
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 197

**The Social Security (Habitual Residence
Amendment) Regulations (Northern Ireland) 2004**

Amendment of the Income Support Regulations

- 3.** In regulation 21 of the Income Support Regulations (special cases) –
- (a) in paragraph (3)(1) for “Subject to paragraph (3D)” there shall be substituted “Subject to paragraphs (3D) and (3E)”;
 - (b) in paragraph (3) in the definition of “person from abroad”(2) in sub-paragraph (a) after “No. 73/148/EEC” there shall be added “or a person who is an accession State worker requiring registration who is treated as a worker for the purpose of the definition of “qualified person” in regulation 5(1) of the Immigration (European Economic Area) Regulations 2000 pursuant to regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004”;
 - (c) after paragraph (3D)(3) there shall be inserted the following paragraph –
 - “(3E) In paragraph (3), for the purposes of the definition of a person from abroad no person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland if he does not have a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.”.

(1) Paragraph (3) was amended by regulation 3(2) of [S.R. 1996 No. 375](#)
(2) Definition of “person from abroad” was amended by regulation 2(1) of [S.R. 1994 No. 266](#), regulation 5(6)(b) of [S.R. 1996 No. 405](#) and regulation 5(4)(b) of [S.R. 2000 No. 71](#)
(3) Paragraph (3D) was inserted by regulation 3(3) of [S.R. 1996 No. 375](#)