
STATUTORY INSTRUMENTS

1975 No. 563

The Social Security Benefit (Persons Abroad) Regulations 1975

[^{F1}Modification of the Act in relation to [^{F2}incapacity benefit], severe disablement allowance, unemployability supplement and maternity allowance

2.—(1) [^{F3}Except as provided by paragraph (1A) or (1B) below,] a person shall not be disqualified for receiving[^{F4}any benefit in respect of incapacity] by reason of being temporarily absent from Great Britain for any day [^{F5}falling within the first twenty-six weeks beginning with the day following the day on which he left Great Britain] if—

- [^{F6}(a) the Secretary of State has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of one of the conditions in sub-paragraphs (b)[^{F7}, (bb)][^{F8}and (c)] below, the disqualification under section 82(5)(a) of the Act should not apply, and ^{F9}...]
- (b) the absence is for the specific purpose of being treated for incapacity which commenced before he left Great Britain, or
- [^{F10}(bb) in the case [^{F11}of [^{F12}incapacity benefit]], the incapacity for work is the result of a personal injury of a kind mentioned in section 50(1) of the Act, and the absence is for the specific purpose of receiving treatment which is appropriate to that injury, or]
- (c) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work and on the day for which benefit is claimed he has remained continuously so incapable [^{F13}since the absence began]^{F14}...
- ^{F14}(d)

[^{F15}(1A) Subject to paragraph (1B), a person who is in receipt of attendance allowance^{F16}, disability living allowance^{F17}, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011] or personal independence payment under Part 4 of the Welfare Reform Act 2012] shall not by reason of being temporarily absent from Great Britain be disqualified for receiving any benefit in respect of incapacity if—

- (a) the absence is for the specific purpose of being treated for incapacity which commenced before he left Great Britain; or
- (b) in the case of [^{F18}incapacity benefit] the incapacity for work is the result of a personal injury of a kind mentioned in section 94(1) of the Social Security Contributions and Benefits Act 1992 and the absence is for the specific purpose of receiving treatment which is appropriate to that injury; or
- (c) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work and on the day for which benefit is claimed he has remained continuously so incapable since the absence began.

(1B) A person who is a member of the family of a serving member of the forces and temporarily absent from Great Britain by reason only of the fact that he is living with that member shall not by reason of being temporarily absent be disqualified—

- (a) for receiving any benefit in respect of incapacity except severe disablement allowance if—

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- (i) the absence is for the specific purpose of being treated for incapacity which began before he left Great Britain, or
 - (ii) in the case of [^{F19}incapacity benefit] the incapacity for work is the result of a personal injury of a kind mentioned in section 94(1) of the Social Security Contributions and Benefits Act 1992 and the absence is for the specific purpos of receiving treatment which is appropriate to that injury, or
 - (iii) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work and on the day for which benefit is claimed he has remained continuously so incapable since the absence began; or
- (b) for the receipt of severe disablement allowance.]
- ^{F20}(2)
- ^{F21}(3)
- ^{F21}(4)
- [^{F22}(5) In this regulation—
- (a) “benefit in respect of incapacity” means [^{F23}incapacity benefit], severe disablement allowance, an unemployability supplement or a maternity allowance;
 - (b) “member of the family of a serving member of the forces” means the spouse, [^{F24}civil partner,] son, daughter, step-son, step-daughter, father, father-in-law, step-father, mother, mother-in-law or step-mother of such a member; and
 - (c) “week” means any period of seven days.]

Textual Amendments

- F1** Heading and words in reg. 2(1) substituted (29.11.1984) by [The Social Security \(Severe Disablement Allowance\) Regulations 1984 \(S.I. 1984/1303\)](#), regs. 1, **16**
- F2** Words in reg. 2 heading substituted (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **7(a)** (with Pt. III)
- F3** Words in reg. 2(1) inserted (8.3.1994) by [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1994 \(S.I. 1994/268\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F4** Words in reg. 2(1) substituted (8.3.1994) by [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1994 \(S.I. 1994/268\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F5** Words in reg. 2(1) inserted (8.3.1994) by [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1994 \(S.I. 1994/268\)](#), regs. 1(1), **2(2)(c)** (with reg. 3)
- F6** Reg. 2(1)(a) substituted (14.11.1977) by [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1977 \(S.I. 1977/1679\)](#), regs. 1(1), 2(2)
- F7** Word in reg. 2(1)(a) inserted (6.4.1983) by [The Social Security \(Abolition of Injury Benefit\) \(Consequential\) Regulations 1983 \(S.I. 1983/186\)](#), regs. 1(1), **5(2)**
- F8** Words in reg. 2(1)(a) substituted (8.3.1994) by [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1994 \(S.I. 1994/268\)](#), regs. 1(1), **2(2)(d)** (with reg. 3)
- F9** Word in reg. 2(1)(a) omitted (8.2.1990) by virtue of [The Social Security Benefit \(Persons Abroad\) Amendment Regulations 1990 \(S.I. 1990/40\)](#), regs. 1(1), **2(3)(a)(ii)**
- F10** Reg. 2(1)(bb) inserted (6.4.1983) by [The Social Security \(Abolition of Injury Benefit\) \(Consequential\) Regulations 1983 \(S.I. 1983/186\)](#), regs. 1(1), **5(2)**
- F11** Words in reg. 2(1)(bb) substituted (1.10.1986) by [The Social Security Benefit \(Persons Abroad\) Amendment \(No. 2\) Regulations 1986 \(S.I. 1986/1545\)](#), **regs. 1, 2**

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- F12** Words in reg. 2(1)(bb) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **7(b)** (with Pt. III)
- F13** Words in reg. 2(1)(c) substituted (8.2.1990) by The Social Security Benefit (Persons Abroad) Amendment Regulations 1990 (S.I. 1990/40), regs. 1(1), **2(3)(b)**
- F14** Reg. 2(1)(d) and word omitted (8.3.1994) by virtue of The Social Security Benefit (Persons Abroad) Amendment Regulations 1994 (S.I. 1994/268), regs. 1(1), **2(2)(e)** (with reg. 3)
- F15** Reg. 2(1A)(1B) inserted (8.3.1994) by The Social Security Benefit (Persons Abroad) Amendment Regulations 1994 (S.I. 1994/268), regs. 1(1), **2(3)** (with reg. 3)
- F16** Words in reg. 2(1A) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 8**
- F17** Words in reg. 2(1A) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 1(2)**
- F18** Words in reg. 2(1A)(b) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **7(e)** (with Pt. III)
- F19** Words in reg. 2(1B)(a)(ii) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **7(d)** (with Pt. III)
- F20** Reg. 2(2) revoked (14.11.1977) by The Social Security Benefit (Persons Abroad) Amendment Regulations 1977 (S.I. 1977/1679), regs. 1(1), 2(4)
- F21** Reg. 2(3)(4) omitted (13.4.1995) by virtue of The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **7(e)** (with Pt. III)
- F22** Reg. 2(5) inserted (8.3.1994) by The Social Security Benefit (Persons Abroad) Amendment Regulations 1994 (S.I. 1994/268), regs. 1(1), **2(4)** (with reg. 3)
- F23** Words in reg. 2(5)(a) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **7(f)** (with Pt. III)
- F24** Words in reg. 2(5)(b) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 5(2)** (with art. 3)

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