STATUTORY RULES OF NORTHERN IRELAND

2020 No. 357

SOCIAL SECURITY

The Social Security (Norway) Order (Northern Ireland) 2020

Made - - - -Coming into operation 27th December 2020 1st January 2021

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, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Norway) Order (Northern Ireland) 2020.

- (2) This Order comes into operation on 1st January 2021.
- (3) In this Order—
 - (a) "Principal Order" means the Social Security (Norway) Order (Northern Ireland) 1991(2);
 - (b) "Convention on Social Security" means the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway(**3**).

Modification of legislation and variation of the Principal Order

2.—(1) The legislation to which this paragraph applies is modified, and the Principal Order is varied, to the extent required to give effect to the provisions contained in the Convention on Social Security set out in the Schedule to the Principal Order, as amended by the Agreement(4) contained in the Letters set out in the Schedule to this Order, so far as the same relate to Northern Ireland.

^{(1) 1992} c. 8. Section 155 is amended by S.I. 2020/1508; 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) and (2)(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. The functions of the Commissioners for lnand Revenue were transferred to the Commissioners for Her Majesty's Commissioners for 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 for Her Majesty's Revenue and Customs.

⁽²⁾ S.R. 1991 No. 139.

⁽**3**) Cmnd 1331.

⁽⁴⁾ The Exchange of Letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the continued application and amendment of the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom

- (2) Paragraph (1) applies to—
 - (a) the Social Security Administration (Northern Ireland) Act 1992(5);
 - (b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992(6);
 - (c) the Jobseekers (Northern Ireland) Order 1995(7);
 - (d) Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998(8);
 - (e) the State Pension Credit Act (Northern Ireland) 2002(9);
 - (f) Part 1 of the Welfare Reform Act (Northern Ireland) 2007(10);
 - (g) Parts 2 and 5 of the Welfare Reform (Northern Ireland) Order 2015(11);
 - (h) Parts 1 and 5 of the Pensions Act (Northern Ireland) 2015(12);
 - (i) the following as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(13)—
 - (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;
 - (ii) 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;
 - (j) regulations within the scope of section 155(5) of the Social Security Administration (Northern Ireland) Act 1992.

Revocation

3. The Social Security (Norway) Order (Northern Ireland) 1992(14) is revoked.

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

of Norway, and the Protocol concerning Medical Treatment, done at Oslo on 19 June 1990. The Agreement is laid before Parliament in the Treaty Series for information.

⁽⁵⁾ No modifications are made in respect of payments out of the social fund, Christmas bonus, statutory sick pay or statutory maternity pay because section 155(4)(b)(i)-(iv) of the Social Security Administration (Northern Ireland) Act 1992 excludes these benefits from the scope of the power to modify.

^{(6) 1992} c. 7.

⁽⁷⁾ S.I. 1995/2705 (N.I. 15).

⁽⁸⁾ S.I. 1998/1506 (N.I. 10).

^{(9) 2002} c. 14 (N.I.).

^{(10) 2007} c. 2 (N.I.).

^{(12) 2015} c. 5 (N.I.). (12) 2018 = 16 Sect

 ^{(13) 2018} c. 16. Section 3 is to be amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Regulation 883/2004 and 987/2009 as they form part of domestic law under section 3 of the European Union (Withdrawal Agreement) Act 2020 are revoked (with savings) by S.I. 2020/1508 with effect from IP completion day.

⁽¹⁴⁾ S.R. 1992 No. 563. The Agreement set out in the Schedule to this Order renders the Social Security (Norway) Order (Northern Ireland) 1992 redundant.

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

27th December 2020

22nd December 2020

Justin Tomlinson Minister for Disabled People, Health and Work Department for Work and Pensions Jim Harra Justin Holliday Two of the Commissioners for Her Majesty's Revenue and Customs

SCHEDULE

Article 2

Exchange of Letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the continued application and amendment of the Convention on Social Security between the Government of the United

Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, and the Protocol concerning Medical Treatment, done at Oslo on 19 June 1990

> HE Ms Ine Eriksen Søreide Minister of Foreign Affairs of the Kingdom of Norway

07 December 2020

Your Excellency.

I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, signed at Oslo on 19 June 1990, as amended by an exchange of Notes in 1992 (hereinafter referred to as "the Convention") with integrated Protocol Concerning Medical Treatment of 19 June 1990 (hereinafter referred to as "the Protocol") and to recent discussions between Her Majesty's Revenue and Customs, the Department of Work and Pensions and the Department of Health and Social Care for the United Kingdom and the Ministry of Labour and Social Affairs, the Ministry of Health and Care Services and the Ministry of Children and Family affairs for Norway concerning necessary amendments to the Convention and the Protocol.

In these discussions, our two Governments have considered that the Convention and the Protocol have been superseded by the laws of the European Union ("EU") on the same subject-matter, as regards persons to whom those laws were at that date or subsequently became applicable, which applied as between the United Kingdom and the Kingdom of Norway by virtue of the Agreement on the European Economic Area done at Porto on 2 May 1992.

Our two Governments have further noted that, following the departure of the United Kingdom from the European Union, EU law will cease to apply to the United Kingdom at the end of the transition period on 31 December 2020. The United Kingdom and the Kingdom of Norway, however, wish to maintain and develop their strong relationship in the fields of social security at the end of this period.

Consequently, the United Kingdom and the Kingdom of Norway have agreed that the Convention and the Protocol are to apply between them, with particular provision in respect of the lsle of Man and the Island of Jersey, subject to the amendments set out in the Annex to this Letter ("this Agreement"). I therefore have the honour to propose, on behalf of the Government of the United Kingdom, that the provisions of the Convention and the Protocol, as amended in the Annex to this Letter, shall have legal force and effect as between the United Kingdom and the Kingdom of Norway and shall replace any and all prior versions of the Convention and the Protocol.

I have further the honour to propose that this Agreement shall enter into force on 1 January 2021.

If the foregoing proposals are acceptable to the Government of the Kingdom of Norway, I have the honour to propose that this Letter together with your Excellency's reply shall constitute an

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Amendments to the Convention

1. For Article 1(b) substitute:

"(b) "competent authority" means the authority responsible for the social security schemes in all or part of the territory of each Party; that is to say, in relation to the United Kingdom, the Secretary of State for Work and Pensions for Great Britain, Her Majesty's Revenue and Customs, the Department for Communities for Northern Ireland, the Treasury for the Isle of Man, or the Minister for Social Security for the States of Jersey as the case may require and, in relation to Norway, the Ministry responsible for application of the legislation of Norway;"

- At Article 1(f) after "benefit in question" insert "and as regards the right to pensions, any period completed under the legislation of Norway which may be used to acquire the right to a pension;"
- 3. For Article 1(o) substitute:

"(o) "survivors' benefit" means, in relation to the United Kingdom, widow's allowance, widow's payment, widowed mother's allowance and widow's pension payable under the legislation of the United Kingdom and, in relation to Norway, a pension and transitional benefit to a surviving spouse or civil partner payable under the legislation of Norway;"

- 4. At Article 1(p) for "United Kingdom" substitute "Isle of Man or Island of Jersey".
- 5. Delete Article 1(q).
- 6. For Article 1(w) substitute:

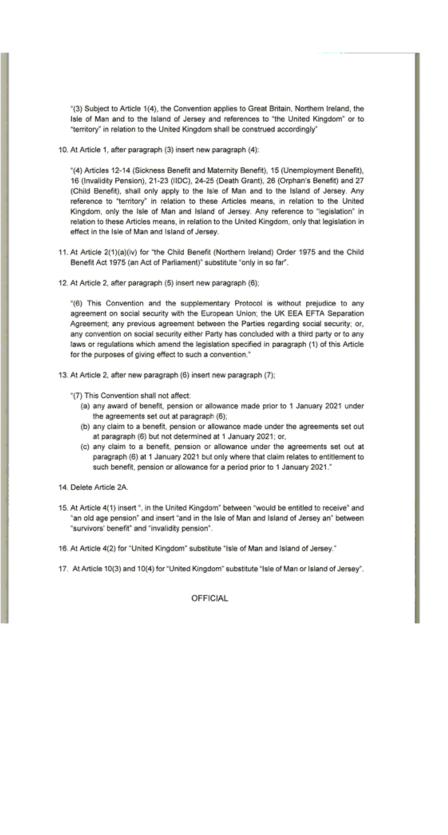
"(w) "social assistance" means, in relation to the United Kingdom, any benefit which is considered to be social assistance in Great Britain, Northern Ireland, the Isle of Man and the Island of Jersey;"

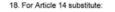
7. For Article 1(z) substitute:

 $\ensuremath{"(z)}$ "child benefit" means, in relation to the United Kingdom, child benefit and family allowance payable under the legislation of the Isle of Man or Island of Jersey"

- 8. Delete Article 1(aa), (bb) and (cc).
- 9. For Article 1(3) substitute:

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"ARTICLE 14

Where, but for the provisions of this Article, a person would be entitled to receive sickness benefit or maternity allowance under the legislation of the Isle of Man, Island of Jersey and Norway for the same period whether by virtue of this Convention or otherwise that benefit or allowance shall be granted only under the legislation under which the person was last insured before entitlement arose. Nothing in this Article shall allow for the payment of Isle of Man or Island of Jersey statutory sick pay or statutory maternity pay outside the territory of the Isle of Man or Island of Jersey."

 At Article 16, in paragraphs (2)(a), 2(b) and (4) for "United Kingdom" substitute "Isle of Man or Island of Jersey".

20. Before Article 17 insert: "OLD AGE PENSION AND SURVIVORS' BENEFITS UNDER THE LEGISLATION OF THE UNITED KINGDOM".

21. At Article 17(1) delete "of one Party or under the legislation" and for "a Party" substitute "the United Kingdom".

22. For Article 17(2) substitute:

"(2) For the purpose of determining entitlement to additional pension payable under the legislation of the United Kingdom, no account shall be taken of any contribution period completed under the legislation of Norway and for the purposes of this Article and Article 18 of this Convention, additional pension under United Kingdom legislation shall be treated as a separate benefit to which the provisions of Article 18 do not apply."

23. For Article 18(1) substitute:

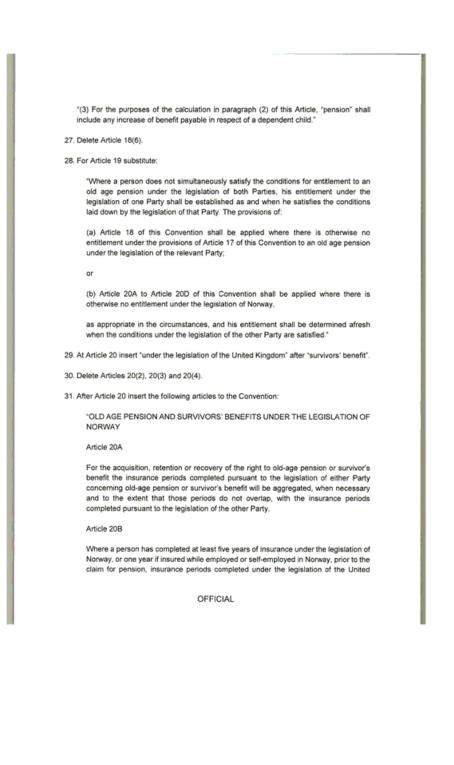
"(1) Where a person is not entitled to an old age pension under the legislation of any one part of the territory of the United Kingdom, but has completed an insurance period under that legislation of at least one year, any insurance period which he has completed under the legislation of Norway shall be treated as if it were an insurance period completed under the legislation of the United Kingdom for the purposes of determining his entitlement to an old age pension under that legislation. The amount of the pension shall be calculated in accordance with paragraphs (2) to (5) of this Article."

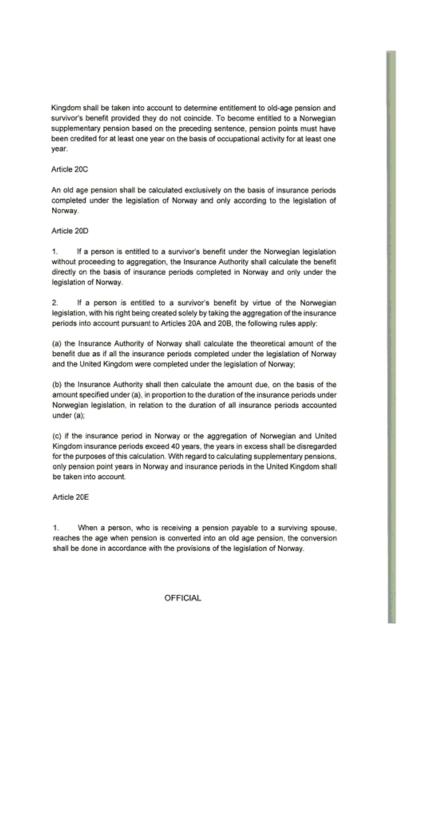
24. At Article 18(2)(b) for "that Party" substitute "the United Kingdom".

25. Delete Article 18(3)

26. For Article 18(4) substitute:

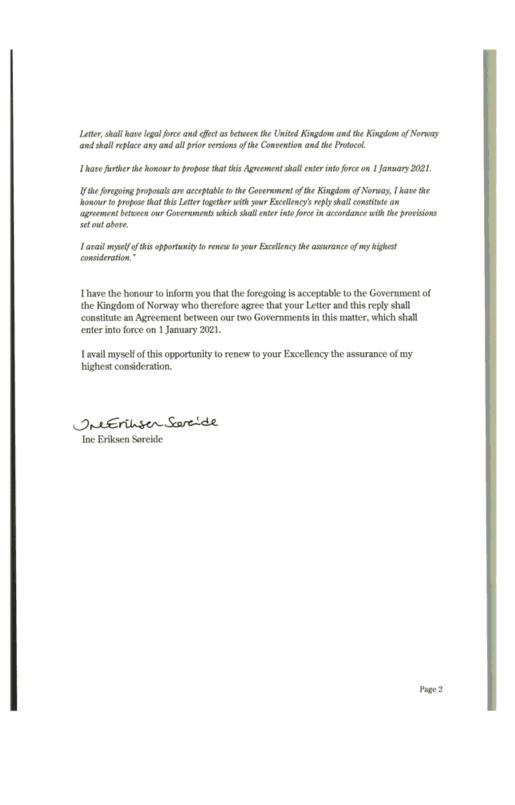
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To the extent that future insurance periods or future pension point years taken 2 into account for the calculation of a survivors' benefit in accordance with Article 20D coincide with corresponding insurance periods taken into account for the calculation of a benefit under the legislation of the United Kingdom, the latter periods shall not be taken into account for the calculation of an old age pension under the legislation of Norway." 32. At Article 23 for "both Parties" substitute "Norway, the Isle of Man or Island of Jersey". 33. Delete Section 11, Article 28. Amendments to the Protocol 1. In Article 1(a)(i) for "the Isle of Man Department of Health and Social Security", substitute "the Isle of Man Department of Health and Social Care". 2. In Article 1(a)(ii) for "the Public Health Committee of the States of Jersey" substitute "the Health and Community Services Department of the States of Jersey": 3. For Article 1(a)(iii) substitute: "(iii) in relation to Norway, medical treatment fully or partially funded by the public authorities in accordance with the legislation in force in Norway;". 4. In Article 1(c)(i) for "the Department of Health" substitute "the Department of Health and Social Care" 5. In Article 1(c)(ii) for "the Isle of Man Department of Health and Social Security" substitute "the Isle of Man Department of Health and Social Care". 6. In Article 1(c)(iii) for "the Public Health Committee of the States of Jersey" substitute "the Health and Community Services Department of the States of Jersey". 7. For Article 1(c)(iv) substitute: "(iv) in relation to Norway, the Ministry responsible for matters covered by this Protocol;". OFFICIAL

	ROYAL NORWEGIAN MINISTRY OF FOREIGN AFFAIRS Minister of Foreign Affairs
	Oslo, 7 December 2020
Yo	our Excellency
	have the honour to acknowledge receipt of your Letter of 7 December 2020 which ads as follows:
Un No rej Jui Ma He Ma	have the honour to refer to the Convention on Social Security between the Government of the tited Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of prway, signed at Oslo on 19 June 1990, as amended by an exchange of Notes in 1992 (hereinafter ferred to as "the Convention") with integrated Protocol Concerning Medical Treatment of 19 ne 1990 (hereinafter referred to as "the Protocol") and to recent discussions between Her afesty's Revenue and Customs, the Department of Work and Pensions and the Department of pealth and Social Care for the United Kingdom and the Ministry of Labour and Social Affairs, the inistry of Health and Care Services and the Ministry of Children and Family affairs for Norway ncerning necessary amendments to the Convention and the Protocol.
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Ar	E Mr Richard Wood nbassador of the United Kingdom to Norway slo
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of specified social security legislation, so as to give effect in Northern Ireland to the amendments agreed on 7th December 2020 ("the Agreement") to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway, and the Protocol concerning Medical Treatment, done at Oslo at 19 June 1990 ("the Convention").

The Agreement provides for the changes to the Convention to take effect from 1st January 2021.

This Order revokes the Social Security (Norway) Order (Northern Ireland) 1992.

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.