

# Department for Work and Pensions

DECISION MAKING AND APPEALS (PART OF PROFESSIONAL SERVICES)

## The Law Relating to Social Security

### Volume 10 Supplement 99 – June 2012

1. Supplements to The Law Relating to Social Security are issued at regular intervals. This supplement [99] includes amendments to the Contents Volume and Volumes 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 14.
2. This package contains Volume 5 and incorporates the following S.I's:  
2012/360  
  
as well as various miscellaneous amendments.
3. These supplements are now issued in PDF format only.
4. The amended pages have been reprinted in full. The supplement number is printed at the bottom of each replacement page.
5. Due to space constraints, DMA can only reproduce legislation currently in force. Where users are instructed to remove pages they may like to consider the need to retain such pages for their own use.
7. The last 2 supplements have amended the following volumes:  
  
Supplement No. 98 [March 2012] Contents, 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 13.  
Supplement No. 97 [December 2011] Contents, 1, 2, 3, 5, 6, 7, 8, 11, 12, 13.
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9. Starting in Supplement 76 the triangles ►◄ signifying additions, deletions or amendments to Statutory Instruments will be numbered to aid reference. Numbering will start at 1 on each page however, only those pages being updated will be affected.

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10.21 – 10.24 (-10.60) (2 pages)

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## ALPHABETICAL LIST OF STATUTORY INSTRUMENTS

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Bilateral Agreements between the UK and individual EC States are located in volume 9, Part II.

Bilateral Agreements with States not within the EC but within the European Economic Area (EEA), namely the Agreements with Iceland and Norway, are included in this volume. As laid down in the individual 1992 reciprocity Orders containing Supplementary Agreements between the UK and those States, however, the main Agreements with those States are, for nationals of EEA States, largely superseded by EC Regulations 1408/71 and 574/72 as applied by the EEA Agreement; those Regulations are reproduced in volume 9, Part I.

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1992 No. 812

SOCIAL SECURITY

The Social Security (Barbados) Order 1992

Made - - - -

16th March 1992

Coming into force

1st April 1992

[Under art. 2 of SI 1995/767 the SS C&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit and to the proposal that any provisions relating to the calculation or payment of the former benefits apply also to the appropriate latter benefit.]

[Under Art. 2 of S.I. 2012/360 the SS Admin Act 1992 (c. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (c. 5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

At the Court at Buckingham Palace, the 16th day of March 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the 7th January 1992 a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Barbados (hereinafter referred to as "the Convention") and a Protocol supplementary to the Convention (hereinafter referred to as "the Protocol")(a) were signed on behalf of those Governments:

And Whereas by Article 35 of the Convention it is provided that the Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged:

And Whereas by Article 4 of the Protocol it is provided that the Protocol shall form an integral part of the Convention:

And Whereas the Convention and the Protocol have been ratified by the said Governments and the instruments of ratification were exchanged on the 27th February 1992 and, accordingly, the Convention and the Protocol enter into force on 1st April 1992:

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(a) See Cm. 1796.

(b) 1975 c. 14; subsection (1) of section 143 was amended by section 20(1) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5) and section 65(2) of and Schedule 11 to the Social Security Act 1986 (c. 50). Subsection (1A) of section 143 was inserted by section 6(1) of the Social Security Act 1981 (c. 33)

(c) 1975 c. 61; subsection (1A) of section 15 was inserted by section 6(2) of the Social Security Act 1981.

**BARBADOS**  
SOCIAL SECURITY (BARBADOS) ORDER 1992

And Whereas by section 143 of the Social Security Act 1975(**b**) and section 15 of the Child Benefit Act 1975(**c**) it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act and for modifying the provisions of Part I of the said Child Benefit Act and regulations made under it in their application to cases affected by agreements with other Governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 143, and the said section 15, 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:-

**Citation and commencement**

**1.** This Order may be cited as the Social Security (Barbados) Order 1992 and shall come into force on 1st April 1992.

**Modification of the Social Security Act 1975**

**2.** The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention and the Protocol set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

**Modification of the Child Benefit Act 1975**

**3.** Part I of the Child Benefit Act 1975 and any regulations made under it shall be modified to such extent as may be required to give effect to the provisions contained in the Convention and the Protocol set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

*G.I. de Deney*  
Clerk to the Privy Council

**1997 No. 871****SOCIAL SECURITY****The Social Security (Jamaica) Order 1997***Made - - - -**19th March 1997**Coming into force**1st April 1997*

[Under Art 2 of S.I. 2012/360 the SS Admin Act 1992 (C. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (C. 5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

At the Court at Buckingham Palace, the 19th day of March 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on 12th November 1996 a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica (which Convention is set out in Schedule 1 to this Order and is hereinafter referred to as "the Convention") providing for an earlier Agreement between the Parties concerning reciprocity in social security and the extension and modification of that Agreement to be consolidated into a single document, with extensions and modifications in scope and taking account of changes in legislation, and a Protocol supplementary to the Convention (which Protocol is set out in Schedule 2 to this Order and is hereinafter referred to as "the Protocol")<sup>(a)</sup> were signed on behalf of those Governments:

And Whereas by Article 33 of the Convention it is provided that the Convention shall enter into force on a date to be specified in Notes exchanged through the Diplomatic Channel by the Parties to the Convention notifying each other that all constitutional procedures as are necessary to give effect to the Convention have been finalised:

And Whereas at Kingston on 5th March 1997 Notes were exchanged on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica (which Notes are set out in Schedule 3 to this Order) specifying that the Convention shall enter into force on 1st April 1997:

And Whereas by Article 17 of the Protocol it is provided that the Protocol shall enter into force at the same time as the Convention and shall form an integral part of the Convention:

And Whereas by section 179(1)(a) and (2) of the Social Security Administration Act 1992<sup>(b)</sup> it is provided that Her Majesty may by Order in Council make provision for modifying or adapting that Act and the Social Security Contributions and Benefits Act 1992<sup>(c)</sup> in their application to cases affected by agreements with the Governments of

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(a) See Cm 3527.

(b) 1992 c. 5.

(c) 1992 c. 4.

countries outside the United Kingdom providing for reciprocity in matters specified in the said section:

Now, therefore, Her Majesty, in pursuance of section 179(1)(a) and (2) of the Social Security Administration Act 1992 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:-

#### **Citation and commencement**

1. This Order may be cited as the Social Security (Jamaica) Order 1997 and shall come into force on 1st April 1997.

#### **Modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992**

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 provisions contained in the Convention and the Protocol set out in Schedules 1 and 2 respectively to this Order so far as the same relate to England, Wales and Scotland.

#### **Revocation and Variation of Orders**

3.—(1) The National Insurance and Industrial Injuries (Jamaica) Order 1972(a) is hereby revoked.

(2) The reference to the National Insurance and Industrial Injuries (Jamaica) Order 1972 shall be omitted in Schedule 1 to the Social Security (Reciprocal Agreements) Order 1976(b), the Schedule to the Social Security (Reciprocal Agreements) Order 1979(c), the Schedule to the Social Security (Reciprocal Agreements) Order 1988(d) and Schedule 2 to the Social Security (Reciprocal Agreements) Order 1995(e).

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

### SCHEDULE 1

#### CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF JAMAICA ON SOCIAL SECURITY

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica;

Having established reciprocity in the field of social security by means of the Agreement which was signed on their behalf at London on 20 September 1972;

Wishing to consolidate the above Agreement and its extension and modification into a single document;

Wishing to extend and modify the scope of that reciprocity, including extension to the States of Jersey, and to take account of changes in their legislation;

Have agreed as follows:-

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- (a) S.I. 1972/1587.  
(b) S.I. 1976/225.  
(c) S.I. 1979/290.  
(d) S.I. 1988/591.  
(e) S.I. 1995/767.

**1994 No. 2802**

**SOCIAL SECURITY**

**The Social Security (Jersey and Guernsey) Order  
1994**

*Made* - - - - *2nd November 1994*

*Coming into force* *2nd November 1994*

[Under art. 2 of S.I. 1995/767 the SS C&B Act 1996 (c.4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c.18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit and to the proposal that any provisions relating to the calculation or payment of the former benefits apply also to the appropriate latter benefit.]

[Under art. 2 of S.I. 1996/1928, the SS C&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18) are modified. The effect will be that any reference, in the Agreement set out in the Schedule to this Order, to unemployment benefit shall include a reference to contribution-based jobseeker's allowance. Also any definition, in that Agreement, of legislation to which the Agreement applies shall be read as including a reference to the Jobseekers Act 1995.]

[Under Art 2 of S.I. 2012/360 the SS Admin Act 1992 (C. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (C.5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

At the Court at Buckingham Palace, the 2nd day of November 1994

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 179(1)(a) and (2) of the Social Security Administration Act 1992(a) 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:—

**Citation and commencement**

1. This Order may be cited at the Social Security (Jersey and Guernsey) Order 1994 and shall come into force on 2nd November 1994.

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(a) 1992 c. 5.

**JERSEY AND GUERNSEY**  
**SOCIAL SECURITY (JERSEY AND GUERNSEY) ORDER 1994**

**Modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992**

2. The Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992(**a**) and any regulations made or having effect thereunder(**b**) shall be modified to such an extent as may be required to give effect to the provisions contained in the Agreement on Social Security set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

**Revocation and Amendment of Orders**

3.—(1) the Family Allowances (Jersey) Order 1973(**c**), the Child Benefit (Guernsey) Order 1977(**d**), the Social Security (Jersey and Guernsey) Order 1978(**e**), the Social Security (Jersey and Guernsey) Order 1982(**f**), the Social Security (Jersey and Guernsey) Order 1983(**g**) and the Social Security (Jersey and Guernsey) Order 1992(**h**) are hereby revoked.

(2) The reference to the Family Allowances (Jersey) Order 1973 shall be omitted in the Schedule to the Child Benefit (Residence and Persons Abroad) Regulations 1976(**i**) and the Social Security (Jersey and Guernsey) Order 1978, and the reference to the Social Security (Jersey and Guernsey) Order 1982 and the Social Security (Jersey and Guernsey) Order 1983 shall be omitted in the Schedule to the Social Security (Reciprocal Agreements) Order 1988(**j**).

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

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(a) 1992. c. 4.

(b) See section 179(5) of the Social Security Administration Act 1992.

(c) S.I. 1973/1085.

(d) S.I. 1977/592.

(e) S.I. 1978/1527.

(f) S.I. 1982/1527.

(g) S.I. 1983/604.

(h) S.I. 1992/1735.

(i) S.I. 1976/963.

(j) S.I. 1988/591.

**1961 No. 584**

**NATIONAL INSURANCE**

**NATIONAL INSURANCE (INDUSTRIAL  
INJURIES)**

**The National Insurance and Industrial Injuries  
(Turkey) Order, 1961**

*Made - - - -*

*24th March, 1961*

[Under S.I. 1976/225, references in the following Order to provisions of the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1965 to 1974 have effect, with certain modifications, as references to the corresponding or most nearly corresponding provisions of the Social Security Act 1975 (c. 14).]

[Provisions in the following Order relating to the calculation of retirement pension, widow's benefit or invalidity pension under U.K. legislation are modified, as to any additional pension payable, by S.I. 1979/290.]

[Under S.I. 1988/591, any provision in the following Order relating to the calculation of widow's pension under U.K. legislation includes a reference to a widow's payment under U.K. legislation.]

[Under art. 2 of SI 1995/757 the SSC&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit and to the proposal that any provisions relating to the calculation or payment of the former benefits apply also to the appropriate latter benefit.]

[Under Art 2 of S.I. 2012/360 the SS Admin Act 1992 (C. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (C. 5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

At the Court at Buckingham Palace, the 24th day of March, 1961  
Present,  
The Queen's Most Excellent Majesty in Council

Whereas at Ankara on the ninth day of September, nineteen hundred and fifty-nine, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Turkey on social insurance (which Convention is set out in the Schedule to this Order and is hereinafter referred to as "the Convention") was signed on behalf of those

**TURKEY**

N.I. AND I.I. (TURKEY) ORDER, 1961

Governments:

And Whereas by Article 39 of the Convention it is provided that the Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged:

And Whereas the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on the third day of March 1961 and accordingly the Convention enters into force on the first day of June 1961:

And Whereas by section 64 of the National Insurance Act 1946<sup>(a)</sup> and section 85 of the National Insurance (Industrial Injuries) Act 1946<sup>(b)</sup> it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting those Acts in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act 1946 and the said section 85 of the National Insurance (Industrial Injuries) Act 1946 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:—

**Citation and interpretation**

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Turkey) Order 1961.

(2) The Interpretation Act 1889<sup>(c)</sup> applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**Modification of Acts**

2. The provisions contained in the Convention shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Government of the Republic of Turkey for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act 1946 or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act 1946; and the National Insurance Acts 1946 to 1960 and the National Insurance (Industrial Injuries) Acts 1946 to 1960 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

*W. G. Agnew.*

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(a) 1946 c. 67.

(b) 1946 c. 62.

(c) 1889 c. 63.



**1984 No. 1817**

**SOCIAL SECURITY**

**The Social Security (United States of America)  
Order 1984**

*Made - - - - 22nd November 1984*

*Coming into Operation*

*Articles 1 and 2 1st January 1985*

*Article 3 1st January 1988*

[Under S.I. 1988/591, any provision in the following Order relating to the calculation of widow's allowance under U.K. legislation includes a reference to a widow's payment under U.K. legislation.]

[Under art. 2 of SI 1995/767 the SSC&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in Sch. 1 to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit and to the proposal that any provisions relating to the calculation or payment of the former benefits apply also to the appropriate latter benefit.]

[Under Art. 2 of S.I. 2012/360 the SS Admin Act 1992 (c. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (c. 5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

At the Court at Buckingham Palace, the 22nd day of November 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the 13th February 1984 an Agreement on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of American (which Agreement is set out in Schedule 1 to this Order and is hereinafter referred to as "the Agreement") and an Administrative Agreement for the implementation of the Agreement (which is set out in Schedule 2 to this Order and is hereinafter referred to as "the Administrative Agreement") were signed on behalf of those Governments:

And Whereas by Article 27(1) of the Agreement it is provided that the Agreement, except for Part III, shall enter into force on the first day of the second month following the month in which each Government has received from the other Government written notification that all statutory and constitutional requirements have been complied with for entry into force of the Agreement:

**UNITED STATES OF AMERICA**  
SOCIAL SECURITY (UNITED STATES OF AMERICA) ORDER 1984

And Whereas it is further provided by Article 27(2) of the Agreement that Part III shall enter into force on the first day of the thirty-sixth month following the month in which Parts I, II, IV and V of the Agreement enter into force:

And Whereas by Article 24(5) of the Agreement it is also provided that notwithstanding the provisions of Article 27 concerning the effective date of Part III of the Agreement, Article 7(1) shall enter into force on the date on which Parts I, II, IV and V of the Agreement enter into force:

And Whereas by Article 11 of the Administrative Agreement it is provided that the Administrative Agreement shall enter into force on the date of entry into force of the Agreement:

And Whereas written notification in accordance with Article 27(1) of the Agreement was received by each Government in November 1984 and accordingly Parts I, II, IV and V and Article 7(1) of the Agreement, and the Administrative Agreement, enter into force on the 1st January 1985 and Part III (except for Article 7(1) ) enters into force on 1st January 1988:

And Whereas by section 143 of the Social Security Act 1975(a) it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act in its application to cases affected by agreements with other Governments providing for reciprocity in matters specified in that section:

Now, therefore, Her Majesty, in pursuance of the said section 143 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:—

**Citation and commencement**

1. This Order may be cited as the Social Security (United States of America) Order 1984 and shall come into operation on 1st January 1985 with the exception of Article 3 which comes into operation on 1st January 1988.

**Modification of the Social Security Act 1975**

2. The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Agreement so far as the same relate to England, Wales and Scotland.

**Revocation of Order**

3. The National Insurance (United States of America) Order 1969(b) is revoked with effect from 1st January 1988.

*G. I. de Deney,*  
Clerk of the Privy Council.

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(a) 1975 c. 14; subsection (1A) of section 143 was inserted by section 6(1) of the Social Security Act 1981 (c. 33).

(b) S.I. 1969/1493.

**1958 No. 1263****FAMILY ALLOWANCES****NATIONAL INSURANCE****NATIONAL INSURANCE (INDUSTRIAL  
INJURIES)****The Family Allowances, National Insurance and  
Industrial Injuries (Yugoslavia) Order, 1958***Made - - - -**30th July, 1958*

[Under S.I. 1976/225, references in the following Order to provisions of the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1965 to 1974 have effect, with certain modifications, as references to the corresponding or most nearly corresponding provisions of the Social Security Act 1975 (c. 14).]

[Under Regulation 9 of, and the Schedule to S.I. 1976/963, Part I of the Child Benefit Act 1975 (c. 61) has effect as if the provisions relating to family allowances under the Family Allowance Acts 1965 to 1975 contained in the following Order applied to child benefit under that Part.]

[Provisions in the following Order relating to the calculation of retirement pension, widow's benefit or invalidity pension under U.K. legislation are modified, as to any additional pension payable, by S.I. 1979/290.]

[Under S.I. 1988/591, any provision in the following Order relating to the calculation of widow's allowance under U.K. legislation includes a reference to a widow's payment under U.K. legislation.]

[Under art. 2 of S.I. 1995/767 the SSC&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18), are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit and to the proposal that any provisions relating to the calculation or payment of the former benefits apply also to the appropriate latter benefit.]

[Under art. 2 of S.I. 1996/1928 the SSC&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18), are modified. The effect will be that any reference, in the Agreement set out in the Schedule to this Order, to unemployment benefit shall include a reference to contribution-based jobseeker's allowance. Also any definition, in that Agreement, of legislation to which the Agreement applies shall be read as including a reference to the Jobseekers Act 1995.]

[Under Art 2 of S.I. 2012/360 the SS Admin Act 1992 (C. 5), the SS Conts and Bens Act 1992 (c. 4), and Part 1 of the Welfare Reform Act 2007 (C. 5) are modified so that the effect can be given to the proposal that any references to invalidity benefit or invalidity pension under UK legislation, shall include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010.]

**YUGOSLAVIA**

F.A., N.I. AND I.I. (YUGOSLAVIA) ORDER, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958  
Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the twenty-fourth day of May, nineteen hundred and fifty-eight, a Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia on social security (which Convention is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 40 of the said Convention it was provided that the Convention should enter into force on the first day of the second month following the month in which the instruments of ratification had been exchanged:

And Whereas the said Convention has been ratified by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Federal People's Republic of Yugoslavia and the instruments of ratification were exchanged on the 28th day of July 1958, and accordingly the said Convention enters into force on the 1st day of September, 1958:

And Whereas by section 64 of the National Insurance Act 1946(a), as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956(b), and section 85 of the National Insurance (Industrial Injuries) Act 1946(c) it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the Family Allowances Act 1945(d) and the said Acts of 1946 in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act 1946, extended as aforesaid by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956, and the said section 85 of the National Insurance (Industrial Injuries) Act 1946 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:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958.

(2) The Interpretation Act 1889(e) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**Modification of Acts**

2. The provisions contained in the Convention set out in the Schedule to this Order shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Government of the Federal People's Republic of Yugoslavia for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act 1946 (which subsections relate to reciprocal agreements with other governments), and the Family Allowances Acts 1945 to 1956, the National Insurance Acts 1946 to 1957 and the National Insurance (Industrial Injuries) Acts 1946 to 1957 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew.

(a) 1946 c. 67.

(b) 1956 c. 50.

(c) 1946 c. 62.

(d) 1945 c. 41.

(e) 1889 c. 63.

**EXPLANATORY NOTE**

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

This Order provides for social security legislation to be modified, to reflect changes made to the benefit entitlement of spouses and civil partners by the Welfare Reform and Pensions Act 1999 and the Civil Partnership Act 2004, in relation to the Orders in Council listed in Schedule 2 (which give effect to agreements made between the Governments of the United Kingdom and other countries providing for reciprocity in certain social security matters).

This Order does not impose any costs on business.



**2012 No. 360**

**SOCIAL SECURITY**

**The Social Security (Reciprocal Agreements) Order  
2012**

*Made* - - - - *15th February 2012*

*Coming into force* - *22nd February 2012*

At the Court at Buckingham Palace, the 15th day of February 2012

Present,

The Queen's Most Excellent Majesty in Council

The Orders in Council specified in Schedule 2 modified or adapted certain enactments so as to give effect to the agreements set out in the Schedules to those Orders:

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

Section 179(1)(b), (2) and (5) of the Social Security Administration Act 1992(a) provides 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, the Social Security Contributions and Benefits Act 1992(b), Part 1 of the Welfare Reform Act 2007(c) and regulations made under that Part, in their application to cases affected by the proposed alterations:

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, in exercise of the powers conferred by section 179(1)(b), (2) and (5) of the Social Security Administration Act 1992, to make the following Order in Council:

**Citation and Commencement**

**1.** This Order may be cited as the Social Security (Reciprocal Agreements) Order 2012 and shall come into force on 22nd February 2012.

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(a) 1992 c. 5, as amended by S.I. 2011/2425. Other amendments to section 179 are not relevant to this Order.

(b) 1992 c. 4.

(c) 2007 c. 5.

**Modification of Legislation**

2. The Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, and Part I of the Welfare Reform Act 2007 and regulations made under that Part, are to be modified to such extent as may be required to give effect to the alterations set out in Schedule 1 which are proposed to the agreements set out in the Orders in Council specified in Schedule 2.

*Richard Tilbrook*  
Clerk of the Privy Council

**SCHEDULE 1**

Article 2

**PROPOSED ALTERATIONS TO EXISTING AGREEMENTS**

Where in the agreements set out in the Schedule to an Order in Council specified in Schedule 2 to this Order there are references to invalidity benefit or invalidity pension under the legislation of the United Kingdom, such references shall be altered to include a reference to employment and support allowance which is a contributory allowance awarded by virtue of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010(a).

**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 Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958	S.I. 1958/1263	The Social Security (Reciprocal Agreements) Order 1976 <b>(b)</b> , the Social Security (Reciprocal Agreements) Order 1979 <b>(c)</b> , the Social Security (Reciprocal Agreements) Order 1988 <b>(d)</b> , the Social Security (Reciprocal Agreements) Order 1995 <b>(e)</b> , the Social Security (Reciprocal Agreements) Order 1996 <b>(f)</b> , the Social Security (Reciprocal Agreements) Order 2001 <b>(g)</b> and the Social Security (Reciprocal Agreements) Order 2005 <b>(h)</b> .

(a) S.I. 2010/1907, as amended by S.I.s 2010/2430 and 2011/2425.

(b) S.I. 1976/225.

(c) S.I. 1979/290.

(d) S.I. 1988/591.

(e) S.I. 1995/767.

(f) S.I. 1996/1928.

(g) S.I. 2001/407.

(h) S.I. 2005/2765.



<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
The National Insurance and Industrial Injuries (Turkey) Order 1961	S.I. 1961/584	Ditto
The Social Security (United States of America) Order 1984	S.I. 1984/1817	The Social Security (United States of America) Order 1997(a), the Social Security (Reciprocal Agreements) Order 2001 and the Social Security (Reciprocal Agreements) Order 2005.
The Social Security (Barbados) Order	S.I. 1992/812	The Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 2001 and the Social Security (Reciprocal Agreements) Order 2005.
The Social Security (Jersey and Guernsey) Order 1994	S.I. 1994/2802	The Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996, the Social Security (Reciprocal Agreements) Order 2001 and the Social Security (Reciprocal Agreements) Order 2005.
The Social Security (Jamaica) Order 1997	S.I. 1997/871	The Social Security (Reciprocal Agreements) Order 2001 and the Social Security (Reciprocal Agreements) Order 2005.

### EXPLANATORY NOTE

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

Part 1 of the Welfare Reform Act 2007 includes provision for the transition from incapacity benefit to employment and support allowance. This Order provides for social security legislation to be modified to take account of changes made by that Act and regulations made under it, to give effect to the alterations in Schedule 1, in relation to the Orders in Council listed in Schedule 2, with respect to that transition. Those Orders in Council give effect to agreements made between the Government of the United Kingdom and the governments of other countries providing for reciprocity in certain social security matters.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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(a) S.I. 1997/1778.

