

08-24 Social Security Co-ordination (New World Benefits) between the UK and Ireland, Gibraltar, Switzerland, Iceland, Liechtenstein and Norway following the UK's withdrawal from the EU

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Introduction

1. The purpose of this memo is to give guidance on the

1. Social Security (Ireland) Order 2019¹ [SS (Ireland) Order19]

2. Social Security (Gibraltar) Order 2024² [SS (Gibraltar) Order 24]

3. Social Security (Switzerland) Order 2021³ [SS (Switzerland) Order 21]
4. Social Security (Iceland) (Liechtenstein) (Norway) Order 2023⁴ [SS (Iceland) (Liechtenstein)(Norway)] Order 23 **and**
5. Trade & Co-operation Agreement, Heading Four, and the Protocol on Social Security articles 6 and 775⁵.

1 [SI 2019 No 622](#); 2 [SI 2024/149](#); 3 [SI 2021/1088](#); 4 [SI 2023/1060](#); 5 [Treaty Series 8 \(2021\)](#)

2. The order made on

1. 13.3.191 came into effect on 31.12. 20
2. 21.1.24² came fully into effect on 1.6.24
3. 29.9.21³ was provisionally applied from 01.11.21 and came fully in effect from 1.10.23
4. 11.10.23⁴ came into effect on 1.1.24.

1 [SS \(Ireland\) Order 19](#); 2 [SS \(Gibraltar\) Order 2024](#); 3 [SS \(Switzerland\) Order 2021](#);
4 [SS \(Iceland\) \(Liechtenstein\) \(Norway\) Order 2023](#)

3. The TCA¹ provisionally applied from 1.1.21 and came fully into effect on 1.5.21.

1 [TCA](#)

Background

4. From 1.1.21, individuals and their family members moving between the UK, Ireland, Gibraltar, Switzerland, Iceland, Liechtenstein and Norway, who are not covered by the

1. EU-UK-WA **or**
2. UK-EEA EFTA Separation Agreement **or**
3. UK-Swiss Citizens' Rights Agreement

can no longer rely on protections under EU law for social security co-ordination.

5. The UK has made reciprocal arrangements with

1. Ireland¹

2. Gibraltar²

3. Switzerland³

4. Iceland, Liechtenstein and Norway⁴

which gives effect to Social Security co-ordination between the UK and those countries from the dates as shown at paragraph 2 of this memo.

1 [SS \(Ireland\) Order 19](#); 2 [SS \(Gibraltar\) Order 2024](#); 3 [SS \(Switzerland\) Order 2021](#);

4 [SS \(Iceland\) \(Liechtenstein\) \(Norway\) Order 2023](#)

6. The Trade & Co-operation Agreement¹ [TCA] social security protocol provides for social security co-ordination between EU Member States and the UK from the end of the transition period on 31.12.20 and is applied from 1.1.21 for those not in scope of the EU-UK-WA.

[1.TCA](#)

Ireland

7. The Schedule to the 2019 Order¹ broadly replicates existing legislation² ensuring that there is no change in the social security rights of British nationals, Irish nationals and their family members moving between the UK and Ireland as a result of the UK's withdrawal from the EU.

1 [SS \(Ireland\) Order 19](#); 2 [Regulation \(EC\) No 883/2004](#)

Changes

8. PIP Daily Living is classified as a long-term care benefit under the 2019 Order¹. When making a claim for long-term care benefits from the UK, persons moving

1. from the UK to Ireland are able to benefit from the broader legal test of whether they can show a 'genuine and or sufficient link' to the UK

2. from Ireland to the UK, the narrower 'past-presence' legal test is applied (see **Note**).

Note: Periods of insurance in Ireland will be applied to said persons' when the PPT is applied to them. In effect, if a claimant has worked for 5 out of the last 6 years in Ireland, then the UK will apply those periods to meet the PPT. For full guidance on the PPT see [ADM Chapter C2](#).

1 [SS \(Ireland\) Order 19](#)

9. The social security rights of UK and Irish nationals provided for under the Common Travel Area

agreement are unchanged by the 2019 Order¹.

[1 SS \(Ireland\) Order 19](#)

Gibraltar

10. For persons not in scope of the

1. EU-UK-WA **or**
2. UK-EEA EFTA Separation Agreement **or**
3. UK-Swiss Citizens' Rights Agreement **or**
4. UK-Swiss Social Security Convention

the Schedule to the 2024 Order¹ replicates previous legislation² ensuring that there is no change to the social security rights of individuals and their family members moving between the UK and Gibraltar as a result of the UK's withdrawal from the EU.

[1 SS \(Gibraltar\) Order 2024](#); [2 Regulation \(EC\) No 883/2004](#)

11. The 2024 Order¹ came into effect on 1.6.24. To ensure continuity, claim and awards made

1. for periods on or before 31.12.20 will be determined under the earlier agreement², which provided that previous legislation³ applied **or**
2. from 1.1.21 will be determined under the 2024 Order¹. However, Article 65 (3) does not permit claims to be backdated between 1.6.24 to 1.1.21 (i.e. no awards should be backdated between those two dates).

[1 SS \(Gibraltar\) Order 2024](#); [2 Exchange of letters \(Gibraltar\) Order 1974](#);
[3 Regulation \(EC\) No 883/2004](#)

Switzerland

12. The Schedule to the 2021 Order¹ has fewer or modified social security rights and applies to all individuals and their family members moving between the UK and Switzerland with the following exceptions

1. for Benefits in Kind, only Swiss, UK and EU nationals (plus stateless persons and refugees) are in scope for UK healthcare where the UK is competent **and**
2. only Swiss, UK and EU nationals (plus stateless persons and refugees) are in scope for Swiss

cash benefits and healthcare where Switzerland is competent.

Note: See paragraph 14 for a further explanation of the changes to social security rights under the 2021 Order.

[1 SS \(Switzerland\) Order 2021](#)

Iceland, Liechtenstein and Norway

13. The Schedule to the 2023 Order¹ has fewer or modified social security rights for individuals and their family members moving between the UK, Iceland, Norway, and Liechtenstein. See paragraph 14 for a further explanation of those changes.

[1 SS \(Iceland\) \(Liechtenstein\) \(Norway\) Order 2023](#)

Changes

14. For Switzerland, Iceland, Liechtenstein and Norway, social security co-ordination under the TCA¹, the 2021 Order² and the 2023 Order³ differ from the rights that exist for persons covered by the EU-UK-WA. The following changes apply for

1. PIP, Daily Living is no longer exportable
2. JSA (C), the aggregation provisions continue to apply but there is no provision to export the benefit
3. ESA (C), the benefit is co-ordinated as an invalidity benefit from the outset. Aggregation provisions continue to apply, but there is no provision for exporting the benefit.

[1 TCA](#); [2 SS \(Switzerland\) Order 2021](#); [3 SS \(Iceland\) \(Liechtenstein\) \(Norway\) Order 2023](#)

Interim provisions

Norway

15. From the end of the transition period on 31.12.20 to the entry into force of the 2023 Order¹ on 1.1.24, the UK and Norway applied the 1991 Agreement between them as amended by 2020 Exchange of Letters. These were implemented by the Social Security (Norway) Order 2020².

[1 SS \(Iceland\) \(Liechtenstein\) \(Norway\) Order 2023](#);

16. From 1.1.21 for those who were not in scope of the Separation Agreements, only pensions were coordinated. This means that for claimants between 1.1.21 and 31.12.23 there were fewer rights but this was temporary pending the new agreement and only applied to those who were not covered by the Separation Agreements.

Note: The Separation Agreements are shown at paragraph 5 and are listed 1-4.

Switzerland

17. After the end of the transition period until the entry into force of the Agreement on 1 November 2021¹, the UK and Switzerland used the historic 1968 Convention between the two countries to coordinate social security.

[1 SS \(Switzerland\) Order 2021](#)

ANNOTATIONS

This memo 08-24 should be annotated next to the following ADM paragraphs

[ADM memo 15-22](#), [C2070 \(Head\)](#), [C2133 \(Head\)](#), [Appendix 1 to Ch C2](#), [C3080](#), [C3081 \(Head\)](#), [C3105 \(Head\)](#), [C3110 \(Head\)](#), [C3120 \(Head\)](#), [C3130 \(Head\)](#), [C3160 \(Head\)](#), [C3170 \(Head\)](#), [C4001](#), [C4100 \(Head\)](#), [C4124 \(Head\)](#), [C4175 \(Head\)](#), [C4180 \(Head\)](#), [C4190 \(Head\)](#).

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: August 2024

The content of the examples in this document (including use of imagery) is for illustrative purposes only.

