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STATUTORY INSTRUMENTS

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**2011 No. 2426**

**The Social Security (Disability Living Allowance,  
Attendance Allowance and Carer's Allowance)  
(Miscellaneous Amendments) Regulations 2011**

**Amendment of the Social Security Contributions and Benefits Act 1992**

5.—(1) The Social Security Contributions and Benefits Act 1992 is amended in accordance with paragraphs (2) to (5).

(2) In section 65 (attendance allowance), after subsection (6), insert the following subsection—

“(7) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to an attendance allowance for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(3) In section 70 (carer's allowance), after subsection (4), insert the following subsection—

“(4A) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to an allowance under this section for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(4) In section 72 (the care component of disability living allowance), after subsection (7A), insert the following subsection—

“(7B) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to the care component of a disability living allowance for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(5) In section 122 (interpretation of Parts 1 to 6 and supplementary provisions), in subsection (1), at the appropriate place insert the following definitions—

““Regulation (EC) No 1408/71” means Council Regulation (EC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community(1);”;

““Regulation (EC) No 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems(2);”.

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(1) Consolidated version — OJ No L 28 of 30.1.1997, p.1.

(2) OJ L166.30.4.2004, p1. The Regulation is amended materially by Regulation (EC) No 988/2009 (OJ L 284.30.10.2009,p.43).