

1995 No. 767

SOCIAL SECURITY

The Social Security (Reciprocal Agreement)
Order 1995

Made - - - - - *15th March 1995*
Laid before Parliament *13th April 1995*

At the Court of Buckingham Palace, the 15th day of March 1995
Present,

The Queen's Most Excellent Majesty in Council

Whereas the Orders in Council specified in Schedule 2 and 3 to this Order modified certain enactments so as to give effect to the agreements set out in the Schedules to those Orders:

And Whereas Her Majesty's Government in consequence of changes in the law of Great Britain have proposed to each of the parties with whom the United Kingdom has made such an agreement alterations to the agreement:

And Whereas by virtue to section 179(1)(b) and (2) of the Social Security Administration Act 1992(a) it is provided that for the purpose of giving effect to any such agreement as it would be if were so altered in accordance with such proposals, Her Majesty may by Order in Council make provision for modifying or adapting the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992(b) in their application to cases affected by the proposal alterations.

Now, therefore, Her Majesty, in pursuance of the said section 179(1)(b) and (2) and of all others powers enabling Her at that behalf, is pleased, by an d with the advice of Her Privy Council, to other, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Social Security (Reciprocal Agreements) Order 1995 and shall come into force 13th April 1995.

Modification of Acts

2. The Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 shall be modified to such an extent as may be required to give effect to the alterations set out in Schedule 1 to this Order which are proposed to the agreements set out in the Orders in Council specified in Schedule 2 and 3 to this Order.

N.H.Nicholls
Clerk of the Privy Council

(a) 1992 c. 5.
(b) 1992 c. 4.

SCHEDULE 1

Article 2

PROPOSED ALTERATIONS TO EXISTING AGREEMENTS

1. Subject to paragraph 2, where in the agreement set out in the Schedule to an Order in Council specified in Schedule 2 to this Order there are references to sickness benefit, invalidity benefit or invalidity pensions under the legislation of the United Kingdom or any specified part thereof, such references shall be altered to include a reference to short-term incapacity benefit or long-term incapacity benefit, as the case maybe, under the legalisation of the United Kingdom or any specified part thereof.

2. Where in the agreement set out in the Schedule to an Council specified in Schedule 3 to this Order there are provisions relating to the calculation or payment of sickness benefit, invalidity benefit or invalidity pension under legislation of the United Kingdom or any specified part thereof, the following alterations shall be made—

- (a) For the purposes of the calculation or payment of invalidity benefit or invalidity pension after a specified period of sickness benefit or incapacity for work the provision shall be altered so as to apply also to long-term incapacity benefit payable under the legalisation of the United Kingdom or any specified part thereof after a period of 364 days of incapacity for work; and
- (b) For the purposes of the calculation or payment of sickness benefit the provision shall be altered so as to apply also to short-term incapacity benefit payable under the legislation of the United Kingdom or any specified part thereof for the period of up to and including the first 364 days of incapacity for work.

SCHEDULE 2

Article 2

ORDERS IN COUNCIL MODIFIED BY THIS ORDER

| <i>Title of Order in Council</i> | <i>Reference</i> | <i>Previously modified by</i> |
|--|------------------|---|
| The National Insurance and | S.I. 1953/884 | The Social Security (Reciprocal Agreements) Order 19976(a), the Social Security (Reciprocal Agreements) Order 1979(b) and the Social Security (Reciprocal Agreements) Order 1988(c) |
| The National Insurance and Industrial Injuries (Luxembourg) Order 1955 | S.I. 1955/420 | ditto |
| [Reference to S.I. 1955/874 (Netherlands) revoked by S.I. 2007/631.] | | |
| The National Insurance and Industrial Injuries (Malta) Order 1956 | S.I. 1956/1897 | ditto |
| [The above S.I. 1956/1897 was revoked by S.I. 1996/1927.] | | |
| The National Insurance and Industrial Injuries (Israel) Order 1957 | S.I. 1957/1879 | ditto |
| The National Insurance and Industrial Injuries (France) Order 1955 | S.I. 1958/597 | ditto |
| The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958 | S.I. 1958/771 | ditto |
| The National Insurance and Industrial Injuries (Malta) Order 1958 | S.I. 1958/597 | ditto |
| [The above S.I. 1958/772 was revoked by S.I. 1996/1927.] | | |
| The Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958 | S.I. 1958/1263 | ditto |
| The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960 | S.I. 1960/211 | ditto |
| [Reference to S.I. 1960/707 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).] | | |
| The National Insurance and Industrial Injuries (Turkey) Order 1961 | S.I. 1961/1202 | ditto |
| [Reference to S.I. 1966/270 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).] | | |
| [Reference to S.I. 1968/1655 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).] | | |
| The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969 | S.I. 1969/384 | ditto |

(a) S.I. 1976/225.

(b) S.I. 1979/290.

(c) S.I. 1988/591.

SCHEDULE 2 (continued)

ORDERS IN COUNCIL MODIFIED BY THIS ORDER

| <i>Title of Order in Council</i> | <i>Reference</i> | <i>Previously modified by</i> |
|---|------------------|---|
| [Reference to S.I. 1971/1742 (Republic of Ireland) omitted by S.I. 2007/2122, Art 3(2).] | | |
| The National Insurance and Industrial Injuries (Jamaica) Order 1972 | S.I. 1972/1587 | The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979 and the Social Security (Reciprocal Agreements) Order 1988 |
| [The above S.I. 1972/1587 was revoked by S.I. 1997/871.] | | |
| The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975 | S.I. 1975/415 | ditto |
| The Social Security (Portugal) Order 1979 | S.I. 1979/921 | The Social Security (Reciprocal Agreements) Order 1982(a), and the Social Security (Reciprocal Agreements) Order 1988 |
| The Social Security (Austria) Order 1981 | S.I. 1981/1605 | The Social Security (Reciprocal Agreements) Order 1988 |
| The Social Security (New Zealand) Order 1983 | S.I. 1983/1894 | ditto |
| The Social Security (Finland) Order 1984 | S.I. 1984/125 | ditto |
| The Social Security (Israel) Order 1984 | S.I. 1984/354 | ditto |
| [The above S.I. 1984/1817 (United States of America) was deleted (1.9.97) by S.I. 1997/1778, Art. 3.] | | |
| The Social Security (Iceland) Order 1985 | S.I. 1985/1202 | ditto |
| The Social Security (Austria) Order 1987 | S.I. 1987/1830 | ditto |
| The Social Security (Portugal) Order 1987 | S.I. 1987/1831 | ditto |
| The Social Security (Sweden) Order 1988 | S.I. 1988/590 | ditto |
| The Social Security (Cyprus) Order 1983 | S.I. 1983/1698 | |
| The Social Security (Philippines) Order 1989 | S.I. 1989/2002 | |
| The Social Security (Norway) Order 1991 | S.I. 1991/767 | |

(a) S.I. 1982/1528.

RECIPROCAL AGREEMENTS**S.I. 1995/767**

SOCIAL SECURITY (RECIPROCAL AGREEMENTS) ORDER 1995

Sch. 2**SCHEDULE 2 (continued)****ORDERS IN COUNCIL MODIFIED BY THIS ORDER**

| <i>Title of Order in Council</i> | <i>Reference</i> | <i>Previously modified by</i> |
|---|------------------|--|
| The Social Security (Barbados) Order 1992 | S.I. 1992/812 | |
| ▶◀ | | Reference to S.I. 1992/ 1312 omitted by art. 3(2) of S.I. 2000/3255 as from 1.3.01. |
| The Social Security (Cyprus) Order 1994 | S.I. 1994/1646 | |
| The Social Security (Jersey and Guernsey) Order 1994 | S.I. 1983/1698 | |

SCHEDULE 3

Article 2

ORDERS IN COUNCIL MODIFIED BY THIS ORDER

| <i>Title of Order in Council</i> | <i>Reference</i> | <i>Previously modified by</i> |
|---|------------------|--|
| The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953 | S.I. 1971/1742 | The Social Security (Reciprocal Agreements) Order 1976(a), the Social Security (Reciprocal Agreements) Order 1979(b) and the Social Security (Reciprocal Agreements) Order 1988(c) |
| The National Insurance and Industrial Injuries (Luxembourg) Order 1955 | S.I. 1955/420 | ditto |
| The National Insurance and Industrial Injuries (Netherlands) Order 1955 | S.I. 1955/874 | ditto |
| The National Insurance and Industrial Injuries (France) Order 1958 | S.I. 1958/597 | ditto |
| The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958 | S.I. 1958/771 | ditto |
| The Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958 | S.I. 1958/1263 | ditto |
| The National Insurance and Industrial Injuries (Turkey) Order 1961 | S.I. 1961/584 | ditto |
| The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969 | S.I. 1969/384 | ditto |
| The Social Security (Portugal) Order | S.I. 1979/921 | The Social Security (Reciprocal Agreements) Order 1982(d) and the Social Security (Reciprocal Agreements) Order 1988 |
| The Social Security (Finland) Order | S.I. 1984/125 | The Social Security (Reciprocal Agreements) Order 1988 |

[References to S.I. 1984/18A (United States of America) was deleted (1.9.97) by S.I. 1997/1778, Art. 3.]

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- (a) S.I. 1976/225.
 (b) S.I. 1979/290.
 (c) S.I. 1988/591.
 (d) S.I. 1982/152.

RECIPROCAL AGREEMENTS

S.I. 1995/767

SOCIAL SECURITY (RECIPROCAL AGREEMENTS) ORDER 1995

Sch. 3

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|---|----------------|
| The Social Security (Barbados) Order 1992 | S.I. 1992/812 |
| The Social Security (Jersey and Guernsey) Order 1994 | S.I. 1994/2802 |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for Social Security legislation to be modified, to take account of changes made by the Social Security (Incapacity benefit, in (c. 18) replacing sickness benefit and invalidity benefit by capacity benefit, in relation to the Orders in Council listed in Schedule 2 and 3 (which gives effect to agreements made between the Governments to the United Kingdom and other countries providing for reciprocity in certain social security matters).

