
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend regulation 2 of the Social Security Benefit (Persons Abroad) Regulations 1975 (S. 1.1975/563) (“the principal Regulations”) which sets out the circumstances in which the disqualification for the receipt of certain benefits during periods of absence from Great Britain does not apply.

The benefits concerned are sickness benefit, invalidity benefit, severe disablement allowance, unemployability supplement and maternity allowance. Unemployability supplement ceased to be payable from 6th April 1987 except in the case of beneficiaries in receipt of it immediately before that date: it is still payable in that case see Part I (unemployability supplement) of Schedule 7 to the Social Security Contributions and Benefits Act 1992 (c. 4).

The principal effect of the Regulations is to restrict entitlement to these benefits to the first twenty-six weeks of a period of temporary absence from Great Britain unless the recipient is either a member of the family of a serving member of the forces who is abroad and with whom he is living, or is a person in receipt of attendance allowance or disability living allowance.(Regulation 2)

These Regulations contain a transitional provision which protects the position in respect of any day for anyone who—

- (a) was absent from Great Britain immediately before they came into force and was not subject to the disqualification for receipt of the relevant benefit, allowance or supplement imposed by section 113 of the Social Security Contributions and Benefits Act 1992 by virtue of regulation 2 of the principal Regulations as it stood immediately before the amendment (“the former regulation 2”);
- (b) has been continuously absent from Great Britain since they came into force; and
- (c) would have satisfied the former regulation 2 on that day. (Regulation 3)

The Report of the Social Security Advisory Committee dated 8th December 1993 on the draft of these Regulations which had been referred to them, together with a statement showing why these Regulations do not give effect to the Committee’s recommendations is contained in Command Paper Cm.2450 published by Her Majesty’s Stationery Office.

These Regulations do not impose a burden on business.