii) invalidity benefit payable under the legislation of Jersey or Guernsey.".

2. In paragraph 1(*a*)(ii) of Article 2 of the Agreement, "1954" shall be replaced by "1986".

3. Paragraph 1(*b*) of Article 2 of the Agreement shall be revised to read as follows:

"(b) As regards the United Kingdom,

(i) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Social Security (Consequential Provisions) Act 1992 and the Social Security (Incapacity for Work) Act 1994;

(ii) the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 and the Social Security (Incapacity for Work) (Northern Ireland) Order 1994;

(iii) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Social Security (Consequential Provisions) Act 1992 and the Social Security (Incapacity for Work) Act 1994 (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 Security (Jersey) Law, 1974;

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

and the laws which were repealed or consolidated by those Acts, Laws or Orders or repealed by legislation consolidated by them.".

4. In paragraph 2 of Article 4 of the Agreement, the word "normally" shall be added immediately before the words "employed by".

5. Article 4 paragraph 3 of the Agreement shall be revised to read as follows:

"3. A person who is covered under the laws on coverage of either Party with respect to self-employment shall be subject only to the laws on coverage of the Party in whose territory he ordinarily resides.".

6. Article 7 paragraph 2 of the Agreement shall be revised to read as follows: