STATUTORY RULES OF NORTHERN IRELAND

1994 No. 427

SOCIAL SECURITY

The Social Security (Jersey and Guernsey) Order (Northern Ireland) 1994

Made - - - -	*2nd November 1994*
Coming into operation	*2nd November 1994*

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 (Jersey and Guernsey)Order (Northern Ireland) 1994 and shall come into operation on 2nd November 1994.

Modification of the Contributions and Benefits Act and the Administration Act

2. 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 effect thereunder(**3**) shall be modified to such an extent as may be required to give effect to the provisions contained in the Agreement on Social Security set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Revocation and amendment of regulations and orders

3.—(1) The Family Allowances (Guernsey Reciprocal Arrangements)Regulations (Northern Ireland) 1951(**4**), the Child Benefit (Guernsey) Order(Northern Ireland) 1977(**5**), the Social Security (Jersey and Guernsey) Order (Northern Ireland) 1978(**6**), the Social Security (Jersey and Guernsey) Order(Northern Ireland) 1982(**7**), the Social Security (Jersey and Guernsey) Order(Northern Ireland)

(**1**) 1992 c. 8
(**2**) 1992 c. 7
(**3**) See section 155(5) of the Social Security Administration (Northern Ireland) Act 1992
(**4**) S.R. & O. (N.I.) 1951 No. 183 (p. 166), the Memorandum set out in the Schedule to these regulations was terminated by the Agreement set out in the Schedule to S.R. 1977 No. 92
(**5**) S.R. 1977 No. 92
(**6**) S.R. 1978 No. 327
(**7**) S.R. 1982 No. 370

1983(**8**) and the Social Security (Jersey and Guernsey)Order (Northern Ireland) 1992(**9**) are hereby revoked.

(2) In the Schedule to the Social Security (Reciprocal Agreements) Order(Northern Ireland) 1988(**10**) the entry relating to the Social Security (Jersey and Guernsey) Order (Northern Ireland) 1978, the Social Security (Jersey and Guernsey) Order (Northern Ireland) 1982 and the Social Security (Jersey and Guernsey) Order (Northern Ireland) 1983 shall be omitted.

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

Dated this 2nd day of November 1994.

(**8**) S.R. 1983 No. 98
(**9**) S.R. 1992 No. 328
(**10**) S.R. 1988 No. 120

SCHEDULE Article 2

AGREEMENT ON SOCIAL SECURITY BETWEEN THE SECRETARY OF STATE FOR SOCIAL SECURITY, THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND AND THE LIEUTENANT-GOVERNOR OF THE ISLE OF MAN, WITH THE ADVICE AND CONSENT OF THE ISLE OF MAN DEPARTMENT OF HEALTH AND SOCIAL SECURITY, OF THE FIRST PART, THE SOCIAL SECURITY COMMITTEE, WITH THE CONSENT OF THE STATES OF JERSEY, OF THE SECOND PART, AND THE GUERNSEY SOCIAL SECURITY AUTHORITY, WITH THE CONSENT OF THE STATES OF GUERNSEY, OF THE THIRD PART

PART I

GENERAL PROVISIONS

ARTICLE I

Definitions

(1) For the purpose of this Agreement, except where the context otherwise requires:

"additional pension" payable under the legislation of the United Kingdom means any additional pension based on the payment of insurance contributions above the level required for entitlement to basic pension;

"attendance benefit" means, in relation to the United Kingdom, attendance allowance or disability living allowance payable under the legislation of the United Kingdom, in relation to Jersey, attendance allowance payable under the legislation of Jersey and, in relation to Guernsey, attendance allowance payable under the legislation of Guernsey;

"benefits for industrial accidents and industrial diseases" means—

(i) a pension or benefit payable to a person for loss of physical or mental faculty as a result of an industrial accident or an industrial disease arising out of, and in the course of, employed earner's employment under the legislation of the United Kingdom, and accident benefit payable under the legislation of Jersey, or

(ii) a benefit payable to a person for personal injury or for loss of physical or mental faculty as a result of an accident arising out of, and in the course of an insured person's employment or self-employment or an industrial disease under the legislation of Guernsey;

"Category A retirement pension" means either, or both, a basic retirement pension and an additional pension based on a person's own insurance contributions or, for certain persons whose marriages have ended by divorce or widowhood, a basic retirement pension based on the former spouse's insurance contributions, payable under the legislation of the United Kingdom, and an old age pension based on a person's own contributions or for certain persons whose marriages have ended by divorce or widowhood, based on the former spouse's contributions, payable under the legislation of Jersey or Guernsey;

"Category B retirement pension" means a basic retirement pension payable to a married woman on her husband's contributions, or, for a widow or widower, either, or both, a basic retirement pension and an additional pension based on the late spouse's contributions, payable under the legislation of the United Kingdom, and an old age pension payable under the, legislation of Jersey or Guernsey to a married woman by virtue of the contributions of her husband while he is alive;

"Child benefit" means child benefit or family allowance payable under the legislation of any of the Parties;

"competent authority" means, in relation to the territory of 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, and, in relation to Jersey, the Social Security Committee of the States of Jersey, and, in relation to Guernsey, the Guernsey Social Security Authority, as the case may require;

"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 under the legislation in question;

"death grant" means a death grant payable under the legislation of Jersey or Guernsey;

"dependent" means a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependent under the legislation concerned;

"employed person" means—

(i) , except for the purposes of Articles 24 to 26, 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, and the words "person is employed" shall be construed accordingly, or

(ii) , for the purposes of Articles 24 to 26, a person who is, or who is treated as being, an employed person under the legislation of the United Kingdom, or an employed or self-employed person under the legislation of Jersey or Guernsey;

"employment" means employment as an employed person and the words "employ", "employed" or "employer" shall be construed accordingly;

"equivalent period" means a period for which contributions appropriate to the benefit in question have been credited under the legislation of that Party;

"former Agreements" means the Agreement on Family Allowances between Jersey and Guernsey which entered into force on 8 May 1973, the Agreement on Family Allowances between the United Kingdom and Jersey which entered into force on 8 May 1973 (which Agreement did not include Northern Ireland) and the Agreement on Family Allowances between the United Kingdom and Guernsey which entered into force on 4 April 1977, and the Agreement on Social Security between the United Kingdom and Jersey and Guernsey which entered into force on 6 November 1978, as that Agreement was amended by the Exchanges of Letters which entered into force on 1 November 1982, 25 April 1983 and 27 July 1992;

"gainfully employed" means employed or self-employed;

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

"income tax year" means, in relation to the United Kingdom, the 12 months beginning with 6 April in any year;

"insurance authority" means the authority competent to decide entitlement to the benefit in question;

"insurance period" means a contribution period or an equivalent period;

"insured" means that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned;

"invalidity benefit" means invalidity pension, additional pension and invalidity allowance payable under the legislation of the United Kingdom, and invalidity benefit payable under the legislation of Jersey or Guernsey;

"Jersey" means the Island of Jersey;

"legislation" means, in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of a Party, or in any part of the territory of that Party;

"maternity allowance" means maternity allowance payable under the legislation of any of the Parties;

"maternity grant" means maternity grant payable under the legislation of Jersey or Guernsey;

"orphan's benefit" means guardian's allowance payable under the legislation of the United Kingdom or Guernsey;

"Party" means the United Kingdom or Jersey or Guernsey;

"pension", "allowance" or "benefit" includes any increases of, or any additional amount payable with, a pension, allowance or benefit respectively;

"qualifying year" means—

(i) 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 an income tax year after 5 April 1978 under the legislation of the United Kingdom, or

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

(iii) an insurance period of not less than 50 weeks under the legislation of Guernsey;

"reckonable year" means, in relation to the United Kingdom, an income 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;

"refugee" means a person so defined in Article I of the Convention on the Status of Refugees signed on 28 July 1951 and the Protocol to that Convention signed on 31 January 1967;

"retirement pension" means retirement pension or old age pension payable under the legislation of any of the Parties;

"self-employed person" means a person who, in the applicable legislation, comes within the definition of a self-employed earner or of a self-employed person or is treated as such, and the words "person is self-employed" shall be construed accordingly;

"ship or vessel" means any ship or vessel whose port of registry is a port in the territory of any Party, or a hovercraft which is registered in the territory of any Party, and whose owner (or managing owner if there is more than one owner) resides in, or has a place of business in, any of the territories;

"sickness benefit" means sickness benefit payable under the legislation of any of the Parties;

"stateless person" means a person so defined in Article I of the Convention on the Status of Stateless Persons signed on 28 September 1954;

"statutory maternity pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in connection with pregnancy and for a period before and after confinement;

"statutory sick pay" means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in respect of sickness;

"unemployment benefit" means unemployment benefit payable under the legislation of the United Kingdom or Guernsey;

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

"widow's benefit" means—

(i) widow's payment, widowed mother's allowance and widow's pension payable under the legislation of the United Kingdom, or

(ii) widow's allowance, widowed mother's allowance, widow's pension and widowed father's allowance payable under the legislation of Jersey, or