

# Department for Work and Pensions

ADJUDICATION AND CONSTITUTIONAL ISSUES DIVISION

## The Law Relating to Social Security

### Volume 10

### Supplement 76 – September 2006

1. Supplements to The Law Relating to Social Security are issued at regular intervals. This supplement [76] includes amendments to the Contents Volume and Volumes 1, 2, 3, 4, 5, 6, 8, 10, 11 and 12.
2. This package contains Volume 10 and incorporates various consequential amendments.
3. The amended pages have been reprinted in full. The supplement number is printed at the bottom of each replacement page. This supplement contains an update of the page check list at the back of the volume.
4. The last 2 supplements have amended the following volumes:  

Supplement No. 74 [March 2006]	Contents, 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12
Supplement No. 73 [Dec 2005]	Contents, 1, 2, 3, 4, 5, 6, 8, 11 and 12
5. Due to space constraints, ACI 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.
6. Remove the sheets in the left-hand column and insert new sheets in the right-hand column (the numbers quoted are those printed at the bottom of the respective pages). When the revised sheets have been inserted, note the record of amendments at the back of the volume.
7. While every effort is made to ensure the accuracy of this work, the ACI Publications team would be happy to hear from anyone who spots errors. Please contact  
Quentin Chu on 0113 232 4861 or Jackie Wood on 0113 232 4991.  
The Law Relating to Social Security is available on the DWP website at  
**[www.dwp.gov.uk/advisers/index.htm](http://www.dwp.gov.uk/advisers/index.htm)**
8. 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.
9. This is the final supplement to be issued in hard copy. In future, supplements will be issued in PDF format only. Please refer to ACI General Bulletin 01/2006, issues September 2006 for details.

**Remove**

**Volume 10**

10.1 – 10.2 (-10.20) (1 page)

10.9097 – 10.9992 (6 pages)

**Insert**

**Volume 10**

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## TABLE OF ABBREVIATIONS AND SYMBOLS

.....	Where occupying a line in an Act, indicates omission of text; refer to Annex 1 at end of that Act for reason for omission
▶ ◀	Text (between triangles) added or substituted, accompanied by marginal note
▶◀	Text (between triangles) added or substituted, accompanied by a marginal note, see note below
◀◀	Text omitted, accompanied by marginal note
▶ ◀	Text (between triangles) added or substituted, refer to last preceding marginal note
▶◀	Text omitted, refer to last preceding marginal note
Art.	Article
c.	chapter
C.	Commencement Order
C.B.	Child Benefit
DLA & DWA Act 1991	Disability Living Allowance and Disability Working Allowance Act 1991
defn.	definition
EC	European Communities
EEA	European Economic Area
Eng.	England
ESJ	Employment Service Jobcentre
F.C.	Family Credit
HASSASSA Act 1983	Health and Social Services and Social Security Adjudications Act 1983
I.S.	Income Support
L.G.f. Act 1992	Local Government Finance Act 1992
N.I.	Northern Ireland or National Insurance, according to context
No.	Number
O.J.	Official Journal of the European Communities
O.P.B.	Occupational Pensions Board
O.P.S.	Occupational Pension Schemes
p.	page
para.	paragraph
P.B. & M.D.B.S.	Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme
prosp.	prospective or prospectively
Prot.	Protocol
P.S. Act 1993	Pension Schemes Act 1993
Pt.	Part
ref.	references
reg.	regulation
S. or s.	section
S.B.	Supplementary Benefit
Sch.	Schedule
S.F.	Social fund
S.I.	Statutory Instrument
S.M.P.	Statutory Maternity Pay
S.S.	Social Security

*continued*

## TABLE OF ABBREVIATIONS AND SYMBOLS

S.S. Admin. Act 1992	Social Security Administration Act 1992
S.S. (C.P.) Act 1975	Social Security (Consequential Provisions) Act 1975
S.S. (C.P.) Act 1992	Social Security (Consequential Provisions) Act 1992
S.S. Conts. & Bens. Act 1992	Social Security Contributions and Benefits Act 1992
S.S. (M.P.) Act 1977	Social Security (Miscellaneous Provisions) Act 1977
S.S.P. Act 1975	Social Security Pensions Act 1975
S.S.P.	Statutory Sick Pay
sub-para.	sub-paragraph
subsec.	subsection
w.e.f.	with effect from
w/i	week including
* (in text)	see asterisked crossnote below that part of the text

### Triangles

From September 2006 (supplement No. 76) marginal notes relating to triangles, within statutory Instruments, will be numbered. The numbering will start from no. 1 on each page and will only be introduced as pages are amended.

### Typefaces

*Italic sanserif print indicates provisions made prospectively but not yet in force*

Small sanserif print indicates provisions being temporarily saved for certain circumstances or people, ordinary print being used for accompanying text containing permanent provisions (explanations are give in annotations).

Small ordinary print in main text indicates that, although the text so printed is now repealed or otherwise inoperative, it is reproduced in order to make sense of provisions which remain in force.

In the alphabetical list of Statutory Instruments (below), the subject matters of the instruments are listed in alphabetical order of the **words printed in bold type**. (These bold-printed words do not always correspond to the bold-printed words in the page headings in the main text.)

### Editorial Note

Every effort has been made to reproduce text accurately, however, please inform us should any textual error be spotted.

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**2005 No. 2765**

**SOCIAL SECURITY**

**The Social Security (Reciprocal Agreements)  
Order 2005**

*Made* - - - - - *12th October 2005*  
*Coming into force* - *5th December 2005*

At the Court at Buckingham Palace, the 12th day of October 2005

Present,

The Queen's Most Excellent Majesty in Council

Whereas 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:

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(a) it is provided that for the purpose of giving effect to any such agreement as it would be if it was 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 and the Social Security Contributions and Benefits Act 1992(b) 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:

**Citation and commencement**

1. This Order may be cited as the Social Security (Reciprocal Agreements) Order 2005 and shall come into force on 5th December 2005.

**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 which are proposed to the agreements set out in the Orders in Council specified in Schedule 2.

*A.K.Galloway*  
Clerk of the Privy Council

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(a) 1992 c. 5.  
(b) 1992 c. 4.

## 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 there are references to the terms set out in column 1, such references shall for the purposes of applying the relevant legislation of the United Kingdom be altered to be replaced by the corresponding terms set out in column 2, and pronouns used in such agreements in relation to those terms shall be altered as necessary to include both the masculine and feminine gender.

<i>Column 1</i>	<i>Column 2</i>
Woman (other than in the expression “married woman”)	Person
Man	Person
Husband (other than in the expression “wife or husband”)	Spouse or civil partner
Wife (other than in the expression “wife or husband”)	Spouse or civil partner
Spouse	Spouse or civil partner
Married woman	Married person or civil partner
Wife or husband	Spouse or civil partner
Marriage	Marriage or civil partnership
Widow (other than in the expressions “widow or widower”, “widow’s benefit”, “widow’s payment”, “widow’s pension” or “widowed mother’s allowance” <sup>(a)</sup> )	Widow, widower or surviving civil partner
Widow or widower	Widow, widower or surviving civil partner
Divorce	Divorce or dissolution of a civil partnership
Widowhood	Death of a spouse or civil partner

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(a) See S.I. 2001/407.

## 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 National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	S.I. 1953/884	The Social Security (Reciprocal Agreements) Order 1976(a), the Social Security (Reciprocal Agreements) Order 1979(b), the Social Security (Reciprocal Agreements) Order 1988(c), the Social Security (Reciprocal Agreements) Order 1995(d), the Social Security (Reciprocal Agreements) Order 1996(e) and the Social Security (Reciprocal Agreements) Order 2001(f).
The National Insurance and Industrial Injuries (Luxembourg) Order 1955	S.I. 1955/420	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance and Industrial Injuries (Netherlands) Order 1955	S.I. 1955/874	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance and Industrial Injuries (Israel) Order 1957	S.I. 1957/1879	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Israel) Order 1984(g), the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.

(a) S.I. 1976/225.

(b) S.I. 1979/290.

(c) S.I. 1988/591.

(d) S.I. 1995/767.

(e) S.I. 1996/1928.

(f) S.I. 2001/407.

(g) S.I. 1984/354.

<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
The National Insurance and Industrial Injuries (France) Order 1958	S.I. 1958/597	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	S.I. 1958/771	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order 1958	S.I. 1958/1263	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960	S.I. 1960/211	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance and Industrial Injuries (Republic of Ireland) Order 1960	S.I. 1960/707	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the

<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
		Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance and Industrial Injuries (Turkey) Order 1961	S.I. 1961/584	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	S.I. 1961/1202	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance (Republic of Ireland) Order 1966	S.I. 1966/270	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969	S.I. 1969/384	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
The National Insurance and Industrial Injuries (Bermuda) Order 1969	S.I. 1969/1686	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988 and the Social Security (Reciprocal Agreements) Order 2001.

<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
The National Insurance (Republic of Ireland) Order 1971	S.I. 1971/1742	The Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	S.I. 1975/415	The Social Security (Spain) Order 1976(a), the Social Security (Reciprocal Agreements) Order 1976, the Social Security (Reciprocal Agreements) Order 1979, the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Portugal) Order 1979	S.I. 1979/921	The Social Security (Reciprocal Agreements) Order 1982(b), the Social Security (Portugal) Order 1987(c), the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Austria) Order 1981	S.I. 1981/605	The Social Security (Austria) Order 1987(d), the Social Security (Reciprocal Agreements) Order 1988, the Social Security (Austria) Order 1992(e), the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Mauritius) Order 1981	S.I. 1981/1542	The Social Security (Reciprocal Agreements) Order 1988 and the Social Security (Reciprocal Agreements) Order 2001.

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(a) S.I. 1976/1916.

(b) S.I. 1982/1528.

(c) S.I. 1987/1831.

(d) S.I. 1987/1830.

(e) S.I. 1992/3209.

<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
The Social Security (Cyprus) Order 1983	S.I. 1983/1698	The Social Security (Reciprocal Agreements) Order 1988, the Social Security (Cyprus) Order 1994(a), the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (New Zealand) Order 1983	S.I. 1983/1894	The Social Security (Reciprocal Agreements) Order 1988, the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Finland) Order 1984	S.I. 1984/125	The Social Security (Reciprocal Agreements) Order 1988, the Social Security (Finland) Order 1992(b), the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (United States of America) Order 1984	S.I. 1984/1817	The Social Security (United States of America) Order 1997(c) and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Iceland) Order 1985	S.I. 1985/1202	The Social Security (Reciprocal Agreements) Order 1988, the Social Security (Iceland) Order 1992(d), the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Sweden) Order 1988	S.I. 1988/590	The Social Security (Reciprocal Agreements) Order 1988, the Social Security (Sweden) Order 1992(e), the Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order

(a) S.I. 1994/1646.

(b) S.I. 1992/3210.

(c) S.I. 1997/1778.

(d) S.I. 1992/3211.

(e) S.I. 1992/3213.

## Sch. 2

<i>Title of Order in Council</i>	<i>Reference</i>	<i>Previously modified by</i>
		1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Philippines) Order 1989	S.I. 1989/2002	The Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Norway) Order 1991	S.I. 1991/767	The Social Security (Norway) Order 1992 <sup>(a)</sup> The Social Security (Reciprocal Agreements) Order 1995, the Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Barbados) Order 1992	S.I. 1992/812	The Social Security (Reciprocal Agreements) Order 1995 and the Social Security (Reciprocal Agreements) Order 2001.
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 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Canada) Order 1995	S.I. 1995/2699	The Social Security (Reciprocal Agreements) Order 1996 and the Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Malta) Order 1996	S.I. 1996/1927	The Social Security (Reciprocal Agreements) Order 2001.
The Social Security (Jamaica) Order 1997	S.I. 1997/871	The Social Security (Reciprocal Agreements) Order 2001.

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(a) S.I. 1992/3212.

**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.



## Page Check-List

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