



# Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

## 2020 CHAPTER 20

### PART 2

#### SOCIAL SECURITY CO-ORDINATION

- 6 Power to modify retained direct EU legislation relating to social security co-ordination**
- (1) An appropriate authority may by regulations modify the retained direct EU legislation mentioned in subsection (2).
  - (2) The retained direct EU legislation is—
    - (a) Regulation [\(EC\) No 883/2004](#) of the European Parliament and of the Council on the co-ordination of social security systems;
    - (b) Regulation [\(EC\) No 987/2009](#) of the European Parliament and of the Council laying down the procedure for implementing Regulation [\(EC\) No 883/2004](#);
    - (c) Regulation [\(EEC\) No 1408/71](#) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
    - (d) Regulation [\(EEC\) No 574/72](#) fixing the procedure for implementing Regulation [\(EEC\) No 1408/71](#);
    - (e) Regulation [\(EC\) No 859/2003](#) extending Regulation [\(EEC\) No 1408/71](#) to nationals of non-EU Member Countries.
  - (3) The power to make regulations under subsection (1) includes power—
    - (a) to make different provision for different categories of person to whom they apply (and the categories may be defined by reference to a person's date of arrival in the United Kingdom, their immigration status, their nationality or otherwise);
    - (b) otherwise to make different provision for different purposes;

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*Status: This is the original version (as it was originally enacted).*

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- (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision;
  - (d) to provide for a person to exercise a discretion in dealing with any matter.
- (4) The power to make provision mentioned in subsection (3)(c) includes power to modify—
  - (a) any provision made by primary legislation passed before, or in the same Session as, this Act;
  - (b) any provision made under primary legislation before, or in the same Session as, this Act is passed;
  - (c) retained direct EU legislation which is not mentioned in subsection (2).
- (5) EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures cease to be recognised and available in domestic law so far as they are inconsistent with, or are otherwise capable of affecting the interpretation, application or operation of, provision made by regulations under this section.
- (6) “EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures” means any rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 (including as they are modified by domestic law from time to time).
- (7) In this section, “appropriate authority” means—
  - (a) the Secretary of State or the Treasury,
  - (b) a Northern Ireland department, or
  - (c) a Minister of the Crown acting jointly with a Northern Ireland department.
- (8) Schedule 2 contains further provision about the power to make regulations under this section.
- (9) Schedule 3 contains provision about the making of regulations under this section.