

## 1996 No. 30

### SOCIAL SECURITY

#### The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996

<i>Made</i> - - - -	<i>11th January 1996</i>
<i>Laid before Parliament</i>	<i>11th January 1996</i>
<i>Coming into force</i>	<i>5th February 1996</i>

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 64(1), 68(4)(c)(i), 70(4), 71(6), 123(1), 124(1), 128(1), 129(1), 130(1) and (2), 131(1) and (3), 135, 137(1) and (2)(a) and (i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a) and section 5(1)(r) of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, and so far as they relate to housing benefit and council tax benefit after consultation with organisations appearing to him to be representative of the authorities concerned(c), and after reference to the Social Security Advisory Committee(d), hereby makes the following Regulations:—

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996 and shall come into force on 5th February 1996.

(2) In these Regulations, unless the context otherwise requires—

“the Attendance Allowance Regulations” means the Social Security (Attendance Allowance) Regulations 1991(e);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(f);

“the Disability Living Allowance Regulations” means the Social Security (Disability Living Allowance) Regulations 1991 (g);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(h);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(i);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(j);

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(a) 1992 c. 4; sections 123(1)(e) and 131 of the Social Security Contributions and Benefits Act 1992 were substituted by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraph 1(1) and 4. Section 137(1) which is an interpretation provision is cited because of the meaning assigned to the word “prescribed”.

(b) 1992 c. 5.

(c) See the Social Security Administration Act 1992 (c. 5), section 176(1).

(d) See the Social Security Administration Act 1992 (c. 5), section 172(1).

(e) S.I. 1991/2740, to which there are amendments not relevant to this regulation.

(f) S.I. 1992/1814, to which there are amendments not relevant to this regulation.

(g) S.I. 1991/2890, to which there are amendments not relevant to this regulation.

(h) S.I. 1991/2887, to which there are amendments not relevant to this regulation.

(i) S.I. 1987/1973, to which there are amendments not relevant to this regulation.

(j) S.I. 1987/1971, to which there are amendments not relevant to this regulation.

“The Invalid Care Allowance Regulations” means the Social Security (Invalid Care Allowance) Regulations 1976(a);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(b);

“the Payments on Account, Overpayments and Recovery Regulations” means the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(c);

“the Severe Disablement Allowance Regulations” means the Social Security (Severe Disablement Allowance) Regulations 1984(d).

[Regulation 2 amends reg. 2 of S.I. 1991/2740.]

[Regulation 3 amends reg. 4A of S.I. 1992/1814, subject to para. 4 of Sch. 1 to Asylum and Immigration Act 1996 (c. 49).]

[Regulation 4 amends reg. 2 of S.I. 1991/2890.]

[Regulation 5 amends reg. 5 of S.I. 1991/2887.]

[Regulation 6 amends reg. 3 of S.I. 1987/1973.]

[Regulation 7 amends reg. 7A of S.I. 1987/1971, subject to para. 3 of Sch. 1 to Asylum and Immigration Act 1996 (c. 49).]

[Regulation 8 amends regs. 21(3), 70 and 71 of S.I. 1987/1967, subject to para. 2 of Sch. 1 to Asylum and Immigration Act 1996 (c. 49).]

[Regulation 9 amends reg. 9 of S.I. 1976/409.]

[Regulation 10 amends reg. 2 of S.I. 1988/664.]

[Regulation 11 amends reg. 3 of S.I. 1984/1303.]

### Saving

12.—(1) Where, before the coming into force of these Regulations, a person who becomes an asylum seeker under regulation 4A(5)(a)(i) of the Council Tax Benefit Regulations, regulation 7A(5)(a)(i) of the Housing Benefit Regulations or regulation 70(3A)(a) of the Income Support Regulations, as the case may be, is entitled to benefit under any of those Regulations, those provisions of those Regulations as then in force shall continue to have effect ►<sup>1</sup>(both as regards him and as regards person who are members of his family at the coming into force of those regulations)◄►<sup>2</sup>(both as regards him and as regards persons who are members of his family at the coming into force of these Regulations)◄ as if regulations 3(a) and (b), 7(a) and (b) or 8(2) and (3)(c), as the case may be, of these Regulations had not been made.

(2) Where, before the coming into force of these Regulations, a person, in respect of whom an undertaking was given by another person or persons to be responsible for his maintenance and accommodation, claimed benefit to which he is entitled, or is receiving benefit, under the Council Tax Benefit Regulations, the Housing Benefit Regulations or the Income Support Regulations, as the case may be, those Regulations as then in force shall have effect as if regulations 3, 7 or 8, as the case may be, of these Regulations had not been made.

(3) Where, before the coming into force of these Regulations, a person is receiving attendance allowance, disability living allowance, disability working allowance, family credit, invalid care allowance or severe disablement allowance under, as the case may be, the Attendance Allowance Regulations, Disability Living Allowance Regulations, Disability Working Allowance Regulations, Family Credit Regulations, Invalid Care Allowance Regulations or Severe

<sup>1</sup>Words inserted in reg. 12(1) by reg. 11 of S.I. 2000/636 as from 3.4.2000.

<sup>2</sup>Words inserted in reg. 12(1) by para. 5 of Sch. 1 to Asylum and Immigration Act 1996 (c. 49) as from 24.7.96.

(a) S.I. 1976/409, to which there are amendments not relevant to this regulation.

(b) S.I. 1987/1967, to which there are amendments not relevant to this regulation.

(c) S.I. 1988/664, to which there are amendments not relevant to this regulation.

(d) S.I. 1984/1303, to which there are amendments not relevant to this regulation.

Disablement Allowance Regulations, those Regulations shall, until such time as his entitlement to that benefit is reviewed under section 25 or 30 of the Social Security Administration Act 1992(a), ►<sup>1</sup>or a decision is made in relation to that entitlement under section 9 or section 10 of the Social Security Act 1998◄ have effect as if regulation 2, 4, 5, 6, 9 or 11, as the case may be, of these Regulations has not been made.

<sup>1</sup>Words inserted in reg. 12(3) by Sch. 12 of S.I. 1999/2422 as from 6.9.99.

Signed by authority of the Secretary of State for Social Security.

11th January 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,  
Department of Social Security

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1992/2890), the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887), the Family Credit (General) Regulations 1987 (S.I. 1987/1973), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (S.I. 1988/664) and the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984/1303).

These Regulations exclude a person from entitlement to certain non-contributory benefits if his right to reside or remain in Great Britain is subject to any limitation or condition (regulations 2, 4, 5, 6, 9 and 11); make provision regarding interim payments in the course of an appeal (regulation 10); make provision in respect of asylum seekers and sponsored immigrants who, except in certain circumstances, are denied income related benefits (regulations 3, 7 and 8); and make saving provisions (regulation 12).

These Regulations do not impose a charge on business.

The Report of the Social Security Advisory Committee dated 8th December 1995 on the proposals referred to them, together with a statement showing the extent to which these Regulations give effect to the Report and in so far as they do not give effect to it, the reasons why not, are contained in Command Paper Cm. 3062, published by Her Majesty's Stationery Office.

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(a) 1992 c. 5.

