
STATUTORY INSTRUMENTS

2004 No. 1232

**The Social Security (Habitual Residence)
Amendment Regulations 2004**

Transitional arrangements and savings

6.—(1) Paragraph (2) shall apply where a person—

- (a) is entitled to a specified benefit in respect of a period which includes 30th April 2004;
- (b) claims a specified benefit on or after 1st May 2004 and it is subsequently determined that he is entitled to that benefit in respect of a period which includes 30th April 2004;
- (c) claims a specified benefit on or after 1st May 2004 and it is subsequently determined that he is entitled to such a benefit in respect of a period which is continuous with a period of entitlement to the same or another specified benefit which includes 30th April 2004;
- [^{F1}(ca) to whom sub-paragraph (c) applied, claims an employment and support allowance and it is subsequently determined that he is entitled to that benefit, and this entitlement is linked to a previous period of entitlement by virtue of regulation 145(1) of the Employment and Support Allowance Regulations (linking rules);]
- (d) claims jobseeker’s allowance on or after 1st May 2004 and it is subsequently determined that he is entitled to jobseeker’s allowance in respect of a period of entitlement to that benefit which is linked to a previous period of entitlement which includes 30th April 2004 by virtue of regulations made under paragraph 3 of Schedule 1 to the Jobseekers Act 1995
^{M1}.

(2) Where this paragraph applies—

- ^{F2}(a)
- (b) regulation 21 of the Income Support Regulations shall continue to have effect as if regulation 3 had not been made;
- (c) regulation 85 of the Jobseeker’s Allowance Regulations shall continue to have effect as if regulation 4 had not been made;^{F3} ...
- (d) regulation 2 of the State Pension Credit Regulations shall continue to have effect as if regulation 5 had not been made^{F4}; and
- (e) regulation 70(2) to (4) of the Employment and Support Allowance Regulations (special cases: supplemental – persons from abroad) does not apply.]

(3) The provisions saved by paragraph (2) shall continue to have effect until the date on which entitlement to a specified benefit for the purposes of paragraph (1) ceases, and if there is more than one such specified benefit, until the last date on which such entitlement ceases.

[^{F5}(4) In this regulation—

- (a) “the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008; and
- (b) “specified benefit” means income support, housing benefit, council tax benefit, jobseeker’s allowance, state pension credit and employment and support allowance.]

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Habitual Residence) Amendment Regulations 2004, Section 6. (See end of Document for details)

Textual Amendments

- F1** Reg. 6(1)(ca) added (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **17(a)**
- F2** Reg. 6(2)(a) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)
- F3** Word in reg. 6(2)(c) omitted (31.10.2011) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **17(b)(i)**
- F4** Reg. 6(2)(e) and word added (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **17(b)(ii)**
- F5** Reg. 6(4) substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **17(c)**

Marginal Citations

- M1** 1995 c. 18. See [S.I. 1996/207](#), 2000/724, 2001/1029 and 2003/511.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Habitual Residence) Amendment Regulations 2004, Section 6.