

STATUTORY INSTRUMENTS

**2019 No. 128**

**EXITING THE EUROPEAN UNION  
SOCIAL SECURITY**

**The Social Security (Amendment) (EU Exit) Regulations 2019**

*Made - - - - 29th January 2019*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State, in exercise of the powers conferred by sections 8(1) and 23(1) of the European Union (Withdrawal) Act 2018 <sup>M1</sup>, makes the following Regulations.

In accordance with paragraph 1 of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** 2018 c. 16.

PROSPECTIVE

VALID FROM 31/12/2020

**Citation and commencement**

**1.—**(1) These Regulations may be cited as the Social Security (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

**Commencement Information**

**I1** Reg. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see **reg. 1(2)**

*Status: Point in time view as at 16/12/2020. This version of this Instrument contains provisions that are not valid for this point in time.  
Changes to legislation: There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

VALID FROM 31/12/2020

**Social Security Contributions and Benefits Act 1992**

2. In section 148 of the Social Security Contributions and Benefits Act 1992 <sup>M2</sup> (entitlement of pensioners to Christmas bonus), in subsection (1)(a), for “any other” substitute “ a ”.

**Commencement Information**

**I2** Reg. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M2** 1992 c. 4, to which there are amendments not relevant to these Regulations.

VALID FROM 31/12/2020

**Social Security Administration Act 1992**

3.—(1) The Social Security Administration Act 1992 <sup>M3</sup> is amended in accordance with this regulation.

(2) In section 73 (overlapping benefits – general), in subsection (5), for “member State other than the United Kingdom” substitute “ member State ”.

(3) In section 74 (income support and other payments), in subsection (2)(a), for “other member State” substitute “ member State ”.

(4) In section 80 (child benefit – overlap with benefits under legislation of other member States)—

- (a) in the title, omit “other”;
- (b) in the section, for “member State other than the United Kingdom” substitute “ member State ”.

<sup>F1</sup>(5) .....

**Textual Amendments**

**F1** Reg. 3(5) omitted (16.12.2020) by virtue of [The Social Security Co-ordination \(Revocation of Retained Direct EU Legislation and Related Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1508\)](#), [reg. 1\(2\)](#), [Sch. para. 3](#)

**Commencement Information**

**I3** Reg. 3 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M3** 1992 c. 5; section 73(5) was amended by section 254(1) of and paragraph 59 of Schedule 24 to the [Civil Partnership Act 2004 \(c. 33\)](#), and by section 1(3) and paragraph 21 of Schedule 1 and paragraph 1 of Schedule 2 to the [Child Benefit Act 2005 \(c. 6\)](#); section 80 was amended by section 1(3) of and paragraphs 19 and 22 of Schedule 1 to the [Child Benefit Act 2005 \(c. 6\)](#);

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section 179 was amended by the section 23 of and paragraph 25 of Schedule 12 to [Pensions Act 2014 \(c. 19\)](#) and there are other amendments that are not relevant to these Regulations.

VALID FROM 31/12/2020

#### **Amendments of secondary legislation**

- 4.** The Schedule contains amendments of secondary legislation.

#### **Commencement Information**

- I4** Reg. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

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

Department for Work and Pensions

*Alok Sharma*  
Minister of State for Employment

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

VALID FROM 31/12/2020

## SCHEDULE

Regulation 4

## Amendments of secondary legislation

**Social Security Benefit (Persons Abroad) Regulations 1975**

1.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975 <sup>M4</sup> are amended in accordance with this paragraph.

(2) In regulation 10C (modification of Parts 2 and 3 of the Social Security Act 1975 <sup>M5</sup> in relation to accidents happening or prescribed diseases contracted outside of Great Britain)—

- (a) in paragraph (1), in the definition of “prescribed area”, omit “(other than the United Kingdom)”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a), for “or a member State (including the United Kingdom)” substitute “, a member State or the United Kingdom ”;
  - (ii) in sub-paragraph (b), omit “(other than the United Kingdom)”.

(3) In regulation 11 (modification of the Social Security Act 1975 in relation to employment on the Continental Shelf)—

- (a) in paragraph (1), in the definition of “prescribed area”, omit “(other than the United Kingdom)”;
- (b) in paragraph (1A)(b)(iv), for “or a member State (including the United Kingdom)” substitute “, a member State or the United Kingdom ”;
- (c) in paragraph (2A)(d), for “or a member State (including the United Kingdom)” substitute “, a member State or the United Kingdom ”;
- (d) in paragraph (2B), omit “(other than the United Kingdom)”.

**Commencement Information**

- I5** Sch. para. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

- M4** [S.I. 1975/563](#); relevant amending instruments are [S.I. 1979/463](#), 1982/1738, 1996/207 and 2013/630.
- M5** [1975 c. 14](#). Following the consolidation of the Social Security Act 1975, by virtue of section 2, section 3 and Schedule 1 of the Social Security (Consequential Provisions) Act [1992 c. 6](#), [S.I. 1975/563](#) now has effect as if made under the Social Security Contributions and Benefits Act [1992 c.4](#). Section 50(5) of the Social Security Act 1975 has therefore been replaced by section 94(5) of the Social Security Contributions and Benefits Act 1992.

**Social Security (Invalid Care Allowance) Regulations 1976**

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976 <sup>M6</sup> are amended in accordance with this paragraph.

**Status:** Point in time view as at 16/12/2020. This version of this Instrument contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

(2) In regulation 9B (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU regulation applies) —

- (a) in the title, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

#### Commencement Information

**I6** Sch. para. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M6** [S.I. 1976/409](#), amended by [S.I. 2013/389](#); there are other amending instruments but none is relevant.

### Statutory Sick Pay (Mariners, Airmen and Persons Abroad) Regulations 1982

3.—(1) The Statutory Sick Pay (Mariners, Airmen and Persons Abroad) Regulations 1982 <sup>M7</sup> are amended in accordance with this paragraph.

(2) In regulation 4 (continental shelf – interpretation), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

(3) In regulation 5 (persons in other member States – meaning of “employee”)—

- (a) in the title, omit “other”;
- (b) in paragraph (a), omit “other than the United Kingdom”.

#### Commencement Information

**I7** Sch. para. 3 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M7** [S.I. 1982/1349](#), amended by [S.I. 1982/1738](#); there are other amending instruments but none is relevant.

### Statutory Maternity Pay (Persons Abroad and Mariners) Regulations 1987

4.—(1) The Statutory Maternity Pay (Persons Abroad and Mariners) Regulations 1987 <sup>M8</sup> are amended in accordance with this paragraph.

(2) In regulation 2 (persons in other member States – meaning of “employee”)—

- (a) in the title, omit “other”;
- (b) in paragraph (a), omit “other than the United Kingdom”.

(3) In regulation 5 (women who worked in the European Union)—

- (a) in paragraph (1)(b), for “another” substitute “a ”;
- (b) in the words after paragraph (1)(b), omit “other”.

(4) In regulation 8 (continental shelf), in paragraph (1), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

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**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I8** Sch. para. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M8** [S.I. 1987/418](#), amended by [S.I. 1996/777](#) and 2011/1043.

### Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

**5.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 <sup>M9</sup> are amended in accordance with this paragraph.

(2) In regulation 8 (duplication and prescribed payments), in paragraph (1)(g), omit “other than the United Kingdom”.

(3) The amendment made by sub-paragraph (2) also has effect in relation to regulation 8 as that regulation relates to child benefit and guardian's allowance by virtue of the transitional provision in regulation 44 (recovery of overpayments from awards of child benefit and guardian's allowance) of the Child Benefit and Guardian's Allowance (Administration) Regulations 2003 <sup>M10</sup>.

#### Commencement Information

**I9** Sch. para. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M9** [S.I. 1988/664](#) was revoked in relation to child benefit or guardian's allowance by [S.I. 2003/492](#). Regulation 8(1) was amended by 2005/337; there are other amending instruments but none is relevant.

**M10** [S.I. 2003/492](#), to which there are amendments not relevant to these Regulations.

### Social Security (Attendance Allowance) Regulations 1991

**6.**—(1) The Social Security (Attendance Allowance) Regulations 1991 <sup>M11</sup> are amended in accordance with this paragraph.

(2) In regulation 2B (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the title, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

#### Commencement Information

**I10** Sch. para. 6 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M11** [S.I. 1991/2740](#), amended by [S.I. 2013/389](#); there are other amending instruments but none is relevant.

**Status:** Point in time view as at 16/12/2020. This version of this Instrument contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

## Social Security (Disability Living Allowance) Regulations 1991

7.—(1) The Social Security (Disability Living Allowance) Regulations 1991<sup>M12</sup> are amended as follows.

(2) In regulation 2B (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies)—

- (a) in the title, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

### Commencement Information

**I11** Sch. para. 7 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

### Marginal Citations

**M12** [S.I. 1991/2890](#), amended by [S.I. 2013/389](#); there are other amending instruments but none is relevant.

## Housing Benefit Regulations 2006

8.—(1) The Housing Benefit Regulations 2006<sup>M13</sup> are amended in accordance with this paragraph.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in paragraph (18), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

(3) In regulation 105 (recovery of overpayments from prescribed benefits), in paragraph (1)(c), omit “other than the United Kingdom”.

### Commencement Information

**I12** Sch. para. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

### Marginal Citations

**M13** [S.I. 2006/213](#), amended by [S.I. 2005/2904](#) (as amended by [S.I. 2006/217](#)), and 2008/2824, 2016/624; there are other amending instruments but none is relevant.

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

9.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>M14</sup> are amended in accordance with this paragraph.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in paragraph (18), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

(3) In regulation 86 (recovery of overpayments from prescribed benefits), in paragraph (1)(c), omit “other than the United Kingdom”.

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**Commencement Information**

**I13** Sch. para. 9 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M14** [S.I. 2006/214](#), amended by [S.I. 2005/2904](#) (as amended by [S.I. 2006/217](#)) and 2016/624; there are other amending instruments but none is relevant.

**The Social Security (Personal Independence Payment) Regulations 2013**

**10.**—(1) The Social Security (Personal Independence Payment) Regulations 2013 <sup>M15</sup> are amended in accordance with this paragraph.

(2) In regulation 23 (persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU regulation applies)—

- (a) in the title, omit “other than the United Kingdom”;
- (b) in paragraph (a)(i), omit “other than the United Kingdom”.

**Commencement Information**

**I14** Sch. para. 10 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M15** [S.I. 2013/377](#), to which there are amendments not relevant to these Regulations.

**The Universal Credit Regulations 2013**

**11.** In regulation 11 (temporary absence from Great Britain) of the Universal Credit Regulations 2013 <sup>M16</sup>, in paragraph (5), in the definition of “prescribed area”, omit “(other than the United Kingdom)”.

**Commencement Information**

**I15** Sch. para. 11 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M16** [S.I. 2013/376](#), to which there are amendments not relevant to these Regulations.

**The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016**

**12.** In regulation 5 (transitional provision) of the Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 <sup>M17</sup>, in paragraph (4), in the definition of “prescribed area” omit “(other than the United Kingdom)”.



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**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

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**Commencement Information**

**I16** Sch. para. 12 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

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**Marginal Citations**

**M17** S.I. 2016/624.

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**EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers in sections 8 and 23 of the European Union (Withdrawal) Act in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union and to make consequential provision.

These Regulations make amendments to domestic legislation in the field of social security to reflect that the United Kingdom will no longer be a Member State of the European Union and to amend section 179 of the Social Security Administration Act 1992 (c. 4) to allow for the implementation of reciprocal agreements with the European Union or individual Member States following the United Kingdom's exit from the European Union.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Amendment) (EU Exit) Regulations 2019.