
STATUTORY INSTRUMENTS

2006 No. 215

The Council Tax Benefit Regulations 2006

PART 1

General

Persons from abroad

7.—(1) A person from abroad is a person of a prescribed class for the purposes of section 131(3) (b) of the Act but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 7A and Schedule A1^{MI} apply.

[^{F1}(2) In paragraph (1), “person from abroad” means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) No person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (4).

(4) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

- (a) regulation 13 of the Immigration (European Economic Area) Regulations 2006;
- (b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (c) Article 6 of Council Directive No. [2004/38/EC](#) ; or
- (d) Article 39 of the Treaty establishing the European Community (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland).

(4A) A person is not a person from abroad if he is—

- (a) a worker for the purposes of Council Directive No. [2004/38/EC](#) ;
- (b) a self-employed person for the purposes of that Directive;
- (c) a person who retains a status referred to in sub-paragraph (a) or (b) pursuant to Article 7(3) of that Directive;
- (d) a person who is a family member of a person referred to in sub-paragraph (a), (b) or (c) within the meaning of Article 2 of that Directive;

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Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 7. (See end of Document for details)

- (e) a person who has a right to reside permanently in the United Kingdom by virtue of Article 17 of that Directive;
- (f) ^{F2}a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—
- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004 (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
 - (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006 (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);]
- (g) a refugee;
- (h) ^{F3}a person who has exceptional leave to enter or remain in the United Kingdom granted outside the rules made under section 3(2) of the Immigration Act 1971;]
- ^{F3}(hh) a person who has humanitarian protection granted under those rules;]
- (i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
 - (j) a person in Great Britain who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;^{F4}...
- ^{F5}(jj) a person who—
- (i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;
 - (ii) immediately before arriving there had been resident in Zimbabwe; and
 - (iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty’s Government, to assist that person to move to and settle in the United Kingdom; or]
- (k) in receipt of income support^{F6}, an income-based jobseeker’s allowance or on an income-related employment and support allowance].]
- (5) Paragraph 1 of Part 1 of the Schedule to, and regulation 2 as it applies to that paragraph of, the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 ^{M2} shall not apply to a person who has been temporarily without funds for any period, or the aggregate of any periods, exceeding 42 days during any one period of limited leave (including any such period as extended).
- (6) In this regulation—
- ^{F7} ...
- “refugee” in this regulation, regulation 7A (entitlement of a refugee to council tax benefit) and Schedule A1 ^{M3} (treatment of claims for council tax benefit by refugees), means 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 ^{M4}.

Textual Amendments

- F1** Reg. 7(2)-(4A) substituted for (30.4.2006) by [Social Security \(Persons from Abroad\) Amendment Regulations 2006 \(S.I. 2006/1026\)](#), regs. 1, **2(2)(a)** (with reg. 11(2))

- F2** Reg. 7(4A)(f) substituted (1.1.2007) by Social Security (Bulgaria and Romania) Amendment Regulations 2006 (S.I. 2006/3341), regs. 1, **7(2)**
- F3** Reg. 7(4A)(h)(hh) substituted for reg. 7(4A)(h) (9.10.2006) by Social Security (Persons from Abroad) Amendment (No.2) Regulations 2006 (S.I. 2006/2528), regs. 1, **7(2)**
- F4** Word in reg. 7(4A)(j) omitted (18.3.2009) by virtue of The Social Security (Habitual Residence) (Amendment) Regulations 2009 (S.I. 2009/362), regs. 1(2), **7(2)**
- F5** Reg. 7(4A)(jj) inserted (18.3.2009) by The Social Security (Habitual Residence) (Amendment) Regulations 2009 (S.I. 2009/362), regs. 1(2), **7(3)**
- F6** Words in reg. 7(4A)(k) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, **46**
- F7** Words in reg. 7(6) omitted (30.4.2006) by virtue of Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **2(2)(b)** (with reg. 11(2))

Marginal Citations

- M1** See the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), **regulation 7** and Schedule 4, paragraph 3 for regulation 7A and Schedule A1 (claims by refugees).
- M2** S.I. 2000/636.
- M3** See the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), **regulation 7** and Schedule 4, paragraph 3, for regulation 7A and Schedule A1 (claims by refugees).
- M4** Cmd. 9171.

Status:

Point in time view as at 18/03/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 7.