1988 No. 119

SOCIAL SECURITY

The Social Security (Sweden) Order (Northern Ireland) 1988

Made	*28th March 1988*
Coming into operation . .	*1st May 1988*

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(**a**) and Article 17 of the Child Benefit (Northern Ireland) Order 1975(**b**) 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 (Sweden) Order (Northern Ireland) 1988 and shall come into operation on 1st May 1988.

Modification of the Social Security (Northern Ireland) Act 1975

2. The Social Security (Northern Ireland) Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in Schedule 1 to this order, so far as the same relate to Northern Ireland.

Modification of the Child Benefit (Northern Ireland) Order 1975

3. Part II of the Child Benefit (Northern Ireland) Order 1975 (child benefit) and any regulations made under it shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on Social Security set out in Schedule 1 to this order, so far as the same relate to Northern Ireland.

Revocation and variation of orders

4.—(1) The National Insurance and Industrial Injuries (Reciprocal Agreement with Sweden) Order (Northern Ireland) 1957(**c**) is hereby revoked.

(2) In Part I of Schedule 1 to the Social Security (Reciprocal Agreements) (Northern Ireland) Order 1976(**d**), the entry relating to the said Order of 1957 shall be omitted.

(**a**) 1975 c. 15; section 134 was amended by section 20(3) of, and extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977 (1977 c. 5), and subsection (1A) of section 134 was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(**b**) S.I. 1975/1504 (N.I. 16); Article 17 was amended by Article 16 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)), and paragraph (1A) of Article 17 was inserted by Article 7(2) of the Social Security (Northern Ireland) Order 1981

(**c**) S.R. & O. (N.I.) 1957 No. 98 (p. 755)

(**d**) S.I. 1976/1044, to which there are amendments not relevant to the subject matter of this order

(3) In the Schedule to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1979(**a**), the entry relating to the said Order of 1957 shall be omitted.

(4) Paragraph 1 of Schedule 1 to the Social Security (Reciprocal Agreements) Order (Northern Ireland) 1982(**b**) is hereby revoked and in Schedule 2 to that order, the entry relating to the said Order of 1957 shall be omitted.

Dated this 28th day of March 1988.

Tom King
One of Her Majesty's Principal
Secretaries of State

(**a**) S.R. 1979 No. 92, to which there are amendments not relevant to the subject matter of this order
(**b**) S.R. 1982 No. 378, to which there are amendments not relevant to the subject matter of this order

SCHEDULE 1

Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden

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

Having established reciprocity in the field of social security by means of the Convention which was signed on their behalf at Stockholm on 9 June 1956;

Desiring to extend and modify the scope of that reciprocity and to take account of changes in their legislation;

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

(1) For the purpose of this Convention:

(*a*) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland and "Sweden" means the Kingdom of Sweden;

(*b*) "territory" means, in relation to 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, in relation to Sweden, the territory of Sweden;

(*c*) "legislation" means the legislation specified in Article 2 of this Convention which is in force in the territory of one (or the other) State or in any part of that territory;

(*d*) "competent authority" means, in relation to the territory of the United Kingdom, the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland, the Isle of Man Department of Health and Social Security, the Social Security Committee of the States of Jersey or the States of Guernsey Insurance Authority as the case may require, and, in relation to Sweden, the Government or the authority nominated by the Government;

(*e*) "insurance authority" means the authority or institution competent to decide entitlement to the benefit in question;

(*f*) "competent institution" means the authority or institution from which the person concerned is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the State where that authority or institution is situated;

(*g*) "insured" means, in relation to the territory of the United Kingdom, that contributions have been paid or are payable by or in respect of the person concerned, or have been credited to him or for the purposes of Articles 21 to 23 of this Convention, that the person is, or is treated as being, an employed person;

(*h*) "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 of one or the other State;

(*i*) "insurance period" means a contribution period, a period of employment or any other period recognised as a period of insurance or an equivalent period by the legislation under which it was completed, including any calendar year for which pension points have been credited under the Swedish social insurance scheme for the purpose of a supplementary pension on the basis of income from employment or other economic activity during the year in question or a portion thereof;

(*j*) "equivalent period" means in relation to the territory of the United Kingdom a period for which contributions appropriate to the benefit in question have been credited under the legislation of that State;

(*k*) "pension", "allowance" or "benefit" mean a pension, allowance or benefit under the applicable legislation, including all the constituent parts thereof which are financed out of public funds as well as all increases and additional payments;

(*l*) "old age pension" includes, in relation to the territory of the United Kingdom, a retirement pension under the legislation of that State and, in relation to Sweden, an old age pension in the form of a basic pension or a supplementary pension;

(*m*) "benefit in respect of childbirth" means, in relation to the territory of the United Kingdom, maternity allowance under the legislation of that State and, in relation to Sweden, parental benefit;

(*n*) "survivor's benefit" means in relation to the territory of the United Kingdom, widow's allowance, widowed mother's allowance and widow's pension under the legislation of that State;

(*o*) "orphan's benefit" means, in relation to the territory of the United Kingdom, guardian's allowance and child's special allowance under the legislation of that State and, in relation to Sweden, child's pension under the legislation of Sweden;

(*p*) "family allowance" includes, in relation to the territory of the United Kingdom, child benefit under the legislation of that State, and in relation to Sweden, general children's allowance under the legislation of that State;

(*q*) "ship or vessel" means, in relation to the territory of the United Kingdom, any ship or vessel, whose port of registry is a port in that territory or in the case of a hovercraft, which is registered in that territory, or any other ship or vessel of which the owner (or managing owner if there is more than one owner) or manager resides or has his principal place of business in that territory and, in relation to Sweden, any ship or vessel flying the Swedish flag;

(*r*) "gainfully occupied" means being an employed or self-employed person;

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

(*t*) "employment" means employment as an employed person;

(*u*) "self-employed person" means a person who comes within the definition of a self-employed earner or a person who is treated as such in the applicable legislation;

(*v*) "social assistance" means, in relation to the territory of the United Kingdom, supplementary benefit under the legislation of that State, and, in relation to Sweden, social assistance provided for in Swedish laws.

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

(3) For the purpose of applying those provisions of this Convention which apply to nationals of one or the other State "national" means, in relation to the United Kingdom, any British citizen, British Dependent Territories citizen, British Overseas citizen or British subject.

ARTICLE 2

(1) The provisions of this Convention shall apply,

(*a*) in relation to the territory of the United Kingdom, to:

(i) the Social Security Acts 1975 to 1984 and the Social Security (Northern Ireland) Acts 1975 to 1984;

(ii) the Social Security Acts 1975 to 1984 (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);

(iii) the Social Security (Jersey) Law 1974;

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

(v) the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975 and 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); the Family Allowances (Jersey) Law 1972 and the Family Allowances (Guernsey) Law 1950;

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

(*b*) in relation to the territory of Sweden, to the legislation on:

(i) insurance for sickness cash benefit and parental insurance;

(ii) basic pension;

(iii) supplementary pension insurance;

(iv) general children's allowances;

(v) occupational accidents and diseases insurance;

(vi) unemployment insurance and labour market cash support.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Convention shall not apply to Regulations on social security of the European Communities or to any convention on social security which either State has concluded with a third state or to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such a convention but shall not prevent either State from taking into account under its legislation the provisions of any convention which that State has concluded with a third state.

(4) This Convention shall apply to any legislation which relates to a branch of social security not covered by the legislation specified in paragraph (1) of this Article, only if the two States make an agreement to that effect.

ARTICLE 3

(1) In so far as it does not contain provisions to the contrary, this Convention shall apply to:

(*a*) nationals of the States and persons deriving their rights from such nationals;

(*b*) other persons who are, or have been, covered by the legislation of either of the States and to persons deriving their rights from such persons.