

**2021 No. 207**

**SOCIAL SECURITY**

**The Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021**

*Made* - - - -

*8th July 2021*

*Coming into operation in accordance with regulation 1*

The Department for Communities makes the following Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(a).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Reciprocal Agreements) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021.

(2) Regulation 2 comes into operation on 20th September 2021.

(3) Regulation 3 and this regulation come into operation on 31st July 2021.

(4) Regulation 4 comes into operation on 31st December 2021.

(5) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Social Fund Winter Fuel Payment Regulations**

**2.** In regulation 2 of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(c) (social fund winter fuel payments)—

(a) for paragraph (4)(a) substitute—

“(a) they are a person who is covered by—

(i) Title III of Part Two of the withdrawal agreement as set out in Article 30 of that agreement;

(ii) Title III of Part Two of the EEA EFTA separation agreement as set out in Article 29 of that agreement;

(iii) Part Three of the Swiss citizens’ rights agreement as set out in Article 25 of that agreement; or

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(a) 2018 c. 16; Schedule 2 was amended by section 27(7) of the European Union (Withdrawal Agreement) Act 2020 (c.1) and paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020

(b) 1954 c. 33 (N.I.)

(c) S.R. 2000 No. 91; regulation 2(4) was added by regulation 2(2)(b) of S.R. 2013 No. 191 and amended by S.R. 2015 No. 34 and S.R. 2018 No. 1085

- (iv) the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland signed at Dublin on 1st February 2019 (as modified from time to time in accordance with any provision of it) as set out in Article 2 of that Convention; and”;

(b) after paragraph (4) add—

“(5) In this regulation “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(a).”.

### **Amendment of the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations**

3.—(1) The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation), for the definition of “relevant EU Regulation” substitute—

““Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020(c);

“withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In regulation 2 (modifications of the Australia Order, Canada Order and New Zealand Order)—

(a) in paragraph (a), before “an EEA” insert “a United Kingdom or”;

(b) for paragraph (d), substitute—

“(d) that person is covered by—

- (i) Title III of Part Two of the withdrawal agreement as set out in Articles 30 and 32 of that agreement;
- (ii) Title III of Part Two of the EEA EFTA separation agreement as set out in Articles 29 and 31 of that agreement;
- (iii) Part Three of the Swiss citizens’ rights agreement as set out in Articles 25 and 26a of that agreement; or
- (iv) the Protocol on Social Security Coordination in the Trade and Cooperation Agreement as set out in Article SSC.2 of Title 1 of that agreement.”.

### **Revocation of the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations**

4.—(1) Subject to paragraph (2), the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015 are revoked.

(2) Notwithstanding paragraph (1), the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015 continue to apply to nationals of the United Kingdom, an EEA state or Switzerland if they—

(a) are habitually resident in an EEA state or Switzerland on 31st December 2021; and

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(a) 2020 c. 1  
(b) S.R. 2015 No. 281  
(c) 2020 c. 29

(b) remain habitually resident in that same state after 31st December 2021.

Sealed with the Official Seal of the Department for Communities on 8th July 2021  
(L.S.)

*Anne McCleary*  
A senior officer of the Department for Communities

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 (S.R. 2000 No. 91) to provide that winter fuel payments shall only be paid to persons habitually resident in the countries listed in the Schedule to those regulations if they are covered by the coordination of social security provisions in the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement or by the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland signed at Dublin on 1st February 2019.

Regulation 3 amends regulations 1 and 2 of the Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 281) ("the 2015 Regulations").

Regulation 4 revokes the 2015 Regulations from 31st December 2021 with a savings provision for UK, EEA and Swiss nationals who are habitually resident in the EEA or Switzerland on 31st December 2021.

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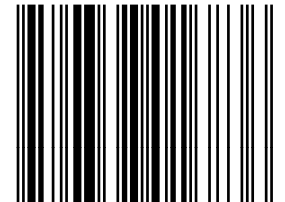
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