
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 211

SOCIAL SECURITY

**The Social Security (Iceland) (Liechtenstein) (Norway)
(Citizens' Rights Agreement) Order (Northern Ireland) 2019**

Made - - - - 30th October 2019

Coming into operation in accordance with Article 1

The Secretary of State and the Commissioners for Her Majesty's Revenue and Customs make the following Order in exercise of the powers conferred by section 155(1) and (2) of the Social Security Administration (Northern Ireland) Act 1992(1).

Citation and commencement

1.—(1) This Order may be cited as the Social Security (Iceland) (Liechtenstein) (Norway) (Citizens' Rights Agreement) Order (Northern Ireland) 2019 and shall come into operation on the occurrence of the later of the events in paragraph (2).

(2) The events are—

- (a) immediately after the Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(2) having come into operation; and
- (b) the earlier of the following—
 - (i) the requirements of Article 43(3) of the EEA Citizens' Rights Agreement set out in the Schedule to this Order(3), which has been published as an associated document, having been met; and
 - (ii) the requirements of Article 43(5) of the EEA Citizens' Rights Agreement set out in the Schedule to this Order, which has been published as an associated document, having been met.

(1) 1992 c. 8; section 155 is to be amended by S.I. 2019/129 with effect from exit day (as defined in section 20(1) of the European Union (Withdrawal) Act 2018 (c. 16)) and there are other amendments that are not relevant to this Order. In relation to Child Benefit and Guardian's Allowance in Northern Ireland, the power under section 155 was transferred to the Board by section 50(1)(d) of the Tax Credits Act 2002 (c. 21). The Board is defined in section 67 of that Act as the Commissioners of Inland Revenue however expressed. The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that, insofar as is appropriate, in consequence of section 5, a reference to the Commissioners of Inland Revenue shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs

(2) S.I. 2019/129

(3) The date on which the EEA Citizens' Rights Agreement enters into force for the United Kingdom will be published on the relevant page on UK Treaties Online which can be found at this link: <https://www.gov.uk/uk-treaties>

Modification of legislation

2.—(1) The legislation to which this paragraph applies is modified or adapted to the extent required to give effect to the provisions contained in the EEA Citizens' Rights Agreement set out in the Schedule to this Order, which has been published as an associated document.

(2) Paragraph 1 applies to —

- (a) the Social Security Administration (Northern Ireland) Act 1992;
- (b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992(4);
- (c) the Jobseekers (Northern Ireland) Order 1995(5);
- (d) Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998(6);
- (e) the State Pension Credit Act (Northern Ireland) 2002(7);
- (f) Part 1 of the Welfare Reform Act (Northern Ireland) 2007(8);
- (g) Parts 2 and 5 of the Welfare Reform (Northern Ireland) Order 2015(9);
- (h) Parts 1 and 5 of the Pensions Act (Northern Ireland) 2015(10);
- (i) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems(11), as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(12);
- (j) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004(13), as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018; and
- (k) regulations within the scope of section 155(5) of the Social Security Administration (Northern Ireland) Act 1992,

so far as those provisions relate to Northern Ireland.

Signed by the authority of the Secretary of State for Work and Pensions

30th October 2019

30th October 2019

Justin Tomlinson
Minister of State for Disabled People, Health and
Work
Department for Work and Pensions
Ruth Stanier
Penny Ciniewicz
Two of the Commissioners for Her Majesty's
Revenue and Customs

(4) 1992 c. 7

(5) S.I. 1995/2705 (N.I. 15)

(6) S.I. 1998/1506 (N.I. 10)

(7) 2002 c. 14 (N.I.)

(8) 2007 c. 2 (N.I.)

(9) S.I. 2015/2006 (N.I. 1)

(10) 2015 c. 5 (N.I.)

(11) Regulation (EC) No 883/2004 is amended by S.I. 2019/722 with effect from exit day

(12) 2018 c. 16

(13) Regulation (EC) No 987/2009 is amended by S.I. 2019/723 with effect from exit day

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of certain social security legislation, so as to give effect to the Agreement between the United Kingdom of Great Britain and Northern Ireland and Iceland, the Principality of Liechtenstein (“Liechtenstein”) and the Kingdom of Norway (“Norway”) signed at London on 2nd April 2019 (“the EEA Citizens’ Rights Agreement”).

This agreement makes provision for citizens’ rights following the withdrawal of the United Kingdom from the European Union when the Agreement on the European Economic Area of 2nd May 1992 as amended as well as its Protocols and Annexes (“the EEA Agreement”) ceases to apply. Title III of Part Two of the EEA Citizens’ Rights Agreement makes provision in relation to social security coordination.

The rules of the European Union relating to social security coordination apply between the United Kingdom and Iceland, Liechtenstein and Norway by virtue of the EEA Agreement. When the United Kingdom leaves the European Union, the EEA Agreement will also cease to apply.

The relevant European Union regulations are Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16th September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (“the EU social security coordination regulations”). The EU social security coordination regulations form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day.

Article 43(3) of the EEA Citizens’ Rights Agreement provides that it enters into force, in relation to those parties who have deposited their instruments of approval, from the later of exit day or the date on which the United Kingdom and at least one of the other three signatory states have deposited their instruments of approval with the depositary of this agreement. Article 43(5) allows any party to agree to provisional application of the EEA Citizens’ Rights Agreement in similar circumstances to the conditions set out in Article 43(3).

The Order does not impose any costs on business, charities or the voluntary sector. A Tax Information and Impact Note has not been prepared for this instrument as it gives effect to previously announced policy.