

**Reprint  
as at 26 November 2018**



**Social Welfare (Reciprocity with Jersey and Guernsey)  
Order 1995**  
(SR 1995/44)

Catherine A Tizard, Governor-General

**Order in Council**

At Wellington this 27th day of February 1995

Present:

The Right Hon D C McKinnon presiding in Council

Pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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**Agreement on Social Security between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland on Behalf of the States of Jersey and the States of Guernsey**

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Social Development.**

## **Order**

### **1 Title and commencement**

- (1) This order may be cited as the Social Welfare (Reciprocity with Jersey and Guernsey) Order 1995.
- (2) This order shall come into force on 1 April 1995.

### **2 Adoption of agreement and modification of Acts**

- (1) The provisions contained in the agreement set out in the Schedule shall have force and effect so far as they relate to New Zealand.
- (2) The provisions of the Social Welfare (Transitional Provisions) Act 1990 and of the Social Security Act 1964 and of Part 6 of the Veterans' Support Act 2014 and of the regulations and orders in force under those Acts shall have effect subject to such modifications as may be required for the purpose of giving effect to the said agreement.
- (3) A reference (however expressed) in either of the following to a widow's benefit, or a domestic purposes benefit paid to a widower, under the Social Security Act 1964 in relation to New Zealand must on and after 15 July 2013 (unless the savings provisions in clause 3 of Schedule 32 of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died:
  - (a) a provision of the agreement set out in the Schedule;
  - (b) a provision of a document related to the operation on or after 15 July 2013 of this order.
- (4) A reference (however expressed) in either of the following to an invalid's benefit under the Social Security Act 1964 in relation to New Zealand must on and after 15 July 2013 be read as a reference to a supported living payment on the ground of sickness, injury, disability, or total blindness under the Social Security Act 1964:
  - (a) a provision of the agreement set out in the Schedule;
  - (b) a provision of a document related to the operation on or after 15 July 2013 of this order.
- (5) A reference (however expressed) in either of the following to a sickness benefit under the Social Security Act 1964 in relation to New Zealand must on and after 15 July 2013 be read as a reference to jobseeker support on the ground of sickness, injury, or disability under the Social Security Act 1964:
  - (a) a provision of the agreement set out in the Schedule;
  - (b) a provision of a document related to the operation on or after 15 July 2013 of this order.

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(6) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

- (a) a provision of the agreement set out in the Schedule;
- (b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Clause 2(2): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Clause 2(2): amended, on 15 April 2003, by section 12(2) of the War Pensions Amendment Act 2003 (2003 No 18).

Clause 2(3): inserted, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Clause 2(4): inserted, on 15 July 2013, by section 97 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Clause 2(5): inserted, on 15 July 2013, by section 114 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Clause 2(6): inserted, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

**Schedule****Agreement on Social Security between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland on Behalf of the States of Jersey and the States of Guernsey**

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The Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland on behalf of the States of Jersey and of the States of Guernsey;

Being resolved to co-operate in the field of Social Security, have decided to conclude an Agreement for this purpose;

Have agreed as follows:

**Part I  
General provisions****Article 1—Definitions**

In the Agreement, unless a different meaning is indicated by the context, the following expressions shall mean:

**“benefit”** for Jersey and Guernsey, a pension, an allowance, a lump sum grant or any other benefit in cash, including any supplement or increase for dependants thereto and, for New Zealand, a benefit, a pension, or a lump sum grant;

**“competent authority”** as regards Jersey, the Social Security Committee of the States of Jersey; as regards Guernsey, the Guernsey Social Security Authority; and, as regards New Zealand, the Director-General of Social Welfare or an authorised representative of the Director-General;

**“competent institution”** as regards Jersey, the Social Security Committee of the States of Jersey; as regards Guernsey, the Guernsey Social Security Authority; and, as regards New Zealand, an institution which is responsible for the administration of the legislation referred to in Article 2;

**“Government”** the Government of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States of Jersey, and of the States of Guernsey, and, as the case may be, the Government of New Zealand;

**“contribution period”** as regards Jersey and Guernsey, a period in respect of which contributions appropriate to the benefit in question are payable, have been paid, or treated as paid, under the legislation concerned;

**“dependant”** as regards Jersey and Guernsey, a person who would be treated as such for the purposes of any claim for an increase of benefit in respect of a dependant under the legislation concerned;

**“equivalent period”** as regards Jersey and Guernsey, a period for which contributions appropriate to the benefit in question have been credited under the legislation concerned;

**“Guernsey”** the Islands of Guernsey, Alderney, Herm and Jethou;

**“Jersey”** the Island of Jersey;

**“New Zealand”** New Zealand only and not the Cook, Niue, and Tokelau Islands;

**“Party”** Jersey or Guernsey, as the case may be, or New Zealand;

**“period of insurance”** as regards Jersey or Guernsey, a contribution period or an equivalent period;

**“temporary absence”** as regards New Zealand, a period of absence during which benefit may continue to be payable under the legislation of New Zealand;

and any term not defined in this Article shall be understood as having the meaning assigned to it in the applicable legislation.

## Article 2—Legislative scope

1. The Agreement shall apply:

- (a) to the Social Security (Jersey) Law, 1974, as it applies to old age pension, widow’s benefits, sickness benefit, invalidity benefit, disablement benefit and death grant;
- (b) to the Social Insurance (Guernsey) Law, 1978, as it applies to old age pension, widow’s benefit, sickness benefit, invalidity benefit, industrial injury benefit, industrial disablement benefit and death grant; and
- (c) in relation to New Zealand, to the Social Security Act 1964 and the Social Welfare (Transitional Provisions) Act 1990 insofar as those Acts and the legislation provides in relation to the following benefits:
  - (i) New Zealand superannuation;
  - (ii) invalid’s benefits;
  - (iii) widow’s benefits;
  - (iv) domestic purposes benefits paid to widowers;
  - (v) veteran’s pension; and
  - (vi) sickness benefit.

2. The Agreement shall apply equally to any legislative or regulatory Act which modifies, adds to, or replaces the legislation referred to in paragraph 1.

3. The Agreement shall apply, unless the Parties agree otherwise, only to benefits under the legislation specified in paragraph 1 at the date of coming into force of this Agreement.

4. This Agreement shall not apply to legislation on social security of the Institutions of the European Community or to any Agreement on social security which any Party has concluded with a third party or to any laws or regulations

which amend the legislation specified in paragraph 1 for the purpose of giving effect to such an Agreement, but shall not prevent any Party taking into account under its legislation the provisions of any other Agreement which that Party has concluded with a third party.

### **Article 3—Personal scope**

Unless otherwise provided, this Agreement shall apply to any person who is, or has been, subject to the legislation of any Party, or who has acquired rights by virtue of that legislation, including dependants and survivors of such a person.

### **Article 4—Equality of treatment**

Unless otherwise provided in the Agreement, persons designated in Article 3 shall, in the application of the legislation of any Party, receive equal treatment.

### **Article 5—Detached workers**

1. Where a person insured under the legislation of Jersey or Guernsey and employed by an employer there is sent by that employer to work in New Zealand the legislation of Jersey or Guernsey concerning liability for contributions shall continue to apply to that person as if the employment was in Jersey or Guernsey, provided the employment is not expected to last for more than thirty-six months.
2. Where the employment or time to complete the work comes to exceed thirty-six months, the period over which liability for contributions under the legislation of Jersey or Guernsey may be extended, provided prior application is made and approval given.
3. Where a person ordinarily resident in New Zealand and employed by an employer there is sent to work in Jersey or Guernsey, the social security legislation of Jersey or Guernsey shall not apply to that person, provided that payment continues to be made in New Zealand and the employment is not expected to last more than thirty-six months.

### **Article 6—Export of benefits**

1. Unless otherwise provided in the Agreement, any benefit acquired under the legislation of Jersey or Guernsey, as well as benefits acquired under the Agreement, shall not suffer any reduction, modification, suspension or cancellation solely as a result of the beneficiary residing in New Zealand, and such benefit shall be payable in New Zealand.
2. Notwithstanding the provisions of this Agreement, old age pension or widow's benefit acquired under the legislation of Jersey or Guernsey in accordance with the provisions of this Agreement shall not suffer any reduction, modification, suspension or cancellation solely as the result of the beneficiary residing, or temporarily residing in a country other than Jersey, Guernsey or New Zealand.

3. Except as provided in Articles 9 and 10 of this Agreement, any New Zealand benefit acquired under the legislation of New Zealand, or by virtue of this Agreement, shall not suffer any reduction, modification, suspension or cancellation solely as a result of the beneficiary residing in Jersey or Guernsey, and such benefit shall be payable to persons in Jersey or Guernsey whose intention it is to reside in Jersey or Guernsey for longer than a period of twenty-six weeks.
4. A person who is receiving a New Zealand benefit in Jersey or Guernsey shall continue to receive payment of that benefit during a period of temporary absence from Jersey or Guernsey.

## **Part II**

### **Provisions on benefits**

#### **Article 7—Principle of totalisation**

1. For the purposes of Articles 8 to 10 in respect of New Zealand, and Article 13 in respect of Jersey and Guernsey, when a person has completed periods of insurance under the legislation of Jersey or of Guernsey or is, or has been, ordinarily resident in New Zealand, and is not eligible for benefits solely under the legislation of one Party, the competent institution of that Party shall totalise, to the extent necessary for the entitlement to benefits under the legislation which it applies, the periods of insurance or residence, as the case may be, completed under the legislation of all of the Parties, provided that they do not overlap.
2. Notwithstanding any other provisions of this Agreement, if the total duration of the periods of insurance accumulated under the legislation of Jersey or Guernsey is less than one year and if, taking into account only those periods, no right to a benefit exists under that legislation, the competent authority of the Party concerned shall not be required to award benefits in respect of those periods by virtue of this Agreement.

#### **Article 8—Totalisation of periods of residence and/or insurance**

1. For the purposes of this Agreement, where a person who is ordinarily resident in New Zealand cannot claim the periods of residence in New Zealand under New Zealand social security laws in order to be entitled to a New Zealand benefit, the New Zealand competent institution shall take into account the periods of insurance, or periods of insurance completed by that person's spouse, or former spouse, as the case may be, in Jersey or Guernsey as if they were periods of residence in New Zealand.
2. In determining entitlement to a New Zealand widow's benefit, or domestic purposes benefit for widowers, in respect of a person ordinarily resident in New Zealand, any dependent child of that person born in Jersey or Guernsey, or born

while the parent was temporarily absent from Jersey or Guernsey, shall be deemed to have been born in New Zealand.

3. For the purposes of this Agreement, in determining entitlement to a New Zealand benefit in respect of a person who has been ordinarily resident in New Zealand for twelve months or more after he or she had attained the age of twenty, and who is ordinarily resident in Jersey or Guernsey, periods of insurance, or periods of insurance completed by that person's spouse or former spouse, as the case may be, shall be totalised to enable the person to meet the minimum period of New Zealand residence required under New Zealand social security legislation.
4. Where a benefit has been granted using the provisions of paragraph 1, or, where appropriate, paragraphs 1 and 2 of this Article, no part of that benefit shall be paid outside New Zealand, except as is provided for under New Zealand social security legislation as it affects temporary absence overseas, unless the person has been ordinarily resident in New Zealand continuously for twelve months or more after he or she had attained the age of twenty.

#### **Article 9—Payment of New Zealand superannuation and veteran's pension in Jersey or Guernsey**

1. Subject to paragraph 4 of Article 8 and paragraphs 3 and 4 of this Article, a person receiving, or qualified to receive, New Zealand superannuation or veteran's pension shall be entitled to receive payment of that benefit while residing in Jersey or Guernsey.
2. Subject to paragraphs 3 and 4, a person having reached the age of entitlement to New Zealand superannuation or veteran's pension who is residing in Jersey or Guernsey, and who has had previous residence in New Zealand of not less than twelve months after he or she had attained the age of twenty, shall be entitled to receive payment of those benefits.
3. The amount of the benefit referred to in paragraphs 1 and 2 shall be calculated in accordance with the following formula:

$$\frac{\text{number of whole years residence in New Zealand}}{\text{forty years}} \times \text{maximum benefit rate}$$

subject to the following provisions:

- (i) the number of whole years residence in New Zealand shall be calculated on residence after age twenty;
- (ii) all periods of residence in New Zealand shall be aggregated;
- (iii) for periods of residence in New Zealand in excess of forty years, payment shall be made at a rate of 100% of New Zealand superannuation or veteran's pension.
- (iv) the maximum amount of benefit shall be:

- a) in the case of a single person, the maximum rate of benefit payable under the social security laws of New Zealand to a single person who is not living alone; and
- b) in the case of a married person, the maximum rate of benefit payable under the social security laws of New Zealand to a married person whose spouse also qualifies for New Zealand superannuation or a veteran's pension.

4. Persons residing in Jersey or Guernsey on or before the effective date of this Agreement, who are receiving payment of New Zealand superannuation or veteran's pension by virtue of section 17 of the Social Welfare (Transitional Provisions) Act 1990, shall be entitled, if they so elect, to continue to receive payment under this provision.
5. The amount of the benefit referred to in paragraphs 1 and 2 shall be payable without regard to the old age pension paid under the legislation of Jersey or Guernsey.
6. The amount of the benefit referred to in paragraphs 1 and 2 shall not include the living alone rate of payment.

**Article 10—Payment of New Zealand widow's benefit, domestic purposes benefit and invalid's benefit in Jersey or Guernsey**

1. Subject to paragraph 4 of Article 8, a person receiving, or qualified to receive, a New Zealand widow's benefit, a domestic purposes benefit for a widower or an invalid's benefit, shall be entitled to receive payment of that benefit while residing in Jersey or Guernsey.
2. The amount of the benefit referred to in paragraph 1 shall be calculated in accordance with the following formula:  
$$\frac{\text{number of whole years residence in New Zealand}}{\text{twenty-five years}} \times \text{maximum benefit rate}$$
subject to the following provisions:
  - (i) the number of whole years residence in New Zealand shall be calculated on residence after age twenty;
  - (ii) all periods of residence in New Zealand shall be aggregated; and
  - (iii) for periods of residence in excess of twenty-five years, payment shall be made at a rate of 100% of the rate specified in the appropriate schedule to the Social Security Act.
3. The amount of the benefit referred to in paragraphs 1 and 2 shall be payable without regard to widow's benefit, invalidity benefit, disablement benefit, industrial injury benefit, and the industrial disablement benefit paid under the legislation of Jersey or Guernsey as the case may be.

**Article 11—Sickness benefit**

1. For the purposes of a claim for sickness benefit under the legislation of New Zealand the following shall be treated as a week of residence under the legislation of New Zealand:
  - (a) a quarterly contribution factor of 0.077 under the legislation of Jersey; or
  - (b) one contribution under the legislation of Guernsey,provided the claimant has, since the date of his or her most recent arrival in New Zealand, undertaken paid work for eight weeks of at least thirty hours a week.
2. Sickness benefit granted by virtue of this Agreement, or by virtue of the social security laws of New Zealand, shall not be payable outside New Zealand.

**Article 12—Payment of supplementary benefits in and outside New Zealand**

1. Where a benefit is being paid by the competent institution of New Zealand, under this Agreement while the beneficiary is residing in New Zealand there shall also be payable by that institution any supplement or additional amount that is provided for under the Social Security laws of New Zealand.
2. Where a New Zealand benefit is payable in Jersey or Guernsey under this Agreement the amount of the benefit shall not include any additional supplementary benefit or allowance payable under the legislation of New Zealand.

**Article 13—Benefits under the legislation of Jersey and Guernsey**

1. If a person who has been subject to the legislation of more than one Party meets the requirements for entitlement to benefits for himself or for his dependants, survivors or other rightful claimants under the legislation of Jersey or Guernsey, without having recourse to totalisation under Article 7, the competent institution of Jersey or Guernsey shall determine the amount of benefits payable in accordance with the provisions of its legislation.
2. Notwithstanding paragraph 1, a married woman entitled to an old age pension solely on her husband's contributions under the legislation of Jersey or Guernsey shall also be entitled to have any pension entitlement based entirely on her own insurance determined in accordance with the provisions of paragraph 4. Such a married woman shall be entitled to receive only the benefit of her choice.
3. If a person referred to in paragraph 1 is not entitled to old age pension or widow's benefits without totalisation:
  - (a) the competent institution of Jersey shall treat periods of residence in New Zealand after 10 September 1951 as periods of insurance under the legislation of Jersey, and shall totalise such periods of insurance with

periods of insurance completed under the legislation of Jersey, in accordance with Article 7; and/or, as the case may be,

(b) the competent institution of Guernsey shall treat periods of residence in New Zealand after 1 January 1952 as periods of insurance under the legislation of Guernsey, and shall totalise such periods of insurance completed under the legislation of Guernsey, in accordance with Article 7.

4. When totalisation under paragraph 3 entitles a person to benefits, the competent institution of Jersey or Guernsey shall determine:

(a) the amount of the theoretical pension which would be payable if all periods of insurance completed under the legislation of all Parties had been completed under its own legislation;

(b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the periods of insurance completed under the legislation of that Party bears to the total of the periods of insurance completed under the legislation of that Party together with periods of residence in New Zealand.

The proportionate amount thus calculated shall be the rate of pension actually payable by the competent institution.

#### **Article 14—Sickness benefit**

1. For the purposes of any claim for sickness benefit under the legislation of Jersey or Guernsey each week of residence in New Zealand in the relevant contribution period shall be treated in relation to:

(a) Jersey, as a quarterly contribution factor of 0.077 of the appropriate class; or

(b) Guernsey, as one contribution of the appropriate class;

provided that the claimant has completed a contribution period as an employed or self-employed person under the appropriate legislation since last arriving in Jersey or Guernsey.

#### **Article 15—Invalidity benefit**

1. Notwithstanding the definitions in paragraph 1 of Article 1, for the purposes of this Article:

“periods of insurance under the legislation of New Zealand” means periods of residence in New Zealand after 10 September 1951 in relation to Jersey and after 1 January 1952 in relation to Guernsey;

“first contribution condition for sickness benefit” means:

(i) in relation to Jersey, that a person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25;

(ii) in relation to Guernsey, that a person has paid at least twenty-six reckonable contributions since 4 January 1965;

“prescribed period” means, in relation to Jersey and Guernsey, the period commencing on the same date under the legislation of Jersey or Guernsey, as the case may be, as the relevant period for the purposes of old age pension and ending on 31 December next preceding the date on which entitlement to invalidity benefit first arose;

“qualifying period for invalidity benefit” means:

- (i) in relation to Jersey, a continuous period of incapacity of 364 days under the legislation of Jersey;
- (ii) in relation to Guernsey, a continuous period of incapacity of 156 days, excluding Sundays, under the legislation of Guernsey;

“second contribution condition for sickness benefit” means:

- (i) in relation to Jersey, that a person has paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00;
- (ii) in relation to Guernsey, that a person has paid or been credited with at least twenty-six contributions in the relevant contribution year.

2. Notwithstanding any other provisions of this Agreement, invalidity benefit shall be payable under the legislation of Jersey or Guernsey only in accordance with the following provisions of this Article.
3. For the purposes of qualifying for invalidity benefit, a person who is in New Zealand; and
  - (a) has satisfied the first contribution condition for sickness benefit using contributions under the legislation of Jersey or Guernsey only, as the case may be; and
  - (b) has satisfied the second contribution condition for sickness benefit using periods of insurance under the legislation of any Party; and
  - (c) is incapable of work, and has been so incapable throughout the qualifying period for invalidity benefit;shall be treated as if he had been entitled to sickness benefit throughout that period.
4. Where a person has satisfied the conditions set out in paragraphs 3 or 5, the competent authority of Guernsey shall:
  - (a) deem the contribution conditions for the payment of invalidity benefit satisfied; and
  - (b) calculate the amount of invalidity benefit to be paid, subject to paragraph 7, as being the proportion, not exceeding 100%, of the standard rate which the total number of contributions paid or credited in Guernsey during the prescribed period bears to the product of the number of years

in that period and fifty: save that if the amount so calculated is less than one-twentieth of the standard rate no benefit shall be payable.

5. For the purposes of qualifying for invalidity benefit under the legislation of Guernsey, a person who is in Guernsey; and

- (a) has satisfied the first contribution condition for sickness benefit using contributions under the legislation of Guernsey only; and
- (b) has satisfied the second contribution condition for sickness benefit using periods of insurance under the legislation of any Party; and
- (c) is incapable of work, and has been so incapable throughout the qualifying period for invalidity benefit;

shall be treated as if he has been entitled to sickness benefit throughout that period.

6. For the purposes of paragraphs 3, 4 and 5, a year which is a period of insurance under the legislation of New Zealand shall be considered as fifty-two weeks of contributions under the legislation of Guernsey, provided that the periods do not overlap.

7. Where a person is in Guernsey; and

- (a) is entitled to invalidity benefit under the legislation of Guernsey solely through the application of paragraphs 4(a) and 5, or has been entitled to such a benefit in relation to the claim in question solely through the application of those paragraphs; and
- (b) is in receipt of invalidity benefit under the legislation of New Zealand, whether or not by virtue of this Agreement;

the amount of the invalidity benefit payable under the legislation of Guernsey shall be reduced by the amount by which the aggregate of both benefits exceeds the standard rate of invalidity benefit under the legislation of Guernsey.

8. Where a person has satisfied the conditions set out in paragraph 3, the competent authority of Jersey shall determine the actual rate of invalidity benefit payable as the amount that bears the same relation to the standard rate of benefit as the life average contribution factor bears to 1.00 over the prescribed period, except that no benefit shall be payable where the factor is less than 0.1.

9. Where a person who is in Jersey is entitled to invalidity benefit under the legislation of Jersey otherwise than by virtue of the provisions of this Agreement, that benefit shall be payable.

10. No person in relation to whom invalidity benefit is payable under the provisions of this Agreement shall receive a contribution credit from Jersey or Guernsey unless present in Jersey or Guernsey, as the case may be.

**Article 16—Death grant**

Where a person dies in New Zealand the death shall be treated, for the purposes of any claim for a death grant under the legislation of Jersey or Guernsey, as if it had occurred in Jersey or Guernsey, as the case may be.

**Part III  
Miscellaneous provisions****Article 17—Administrative arrangement**

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Arrangement to be agreed by the Parties.
2. The liaison agencies of the Parties shall be designated in the Administrative Arrangement.

**Article 18—Claim for benefit**

1. To be entitled to a benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions provided for in the Administrative Arrangement.
2. A claim for a benefit filed under the legislation of one Party after the date of the coming into force of the Agreement shall be deemed to be a claim for an equivalent benefit under the legislation of any other Party, if the person indicates, at the time of the claim, that periods of insurance or residence, as the case may be, have been completed under the legislation of any other Party.
3. The date of receipt of such a claim shall be deemed to be the date on which that claim was received by the first Party.
4. The commencement date for payment of a benefit payable by virtue of this Agreement shall be determined in accordance with the legislation of the Party concerned but in no case shall commence earlier than the date on which this Agreement enters into force.

**Article 19—Payment of benefits**

All cash benefits shall be payable directly to the beneficiary without any deduction for administrative costs, or for any other costs incurred in paying the benefits, except where charges arise from monetary conversion which may be payable by the beneficiary.

**Article 20—Appeals**

1. Any person affected by a decision of the competent authority or institution of a Party, in relation to a matter arising by virtue of this Agreement, shall have the same rights to a review by or appeal to, administrative or judicial bodies of that Party, as provided for under the domestic laws of the Party.

2. Documents relating to reviews or appeals that may be made to administrative or judicial bodies established by legislation of one of the Parties may be lodged in the territory of another Party, and any documents duly lodged in that manner shall be regarded as duly lodged for the purposes of that legislation.
3. The date on which a document is duly lodged in the territory of one of the Parties in accordance with paragraph 2 shall determine whether that document is lodged within any time limit specified by the legislation or administrative practices of any other Party which govern the appeal concerned.
4. A decision of an administrative or judicial body may be communicated directly to a person residing in the territory of another Party.

#### **Article 21—Exemption of fees and authentication**

1. Any reduction or exemption of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required in accordance with that legislation shall be extended to the certificates and documents required in accordance with the legislation of another Party.
2. Any document required for the application of the Agreement shall be exempt from authentication by diplomatic or consular authorities or from any other similar formalities.

#### **Article 22—Exchange of information**

1. The competent authorities shall communicate to each other any information necessary for the application of this Agreement concerning all matters arising under this Agreement.
2. The institutions shall:
  - (a) furnish assistance to one another with regard to the determination or payment of any benefit or pension under this Agreement;
  - (b) at the request of one to the other, assist each other in relation to the implementation of Agreements on social security entered into by any Party with third states, to the extent and in the circumstances specified in Administrative Arrangements made in accordance with Article 17;
  - (c) forward to each other any information on measures adopted for the application of the Agreement or on modifications to their legislation to the extent that such modifications affect the application of the Agreement; and
  - (d) notify each other of the difficulties encountered in the interpretation or in the application of the Agreement.
3. The assistance referred to in paragraph 2 shall be provided free of charge.
4. Any information about an individual which is sent in accordance with, and for the purposes of, this Agreement to a Party by another Party is confidential and shall be used only for the purpose of implementing this Agreement.

5. In no case shall the provisions of paragraphs 2 and 4 be construed so as to impose on the competent institution of a Party the obligation to:
  - (a) carry out administrative measures at variance with the laws or the administrative practices of that or another Party; or
  - (b) supply particulars which are not obtainable under the laws of that or another Party.

### **Article 23—Mutual assistance**

The competent authorities and institutions shall assist each other free of charge in any matter concerning the application of this Agreement and, as set out in the Administrative Arrangement, in the operation of the life certificate procedure.

### **Article 24—Settlement of disputes**

1. Any dispute between New Zealand and either of the other Parties concerning the interpretation or the application of this Agreement shall, as far as possible, be settled by the competent authorities.
2. If a dispute cannot be settled as prescribed in paragraph 1, it shall be referred, at the request of one Party and, in the case of Jersey and Guernsey, subject to the concurrence of the Government of the United Kingdom, to a joint commission.
3. The joint commission shall consist of three commissioners, of whom each Party shall appoint one and the two commissioners so appointed shall appoint a third who shall act as President; provided that if the two commissioners fail to agree, the President of the International Court of Justice shall be requested to appoint the President.
4. The joint commission shall determine its own procedures.
5. The decision of the joint commission shall be final and binding.

## **Part IV**

### **Transitional and final provisions**

#### **Article 25—Transitional provisions**

1. The Agreement shall not confer any right to the payment of benefits for a period before the date of its coming into force.
2. For the application of Part II and subject to the provisions of paragraph 1 of this Article:
  - (a) a period of insurance or residence completed prior to the date of the coming into force of the Agreement shall be taken into consideration for the purposes of determining entitlement to a benefit under the Agreement;

- (b) a benefit, other than a death grant, is due under the Agreement even if it is related to an event prior to the date of its coming into force;
- (c) at the request of the person concerned, a benefit granted before the date of coming into force of the Agreement shall be reviewed under its provisions and the higher amount paid.

### **Article 26—Review of Agreement**

The Parties may agree at any time to review any of the provisions of this Agreement and, in any case, shall, within the period of 2 years commencing on the date of signature of this Agreement appoint a committee of experts to review and report to the competent authorities on the operation and effectiveness of the Agreement.

### **Article 27—Entry into force**

1. Each Government shall notify the other in writing through the diplomatic channel of the completion of all statutory and regulatory requirements for the entry into force of this Agreement. The Agreement shall enter into force on the first day of the second month following the date of the later of the two notifications.
2. The Agreement shall remain in force without any limitation on its duration; it may be denounced at any time, insofar as it applies to one or more of Jersey, Guernsey or New Zealand, by:
  - (a) the Government of the United Kingdom of Great Britain and Northern Ireland, with the concurrence of either or both of the States of Jersey or of the States of Guernsey, as the case may be, or
  - (b) the Government of New Zealand.
3. In the event of the denunciation of the Agreement, whether in whole or in part, any rights acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place between the Governments concerned for the settlement of any rights then in course of acquisition by virtue of its provisions.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at London this Third day of November 1994.

For the Government of New Zealand:

P J Gresham

For the Government of the United  
Kingdom of Great Britain and Northern  
Ireland:

A Goodlad

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 2 March 1995.

## **Reprints notes**

### **1      *General***

This is a reprint of the Social Welfare (Reciprocity with Jersey and Guernsey) Order 1995 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2      *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3      *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4      *Amendments incorporated in this reprint***

Social Security Act 2018 (2018 No 32): section 459

Veterans' Support Act 2014 (2014 No 56): section 278

Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13): sections 86, 97, 114

War Pensions Amendment Act 2003 (2003 No 18): section 12(2)