STATUTORY RULES OF NORTHERN IRELAND

1995 No. 405

SOCIAL SECURITY

The Social Security (Canada) Order (Northern Ireland) 1995

Made - - - -	*18th October 1995*
Coming into operation	*1st December 1995*

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 and commencement

1. This Order may be cited as the Social Security (Canada) Order (Northern Ireland) 1995 and shall come into operation on 1st December 1995.

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

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and the Social Security Administration (Northern Ireland) Act 1992 and any regulations made or having effects thereunder(**3**) shall be to such an extent as may be required to give effect to the provisions contained in the consolidated arrangements so far as the same relate to Northern Ireland.

(2) In this Article "the consolidated arrangements" mean arrangements concerning social security agreed in former Exchanges of Letters to be consolidated into a single document, with modifications where necessary to take account of changes in legislation; which arrangements are set out in a schedule to the Exchange of Letters(**4**) set out in Schedule 1 to this Order and which shall enter into force on 1st December 1995, the date specified in the Exchange of Notes set out in Schedule 2 to this Order.

Revocation and amendment of orders and regulations

3.—(1) The Family Allowances and National Insurance (Canada) Order (Northern Ireland) 1960(**5**), the National Insurance (Canada) Order (Northern Ireland) 1962(**6**), the National Insurance

(**1**) 1992 c. 8
(**2**) 1992 c. 7
(**3**) *See* section 155(5) of the Social Security Administration (Northern Ireland) Act 1992
(**4**) *See*Cm. 2859
(**5**) S.R. & 0. (N.I.) 1960 No. 15

(Canada) Order (Northern Ireland) 1973(**7**) and the Social Security (Canada) Order (Northern Ireland) 1977(**8**) are hereby revoked.

(2) In Schedule 1 to the Social Security (Reciprocal Agreements) (Northern Ireland) Order 1976(**9**) the entries relating to the Family Allowances and National Insurance (Canada) Order (Northern Ireland) 1960, to the National Insurance (Canada) Order (Northern Ireland) 1962 and to the National Insurance (Canada) Order (Northern Ireland) 1973 shall be omitted and in the Schedule to the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976(**10**) the entry relating to the Family Allowances and National Insurance (Canada) Order (Northern Ireland) 1960 shall be omitted.

P B. B. Mayhew
One of Her Majesty's Principal Secretaries of State

Dated this 18th day of October 1995.

(**6**) S.R. & 0. (N.I.) 1962 No. 10
(**7**) S.R. & 0. (N.I.) 1973 No. 164
(**8**) S.R. 1977 No. 336
(**9**) S.I.1976/1044
(**10**) S.R. 1976 No. 227

SCHEDULE 1

EXCHANGE OF LETTERS BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF CANADA CONCERNING CONSOLIDATED ARRANGEMENTS ON SOCIAL SECURITY

NO. 1

The United Kingdom High Commissioner at Ottawa to the Minister of Employment and Immigration of Canada

British High Commission

Ottawa

11 October 1994

Dear Minister:

As you know, our officials have been considering whether the arrangements concerning social security agreed in the letters which passed between the Governments of the United Kingdom and Canada on 8 and 10 December 1959, as amended by the exchanges of letters of 7 and 30 November 1961, 9 March 1973 and 10 November 1977 (henceforth referred to as "the former exchanges of letters") require to be consolidated into a single document, with modifications where necessary to take account of changes in legislation.

The Government of the United Kingdom now proposes that:

(i) the consolidated arrangements shall be in the form as set out in the Schedule to this letter;

(ii) the consolidated arrangements shall enter into force on a date to be specified in Notes exchanged between our two Governments, through the Diplomatic Channel, notifying each other that all matters as are necessary to give effect to these consolidated arrangements have been finalised, from which date the arrangements set out in the former exchanges of letters shall cease to have effect, except in respect of claims for benefit approved under those arrangements prior to that date;

(iii) the consolidated arrangements shall remain in force until the two Governments agree to terminate them or either Government gives at least six months notice of termination of them to the other.

If these proposals are acceptable to the Government of Canada, I have the honour to suggest that this letter and its Schedule, and your reply to that effect, shall constitute an Agreement between the two Governments on this matter which shall enter into force as in (ii) above.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Nicholas P Bayne

Schedule to the letter of 11 October 1994 from the High Commissioner for the United Kingdom in

Canada to the Minister of Employment and Immigration

PART I

GENERAL PROVISIONS

Definitions

(1) For the purposes of these arrangements, except where the context otherwise requires:

"available for work" means seeking employment as an employed earner;

"employed person" means a person who, in the applicable legislation, comes within the definition of an employed earner or of an employed person or is treated as such;

"former exchanges of letters" means the letters which were exchanged between the Governments of the United Kingdom and Canada on 8 and 10 December 1959, as amended by the letters of 7 and 30 November 1961, 9 March 1973 and 10 November 1977;

"gainfully occupied in employment" means employed as an employed earner or treated as such, in the applicable legislation;

"incapable of work" means incapable of work as an employed earner due to illness;

"legislation" means the legislation specified in paragraph (3);

"Party" means the United Kingdom or Canada;

"pension age" means, in relation to any person, the age at which that person is treated as reaching pensionable age under the legislation of the United Kingdom;

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and also the Isle of Man.

(2) Other words and expressions which are used in these arrangements have the meanings respectively assigned to them in the applicable legislation.

Scope of Legislation

(3) The provisions of these arrangements shall apply, in relation to the United Kingdom, to:

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

(b) 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;

(c) the Social Security Acts 1975 to 1991 (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);

(d) the Child Benefit Act 1975 (an Act of Parliament) as that Act applies 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);

and the legislation which was repealed or consolidated by those Acts or Orders, or repealed by legislation consolidated by them.

(4) Subject to the provisions of paragraphs (5) and (6), these arrangements shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (3).