

2018 No. 212

SOCIAL SECURITY

**The Social Security (Reciprocal Agreement) (Isle of Man)
(Amendment) Order (Northern Ireland) 2018**

Made - - - - *13th December 2018*

Coming into operation - *6th April 2019*

Section 155(1)(a), (2), (3), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a) provides that for the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of legislation to which that section applies, the Secretary of State may by Order make provision for modifying or adapting the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and Part 1 of the Pensions Act (Northern Ireland) 2015(c), and any regulations made under those Acts or that Part, in their application to cases affected by the agreement.

Accordingly, the Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 155(1)(a), (2), (3) and (5) and 165(4), (5) and (6)(d) of the Social Security Administration (Northern Ireland) Act 1992.

Citation and Commencement

1. This Order may be cited as the Social Security (Reciprocal Agreement) (Isle of Man) (Amendment) Order (Northern Ireland) 2018 and shall come into operation on 6th April 2019.

Amendments to existing agreement

2. The existing Reciprocal Agreement set out in the Schedule to the Social Security (Reciprocal Agreement) (Isle of Man) Order (Northern Ireland) 2016(e) is amended in accordance with the provisions set out in the Schedule.

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

13th December 2018

Guy Opperman
Parliamentary Under-Secretary of State
Department for Work and Pensions

(a) 1992 c. 8; section 155 was amended by paragraph 21 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)); there are other amendments to section 155 not relevant to this Order
(b) 1992 c. 7
(c) 2015 c. 5 (N.I.)
(d) Section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(e) S.R. 2016 No. 189

SCHEDULE

Article 2

AMENDMENTS TO THE EXISTING AGREEMENT

1. The Reciprocal Agreement relating to state pension and retirement pension between the Secretary of State for Work and Pensions and the Department for Social Development^(a) in Northern Ireland of the one part, and the Minister for the Treasury of the Isle of Man of the other part, as set out in the Schedule to the Social Security (Reciprocal Agreement) (Isle of Man) Order 2016^(b) and the Social Security (Reciprocal Agreement) (Isle of Man) Order (Northern Ireland) 2016 is amended as follows

2. In the heading, for “SOCIAL DEVELOPMENT” substitute “COMMUNITIES”.

3. In Article 1 (interpretation), in paragraph (1), after the definition of “the Isle of Man Contributions and Benefits Act” insert—

““the Isle of Man Pensions Act” means Part 1 of the Pensions Act 2014^(c) as it applies in the Isle of Man from time to time by virtue of the Pensions Act 2014 (Application) Order 2018 (S.D. 2018/0076);”.

4. In Article 2 (application of agreement), after “Pensions Acts” insert “or the Isle of Man Pensions Act”.

5. In Article 3, after “on or after 6th April 2016”, insert “but before 6th April 2019”.

6. In Article 4, after “on or after that date” insert “but before 6th April 2019”.

7. After Article 4 insert—

“**4A.** The 1977 Agreement shall not apply and this Agreement shall apply to a person who reaches pensionable age on or after 6th April 2019 for the purposes of claims for and determining entitlement to a Manx state pension under the Isle of Man Pensions Act.”.

8. For the heading for Article 5 (provisions applying to the United Kingdom) substitute—

“**Minimum number of qualifying years and rate of pension payable**”.

9. After Article 5 insert—

“**5A.** Subject to Articles 7 and 8, in the case of a person to whom Article 2 applies—

- (a) for the purpose of determining only whether a person has at least the minimum number of qualifying years for a Manx state pension to be payable under section 2 or 4 of the Isle of Man Pensions Act, any tax year for which that person’s earnings factor is sufficient to satisfy paragraph 5A(2)(b) of Schedule 3 to the Social Security Contributions and Benefits Act 1992^(d) or paragraph 5A(2)(b)(e) of Schedule 3 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 shall be taken into account in the Isle of Man; and
- (b) the rate at which a Manx state pension is payable to a person under section 2 or 4 of the Isle of Man Pensions Act is to be determined by reference only to the number of qualifying years under section 2 or 4 of that Act.”.

10. After Article 10 (movement between territories) insert—

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- (a) The Department for Social Development was renamed the Department for Communities by section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
 - (b) S.I. 2016/157
 - (c) 2014 c. 19; Part 1 is modified by S.I. 2016/157; other amendments to Part 1 are not relevant to this Order.
 - (d) 1992 c. 4; paragraph 5A was inserted by section 1(3) of the Pensions Act 2007 (c. 22) and amended by paragraph 67(3) of Schedule 12 to the Pensions Act 2014
 - (e) Paragraph 5A was inserted by section 1(3) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by paragraph 58(3) of Schedule 12 to the Pensions Act (Northern Ireland) 2015

“10A. A person to whom this Agreement applies, who is entitled to a Manx state pension under the Isle of Man Pensions Act, shall be entitled to receive any increase in the rate of that pension, while that person is in the territory of the United Kingdom, as if that person were in the territory of the Isle of Man.”.

11. In Articles 13 and 14 (general provisions), for “Social Development” substitute “Communities”.

Given under the Official Seal of the Secretary of State for Work and Pensions this 3rd day of December 2018

Guy Opperman
Parliamentary Under-Secretary of State
Department for Work and Pensions

Given under the Official Seal of the Department for Communities this 3rd day of December 2018

Anne McCleary
A senior officer of the Department for Communities in Northern Ireland
Department for Communities in Northern Ireland

Given under the hand of the Minister for the Treasury of the Isle of Man this 3rd day of December 2018

Hon AL Cannan MHK
Minister for the Treasury of the Isle of Man

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Isle of Man Pensions Act creates a new benefit called Manx state pension to which people in the Isle of Man reaching pensionable age on or after 6th April 2019 may be entitled.

The Social Security (Reciprocal Agreement) Isle of Man (Northern Ireland) Order 2016 provides for a degree of reciprocity between the United Kingdom and the Isle of Man in state pension matters.

This Order amends the Reciprocal Agreement set out in the Schedule to the Social Security (Reciprocal Agreement) Isle of Man (Northern Ireland) Order 2016. The amendments are necessary because the Isle of Man will be introducing Manx state pension from 6th April 2019 and the amendments are required to reflect the change in the law.

An impact assessment has not been produced for this Order as it has no impact on business or civil society organisations.

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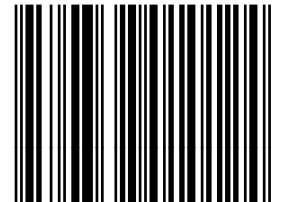
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

NI201812131011 12/2018 19585

<http://www.legislation.gov.uk/id/nisr/2018/212>

ISBN 978-0-33-801012-4



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