
STATUTORY INSTRUMENTS

1992 No. 1735

SOCIAL SECURITY

The Social Security (Jersey and Guernsey) Order 1992

Made - - - - - *15th July 1992*

Coming into force - - - - - *27th July 1992*

Whereas by the Social Security (Jersey and Guernsey) Order 1978⁽¹⁾ (hereinafter referred to as the “Principal Order”) made in pursuance of section 143 of the Social Security Act 1975⁽²⁾, it was ordered that the said Act be modified to such extent as might be required to give effect to the provisions contained in the Agreement on Social Security set out in the Schedule to the Principal Order (hereinafter referred to as the “Principal Agreement”), so far as the same relate to England, Wales and Scotland:

And Whereas the Principal Agreement was amended by the Agreements contained in Letters exchanged on behalf of the Contracting Parties on 30th September 1982 and 29th March 1983 as set out respectively in the Schedule to the Social Security (Jersey and Guernsey) Order 1982⁽³⁾ and in the Schedule to the Social Security (Jersey and Guernsey) Order 1983⁽⁴⁾:

And Whereas the Principal Agreement was further amended by the Agreement contained in Letters exchanged on behalf of the Contracting Parties on 30th June 1992 (which Letters are set out in the Schedule to this Order):

Now, therefore, Her Majesty, in pursuance of section 179 of the Social Security Administration Act 1992⁽⁵⁾ 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 (Jersey and Guernsey) Order 1992 and shall come into force on 27th July 1992.

(1) S.I.1978/1527.

(2) 1975 c. 14; This provision is now replaced by section 179 of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1982/1527.

(4) S.I. 1983/604.

(5) 1992 (c. 5).

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Modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 and variation of the Principal Order

2. The Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992(6) shall be modified and the Principal Order shall be varied so as to give effect to the Principal Agreement as amended by the Agreement set out in the Schedule to this Order, so far as the same relate to England, Wales and Scotland.

Clerk of the Privy Council

(6) 1992 c. 4.

SCHEDULE

LETTERS EXCHANGED ON 30th JUNE 1992 BETWEEN THE SECRETARY OF STATE FOR SOCIAL SECURITY AND THE JERSEY SOCIAL SECURITY COMMITTEE AND THE GUERNSEY STATES INSURANCE AUTHORITY

No. 1

THE SECRETARY OF STATE FOR SOCIAL SECURITY TO THE SOCIAL SECURITY COMMITTEE

16 June 1992

Sir

I refer to the Agreement on Social Security between the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security constituted under the Isle of Man Board of Social Security Act 1970 of the first part, the Social Security Committee, with the consent of the States of Jersey, of the second part, and the States Insurance Authority, with the consent of the States of Guernsey, of the third part, which entered into force on 6 November 1978 (which in this letter is referred to as “the Principal Agreement”) and to recent discussions between the Department of Social Security, the Social Security Committee and the States Insurance Authority concerning the need to amend the Agreement. The Secretary of State for Social Security, with the concurrence of the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, proposes the following amendments:

- (a) In Article 1 of the Principal Agreement, after sub-paragraph (j) of paragraph (1) there shall be added the following sub-paragraph:
 - “(k) “attendance benefit” means, in relation to the United Kingdom or the Isle of Man, attendance or disability living allowance payable under the legislation of the United Kingdom or the Isle of Man, in relation to Jersey, attendance allowance payable under the legislation of Jersey and, in relation to Guernsey, attendance allowance payable under the legislation of Guernsey.”.
- (b) In Article 17 of the Principal Agreement for paragraph (1) there shall be substituted the following paragraph:

“(1) Where, but for the provisions of this Article, old age benefit or widow’s benefit would not be payable under the legislation of one country, such benefit shall be payable under the legislation of that country where such benefit would be so payable if the contributions paid by or credited to a person under the legislation of the other two countries were treated as if they had been paid or credited under the legislation of the first country.”.
- (c) In Article 17 of the Principal Agreement, after paragraph (9) there shall be added the following paragraph:

“(10) For the purposes of this Article and in respect of a person who is or was married, any reference to contributions paid by or credited to a person shall, where applicable under the legislation of the country concerned, be deemed to include contributions paid by or credited to that person’s spouse or former spouse.”.
- (d) In Article 21(2) of the Principal Agreement, at the beginning there shall be inserted the words “Subject to paragraph (3),”.
- (e) In Article 21 of the Principal Agreement, after paragraph (2) there shall be added the following paragraph:

“(3) The payment of any old age or widow’s benefit under the legislation of the United Kingdom or the Isle of Man to a person residing in Jersey or Guernsey shall be by whatever method the competent authority of the United Kingdom or the Isle of Man shall determine, except in the case of a person who is on 27 July 1992 residing in Jersey or Guernsey and is being paid any such a benefit by serial order under the legislation of either the United Kingdom or the Isle of Man.”.

(f) For Part VI of the Principal Agreement there shall be substituted the following Part:

“PART VI

ATTENDANCE BENEFIT

ARTICLE 23

(1) For the purpose of determining entitlement to attendance benefit under the legislation of any of the countries Party to this Agreement, any period of residence or presence, as the case may be, in one country of the person or persons in respect of whom the appropriate residence or presence conditions apply shall be treated as if it had been a period of residence or presence, as the case may be, in any of the other countries.

(2) For the purpose of any right to receive attendance benefit under the legislation of any of the countries Party to this Agreement a person who is resident or present, as the case may be, in one country shall be treated as if he were resident or present, as the case may be, in any of the other countries.

(3) Where, but for the provisions of this paragraph, a person would be entitled to receive attendance benefit under the legislation of more than one of the countries Party to this Agreement for the same period he shall be entitled to receive payment only under the legislation of the country in which he is currently ordinarily resident.”.

I suggest that if these proposals are acceptable to you that this letter and your reply together with the letter I have sent to the States Insurance Authority and their reply shall constitute an Agreement between us which shall enter into force on 27 July 1992.

Peter Lilley

Secretary of State for Social Security.
No. 2

THE SECRETARY OF STATE FOR SOCIAL SECURITY TO THE STATES INSURANCE AUTHORITY

16 June 1992

Sir

[The letter here sets out the text as in No. 1 except final paragraph.]

I suggest that if these proposals are acceptable to the States Insurance Authority that this letter and your reply together with the letter I have sent to the Social Security Committee and their reply shall constitute an Agreement between us which shall enter into force on 27 July 1992.

Peter Lilley

Secretary of State for Social Security.
No. 3

THE SOCIAL SECURITY COMMITTEE TO THE SECRETARY OF STATE FOR SOCIAL SECURITY

30th June 1992

Sir

I refer to your letter of 16 June 1992 which reads as follows:

[The letter here sets out the text of No. 1.]

The Social Security Committee accept these proposals of the Secretary of State for Social Security, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man and agree that your letter and this reply (together with that of the States Insurance Authority) shall constitute an Agreement between us.

G H C Coppock

Greffier of the States, For the Social Security Committee.

No. 4

THE STATES INSURANCE AUTHORITY TO THE SECRETARY OF STATE FOR SOCIAL SECURITY

19 June 1992

Sir

I refer to your letter of 16 June 1992 which reads as follows:

[The letter here sets out the text of No. 2.]

The States Insurance Authority accept these proposals of the Secretary of State for Social Security, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man and agree that your letter and this reply (together with that of the Social Security Committee) shall constitute an Agreement between us.

L C Morgan

For the States Insurance Authority.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 so as to give effect in England, Wales and Scotland to the provisions contained in Letters (set out in the Schedule) exchanged between the Secretary of State for Social Security, the Department of Health and Social Services for Northern Ireland and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Security, of the first part, the Social Security Committee, with the consent of the States of Jersey, of the second part and the States Insurance Authority, with the consent of the States of Guernsey, of the third part. The effect of the exchange of letters is to amend the Agreement set out in the Schedule to the Social Security (Jersey and Guernsey) Order 1978, by amending Articles 1 and 23 in relation to attendance benefit to take account of the introduction in the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21) of disability living allowance, and to

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include attendance benefit in respect of Guernsey, by amending Article 17 to provide for a person's contributions to be deemed to include those of a spouse or former spouse to the extent allowed in the applicable national legislation and by amending Article 21 to set out the method of payment for old age or widow's benefit.