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STATUTORY INSTRUMENTS

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**1995 No. 767**

**SOCIAL SECURITY**

**The Social Security (Reciprocal Agreements) Order 1995**

*Made* - - - - *15th March 1995*

*Coming into force* - - *13th April 1995*

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

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Orders in Council specified in Schedules 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 of section 179(1)(b) and (2) of the Social Security Administration Act 1992<sup>M1</sup> it is provided that for the purpose of giving effect to any such agreement as it would be if it 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<sup>M2</sup> in their application to cases affected by the proposed alterations:

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

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**Marginal Citations**

**M1** 1992 c.5.

**M2** 1992 c.4.

**Citation and commencement**

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

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## **Modification of Acts**

2. The Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 shall be modified to such 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 Schedules 2 and 3 to this Order.

*N. H. Nicholls*  
Clerk of the Privy Council

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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 pension 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 may be, under the legislation of the United Kingdom or any specified part thereof.

2. Where in the agreement set out in the Schedule to an Order in 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 the 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 legislation 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

| <b>Title of Order in Council</b>  | <b>Reference</b> | <b>Previously modified by</b>  |
|---|------------------|--|
| The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953 | S.I. 1953/884    | The Social Security (Reciprocal Agreements) Order 1976<br>M3<br>, the Social Security (Reciprocal Agreements) Order 1979<br>M4<br>and the Social Security (Reciprocal Agreements) Order 1988<br>M5 |
| The National Insurance and Industrial Injuries (Luxembourg) Order 1955                      | S.I. 1955/420    | ditto  |
| F1  | F1               | F1   |
| ...   | ...              | ...  |
| F2  | F2               | F2   |

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|  |                |           |
|--|----------------|-----------|
| ...  | ...            | ...       |
| The National Insurance and Industrial Injuries (Israel) Order 1957                         | S.I. 1957/1879 | 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     |
| <b>F3</b>  | <b>F3</b>      | <b>F3</b> |
| ...  | ...            | ...       |
| 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     |
| <b>F4</b>  | <b>F4</b>      | <b>F4</b> |
| ...  | ...            | ...       |
| The National Insurance and Industrial Injuries (Turkey) Order 1961                         | S.I. 1961/584  | ditto     |
| The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961     | S.I. 1961/1202 | ditto     |
| The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969 | S.I. 1969/384  | ditto     |
| <b>F4</b>  | <b>F4</b>      | <b>F4</b> |
| ...  | ...            | ...       |
| <b>F5</b>  | <b>F5</b>      | <b>F5</b> |
| ...  | ...            | ...       |
| The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975       | S.I. 1975/415  | ditto     |
| <b>F4</b>  | <b>F4</b>      | <b>F4</b> |
| ...  | ...            | ...       |

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|  |                |  |
|--|----------------|--|
| F4   | F4             | F4   |
| ...  | ...            | ...  |
| The Social Security (Portugal) Order 1979            | S.I. 1979/921  | The Social Security (Reciprocal Agreements) Order 1982<br>M6<br>and the Social Security (Reciprocal Agreements) Order 1988 |
| The Social Security (Austria) Order 1981             | S.I. 1981/605  | 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  |
| F6   | F6             | F6   |
| ...  | ...            | ...  |
| 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  |  |
| The Social Security (Barbados) Order 1992            | S.I. 1992/812  |  |
| F7   | F7             |  |
| ...  | ...            |  |
| The Social Security (Cyprus) Order 1994              | S.I. 1994/1646 |  |
| The Social Security (Jersey and Guernsey) Order 1994 | S.I. 1994/2802 |  |

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- F1** Words in Schs. 2 3 omitted (1.6.2007) by virtue of [Social Security \(Netherlands\) Order 2007 \(S.I. 2007/631\)](#), arts. 1, **3(2)(d)**
- F2** Words in Sch. 2 revoked (1.9.1996) by [The Social Security \(Malta\) Order 1996 \(S.I. 1996/1927\)](#), arts. 1, **3(2)**
- F3** Words in Sch. 2 revoked (1.9.1996) by [The Social Security \(Malta\) Order 1996 \(S.I. 1996/1927\)](#), arts. 1, **3(2)**
- F4** Words in Sch. 2 omitted (1.10.2007) by virtue of [Social Security \(Ireland\) Order 2007 \(S.I. 2007/2122\)](#), arts. 1, **3(2)(d)**
- F5** Words in Sch. 2 revoked (1.4.1997) by [The Social Security \(Jamaica\) Order 1997 \(S.I. 1997/871\)](#), arts. 1, **3(2)**
- F6** Words in Sch. 2 omitted (1.9.1997) by virtue of [The Social Security \(United States of America\) Order 1997 \(S.I. 1997/1778\)](#), arts. 1, **3**
- F7** Words in Sch. 2 omitted (1.3.2001) by virtue of [The Social Security \(Australia\) Order 2000 \(S.I. 2000/3255\)](#), arts. 1, **3(2)** (with art. 2)

#### Marginal Citations

- M3** [S.I. 1976/225](#).
- M4** [S.I. 1979/290](#).
- M5** [S.I. 1988/591](#).
- M6** [S.I. 1982/1528](#).

## SCHEDULE 3

Article 2

### ORDERS IN COUNCIL MODIFIED BY THIS ORDER

| Title of Order in Council   | Reference     | Previously modified by  |
|---|---------------|---|
| The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953 | S.I. 1953/884 | The Social Security (Reciprocal Agreements) Order 1976<br><b>M7</b><br>, the Social Security (Reciprocal Agreements) Order 1979<br><b>M8</b><br>and the Social Security (Reciprocal Agreements) Order 1988<br><b>M9</b> |
| The National Insurance and Industrial Injuries (Luxembourg) Order 1955                      | S.I. 1955/420 | ditto   |
| <b>F1</b>   | <b>F1</b>     | <b>F1</b>   |
| ...   | ...           | ...   |
| The National Insurance and Industrial Injuries (France) Order 1958                          | S.I. 1958/597 | ditto   |

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|   |                |  |
|---|----------------|--|
| The Family Allowances,<br>National Insurance and<br>Industrial Injuries (Belgium)<br>Order 1958     | S.I. 1958/771  | ditto  |
| The Family Allowances,<br>National Insurance and<br>Industrial Injuries (Yugoslavia)<br>Order 1958  | S.I. 1958/1263 | ditto  |
| The National Insurance and<br>Industrial Injuries (Turkey)<br>Order 1961                            | S.I. 1961/584  | ditto  |
| The Family Allowances,<br>National Insurance<br>and Industrial Injuries<br>(Switzerland) Order 1969 | S.I. 1969/384  | ditto  |
| The Social Security (Portugal)<br>Order 1979  | S.I. 1979/921  | The Social Security<br>(Reciprocal Agreements)<br>Order 1982<br><b>M10</b><br>and the Social Security<br>(Reciprocal Agreements)<br>Order 1988 |
| The Social Security (Finland)<br>Order 1984   | S.I. 1984/125  | The Social Security<br>(Reciprocal Agreements)<br>Order 1988   |
| <b>F8</b>   | <b>F8</b>      | <b>F8</b>  |
| ...   | ...            | ...  |
| The Social Security (Barbados)<br>Order 1992  | S.I. 1992/812  |  |
| The Social Security (Jersey<br>and Guernsey) Order 1994   | S.I. 1994/2802 |  |

**F8** Words in Sch. 3 revoked (1.9.1997) by [The Social Security \(United States of America\) Order 1997 \(S.I. 1997/1778\)](#), arts. 1, 3

**Marginal Citations**

**M7** [S.I. 1976/225](#).

**M8** [S.I. 1979/290](#).

**M9** [S.I. 1988/591](#).

**M10** [S.I. 1982/152](#).

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## 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 for Work) Act 1994 (c.18) replacing sickness benefit and invalidity benefit by incapacity benefit, in relation to the Orders in Council listed in Schedules 2 and 3 (which give effect to agreements made between the Governments of the United Kingdom and other countries providing for reciprocity in certain social security matters).



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**Changes and effects yet to be applied to :**

- Sch.2 rev in pt. by [S.I. 2000/3255 art.3\(2\)](#)
- Sch. 2 words omitted by [S.I. 1997/871 art. 3\(2\)](#)