
STATUTORY INSTRUMENTS

2020 No. 1505

The Social Security, Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2020

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

2.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000⁽¹⁾ are amended as follows.

(2) In regulation 2 (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999)⁽²⁾—

- (a) in paragraph (1A), for “paragraphs 2, 3 and 4” substitute “paragraphs 2 and 3”, and
- (b) after paragraph (3) insert—

“(3A) For the purposes of entitlement to child benefit under the Contributions and Benefits Act⁽³⁾, a person who is a national of a State with which the United Kingdom has concluded an agreement which replaces, in whole or in part, an agreement under Article 217 of the Treaty on the Functioning of the European Union⁽⁴⁾ which makes provision for receipt of family allowances for members of their family who are legally resident in the United Kingdom, is a person to whom section 115 of the Act⁽⁵⁾ does not apply.”

(3) In Part II of the Schedule (persons not excluded under section 115 of the Immigration and Asylum Act 1999 from entitlement to certain benefits)⁽⁶⁾, in paragraph 2—

- (a) omit sub-paragraph (a), and
- (b) in sub-paragraph (b) for the words “an EU Agreement in sub-paragraph (a)” substitute “an agreement under Article 217 of the Treaty on the Functioning of the European Union”.

(1) [S.I. 2000/636](#) (the principal Regulations); relevant amending instruments are [S.I. 2002/2497](#), [2011/1043](#), [2013/630](#) and [2013/388](#). The principal Regulations will be amended by [S.I. 2019/1431](#) which comes into force on IP completion day. That term is defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1) as 31 December 2020 at 11:00pm. The coming into force date of [SI 2019/1431](#) is stated to be “exit day” but by virtue of paragraph 1(1) of Schedule to the European Union (Withdrawal Agreement) Act references to “exit day” are to be read as references to IP completion day.

(2) Regulation 2 has been relevantly amended by regulation 31(3)(a) of [S.I. 2013/630](#). There are other amending instruments but none is relevant.

(3) “The Contributions and Benefits Act” is defined in regulation 1 of the principal Regulations as meaning the Social Security Contributions and Benefits Act 1992.

(4) OJ C 202, 7.6.2016.

(5) “The Act” is defined in regulation 1 of the principal Regulations as meaning the Immigration and Asylum Act 1999.

(6) Part II has been relevantly amended by paragraphs 1 and 2 of Schedule 2 to [S.I. 2002/2497](#), articles 4 and 5 of [S.I. 2011/1043](#), paragraph 23(4) in Part 2 of the Schedule to [S.I. 2013/388](#) and regulation 2 of [S.I. 2019/1431](#). Paragraph 2 is substituted by regulation 2 of [S.I. 2019/1431](#) (which comes into force on IP completion day).