

**2013 No. 1474**

**SOCIAL SECURITY**

**The Social Security (Croatia) Amendment Regulations 2013**

*Made* - - - - *12th June 2013*

*Laid before Parliament* *20th June 2013*

*Coming into force* - - *1st July 2013*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 123(1)(a) and (d), 135(1) and (2), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 4(5) and (12), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b), section 115(3), (4) and (7) of the Immigration and Asylum Act 1999(c), sections 1(5)(a) and 17(1) of the State Pension Credit Act 2002(d) and sections 4(3), 24 and 25(2), (3) and (5) of the Welfare Reform Act 2007(e).

He has consulted with such organisations which appear to him to be representative of the authorities concerned with these Regulations in so far as they relate to housing benefit(f).

The Social Security Advisory Committee has agreed that the proposals to make these Regulations should not be referred to it(g).

**Citation and Commencement**

1. These Regulations are to be cited as the Social Security (Croatia) Amendment Regulations 2013 and shall come into force on 1st July 2013.

**Amendment of the Income Support (General) Regulations 1987**

2.—(1) Regulation 21AA of the Income Support (General) Regulations 1987(h) (special cases: supplemental – persons from abroad) is amended as follows.

(2) In paragraph (4) for sub-paragraph (f) substitute—

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- (a) 1992 c.4; section 137(1) is cited because of the meaning given to the word “prescribed”. Section 175(1), (3) and (4) is applied to provisions of the State Pension Credit Act 2002 (c.16) by section 19(1) of that Act.
- (b) 1995 c.18; section 35(1) is cited because of the meaning given to the words “applicable amount”, “prescribed” and “regulations”.
- (c) 1999 c.33.
- (d) 2002 c.16; section 17(1) is cited because of the meaning given to the word “regulations”.
- (e) 2007 c.5; section 24 is cited because of the meaning given to the words “regulations” and “prescribed”.
- (f) See section 176(1) of the Social Security Administration Act 1992 (c.5).
- (g) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995, paragraph 20 of Schedule 2 to the State Pension Credit Act 2002 and paragraph 10 of Schedule 3 to the Welfare Reform Act 2007 added those Acts respectively to the list of “the relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (h) S.I. 1987/1967; regulation 21AA was inserted by S.I. 2006/1026; the relevant amending instruments are S.I. 2006/3341, 2011/2425.

- “(f) 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(a) pursuant to—
- (i) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(b) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(c) (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**3.**—(1) Regulation 85A of the Jobseeker’s Allowance Regulations 1996(d) (special cases: supplemental – persons from abroad) is amended as follows.

(2) In paragraph (4) for sub-paragraph (f) substitute—

- “(f) 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 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”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

### **Amendment of the State Pension Credit Regulations 2002**

**4.**—(1) Regulation 2 of the State Pension Credit Regulations 2002(e) (persons not in Great Britain) is amended as follows.

(2) In paragraph (4) for sub-paragraph (f) substitute—

- “(f) 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 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”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

### **Amendment of the Housing Benefit Regulations 2006**

**5.**—(1) Regulation 10 of the Housing Benefit Regulations 2006(f) (persons from abroad), is amended as follows.

(2) In paragraph (3B) for sub-paragraph (f) substitute—

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(a) S.I. 2006/1003, to which there are amendments not relevant to these Regulations.  
 (b) S.I. 2006/3317, to which there are amendments not relevant to these Regulations.  
 (c) S.I. 2013/1460.  
 (d) S.I.1996/207; regulation 85A was inserted by S.I. 2006/1026; the relevant amending instruments are S.I. 2006/3341, 2011/2425  
 (e) S.I. 2002/1792; regulation 2 was substituted by S.I. 2006/1026; the relevant amending instruments are S.I. 2006/3341, 2011/2425.  
 (f) S.I. 2006/213; the relevant amending instruments are S.I. 2006/1026, 2006/3341, 2011/2425.

- “(f) 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 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”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**6.**—(1) Regulation 10 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) (persons from abroad) is amended as follows.

(2) In paragraph (4A) for sub-paragraph (f) substitute—

- “(f) 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 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”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

#### **Amendment of the Employment and Support Allowance Regulations 2008**

**7.**—(1) Regulation 70 of the Employment and Support Allowance Regulations 2008(b) (special cases: supplemental – persons from abroad) is amended as follows.

(2) In paragraph (4) for sub-paragraph (f) substitute—

- “(f) 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 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”), or
  - (ii) regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”);”.

#### **Amendment Consequential upon Croatia’s Accession to the European Union**

**8.**—(1) Part II of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(c) is amended as follows.

(2) In paragraph 1 after “on 17th March 1993” add “as modified or supplemented from time to time.”

Signed by the authority of the Secretary of State for Work and Pensions

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(a) S.I. 2006/214; the relevant amending instruments are S.I. 2006/1026, 2006/3341, 2011/2425.  
(b) S.I. 2008/794; the relevant amending instruments are S.I. 2006/3341, 2011/2425.  
(c) S.I. 2000/636, to which there are amendments not relevant to these Regulations.

12th June 2013

*Mark Hoban*  
Minister of State  
Department for Work and Pensions

## **EXPLANATORY NOTE**

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

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), and the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) ("the income-related benefit regulations") in consequence of the accession to the European Union on 1st July 2013 of Croatia.

The income-related benefit regulations provide that a claimant is ineligible for benefit where he or she is a "person from abroad" or, in the case of state pension credit, "a person not in Great Britain". A person is a person from abroad or a person not in Great Britain if he or she is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. No person shall be treated as habitually resident without a relevant right to reside in the place where he or she is habitually resident. However, certain categories of persons are exempt from this habitual residence test.

These Regulations insert a new category of persons who are exempt from the habitual residence test, namely nationals of Croatia who are subject to the worker authorisation scheme established by the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) and who are treated as workers pursuant to those Regulations. This adds to the exemption category, inserted on 1st January 2007, for the nationals of Bulgaria and Romania who are subject to the worker authorisation scheme and who are treated as workers pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317).

Regulation 8 amends paragraph 1 of Part II of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636) in order to update the reference to the Agreement on the European Economic Area.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector and civil society organisations.

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