
STATUTORY INSTRUMENTS

1975 No. 563

The Social Security Benefit (Persons Abroad) Regulations 1975

Modifications of the Act in relation to sickness benefit, invalidity benefit, unemployability supplement and maternity allowance

2.—(1) A person shall not be disqualified for receiving sickness benefit, invalidity benefit, an unemployability supplement or a maternity allowance by reason of being temporarily absent from Great Britain for any day if—

- (a) it is reasonable in all the circumstances of the case, having regard in particular, but not exclusively, to the nature of the person's incapacity and to his location, that, subject to the satisfaction of one of the conditions in sub-paragraphs (b) and (c) below, the disqualification under section 82(5)(a) of the Act should not apply, and either
- (b) the absence is for the specific purpose of being treated for incapacity which commenced before he left Great Britain, 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.

(2) Notwithstanding section 114(3) of the Act any question as to the satisfaction of the condition in paragraph (1)(a) of this regulation shall be determined by the Secretary of State.

(3) A person shall not be disqualified for receiving invalidity benefit by reason of being absent from Great Britain if by virtue of an Order in Council made under section 105 of the former Principal Act he would not be disqualified for receiving sickness benefit.

(4) A person who is or has been outside Great Britain and who by virtue of an Order in Council made under section 143 of the Act or under section 105 of the former Principal Act would, but for the provisions of section 15 of the Act, have been entitled to sickness benefit in respect of any period, shall be entitled to invalidity pension for that period.