

STATUTORY INSTRUMENTS

1996 No. 30

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

5. In regulation 5 of the Disability Working Allowance Regulations (circumstances in which a person is treated as being or as not being in Great Britain)—

(a) after paragraph (1)(a) there shall be inserted—

“(aa) subject to paragraph (1A), his right to reside or remain in Great Britain is not subject to any limitation or condition; and; and”

(b) after paragraph (1) there shall be inserted—

“(1A) For the purposes of paragraph (1)(aa), a person’s right to reside or remain in Great Britain is not to be treated as if it were subject to a limitation or condition if—

(a) he is a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 ^{M1}, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; ^{M2}

(b) he is a person who has been granted exceptional leave outside the provisions of the immigration rules within the meaning of the Immigration Act 1971 ^{M3} to remain in the United Kingdom by the Secretary of State;

(c) he is a national, or a member of the family of a national, of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993; ^{M4} or

(d) he is a person who is—

(i) lawfully working in Great Britain and is a national of a State with which the Community has concluded an Agreement under article 238 ^{M5} of the Treaty establishing the European Community ^{M6} providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families, or

(ii) a member of the family of, and living with, such a person..”

Marginal Citations

M1 Cmd. 9171.

M2 Cmnd. 3906.

M3 1971 c.77.

M4 OJ No. L 1, 3.1.1994, p.7.

M5 Article 238 was amended by article G(84) of the Treaty on European Union.

M6 The title of the Treaty of Rome was amended by Article G(1) of the Treaty on European Union.

Changes to legislation:

The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996, Section 5 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg.3\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.4](#)
- [reg.3\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.4](#)
- [reg.7\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.3](#)
- [reg.7\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.3](#)