

2024 No. 62

SOCIAL SECURITY

**The Social Security (Gibraltar) (Iceland) (Liechtenstein)
(Norway) (Further provision in respect of Scotland) Order 2024**

Made - - - - - *21st February 2024*

Laid before the Scottish Parliament *23rd February 2024*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 21st day of February 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of the power in section 179(1)(a) of the Social Security Administration Act 1992(a) and all other powers enabling Him to do so, is pleased, by and with the advice of His Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Gibraltar) (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2024.

(2) This article and article 4 come into force on 11 March 2024.

(3) Articles 2 and 3 come into force on the first day of the month after such time as each party to the Agreement has notified the other that domestic procedures for entry into force have been completed, in accordance with Article 61 of the Agreement(b).

(4) In this Order—

“the 2024 Order” means the Social Security (Gibraltar) Order 2024(c),

“the Agreement” means the agreement set out in the schedule of the 2024 Order.

(a) 1992 c. 5. Section 179(1) has been amended by S.I. 2020/1508. Section 179(2) provides that an Order made by virtue of subsection (1) may, instead of or in addition to making specific modifications or adaptations, provide generally that legislation to which section 179 applies shall be modified to such extent as may be required to give effect to the provisions contained in the agreement, or as the case may be, alterations in question. Legislative competence for some welfare benefits was devolved to the Scottish Parliament by Part 3 of the Scotland Act 2016 (c. 11), which inserted exceptions into the Scotland Act 1998 (c. 46), schedule 5, Part 2, Section F1. By virtue of section 27(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), the function of His Majesty of making an Order in Council, so far as the function is exercisable within devolved competence, is exercisable by a Scottish statutory instrument.

(b) Upon the parties having notified each other that their respective domestic procedures for entry into force have been completed in accordance with Article 61 of the Agreement, a notice will be published in the Gazette by the Department for Work and Pensions of the Government of the United Kingdom of Great Britain and Northern Ireland.

(c) S.I. 2024/149.

Application of article 2 of the 2024 Order

2. The legislation described in article 2(2) of the 2024 Order (modification of legislation) is modified to the extent required to give effect to the provisions contained in the Agreement set out in the schedule of that Order, so far as such legislation relates to Scotland and it would be within the legislative competence of the Scottish Parliament to make the modification if it were contained in an Act of the Scottish Parliament.

Application of article 3 of the 2024 Order

3. The legislation described in article 3 of the 2024 Order (variation of order) is varied in accordance with Article 65 of the Agreement (relationship with the 1974 Exchange of Letters) set out in the schedule of that Order, so far as such legislation relates to Scotland and it would be within the legislative competence of the Scottish Parliament to make the variation if it were contained in an Act of the Scottish Parliament.

Amendment of the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023

4.—(1) The Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023(a) is amended in accordance with paragraph (2).

(2) After article 2 (application of article 2 of the 2023 Order) insert—

“Application of article 3 of the 2023 Order

3. The legislation described by article 3 of the 2023 Order (variation of orders) is varied in accordance with Article 78 (relationship with pre-existing Social Security Coordination Agreements) of the Convention set out in the schedule of that Order so far as such legislation relates to Scotland and would be within the legislative competence of the Scottish Parliament to make the variation if it were contained in an Act of the Scottish Parliament.”.

Richard Tilbrook
Clerk of the Privy Council

(a) S.S.I. 2023/282.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the modification of certain legislation, so far as it relates to devolved matters, so as to give effect to the Agreement on Social Security as set out in the Exchange of Letters between His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and His Majesty's Government of Gibraltar dated 25th January 2024 and 26th January 2024 respectively ("the Agreement").

Article 2 modifies the legislation described by article 2(1) of the Social Security (Gibraltar) Order 2024 ("the 2024 Order"), to the extent required to give effect to the provisions contained in the Agreement. The Agreement is set out in the schedule of the 2024 Order.

Article 3 varies the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974 ("the 1974 Order") in accordance with Article 65 of the Agreement. Article 65 of the Agreement, which governs the relationship between the 1974 Exchange of Letters and the Agreement, confirms that the 1974 Exchange of Letters will continue to apply for any awards made on a date on or before 31st December 2020 and will discontinue the 1974 Exchange of Letters for any awards made on or after 1st January 2021.

Articles 2 and 3 will come into force, and implement the Agreement, on the first day of the month after such time as both parties to the Agreement have completed the necessary domestic procedures to prepare for their respective legislation to come into force and have notified the other party. This is in accordance with Article 61 of the Agreement. A notice will be published in The Gazette by the Department for Work and Pensions of the Government of the United Kingdom of Great Britain and Northern Ireland to record that the notifications between the parties have been completed.

This Order also makes provision for the variation of certain legislation, so far as it relates to devolved matters, so as to give effect to the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 30th June 2023 ("the Convention").

Article 4 amends the Social Security (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2023 ("the 2023 Order") to insert a new article 3 into the 2023 Order. Article 3 of the 2023 Order varies the Social Security (Iceland) Order 1985 and the Social Security (Norway) Order 1991 in accordance with Article 74 (entry into force) of the Convention. Articles 1 and 4 come into force on 11 March 2024.

This Order does not impose any costs on business, charities or the voluntary sector. Accordingly, no Business and Regulatory Impact Assessment has been prepared.

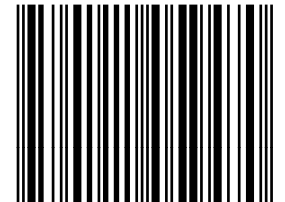
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