
STATUTORY INSTRUMENTS

2022 No. 344

**The Social Security (Habitual Residence and
Past Presence) (Amendment) Regulations 2022**

PART 2

**AMENDMENTS TO BENEFIT LEGISLATION EXTENDING
TO ENGLAND AND WALES AND SCOTLAND**

Amendment of income-related benefit legislation

- 2.—**(1) The provisions specified in paragraph (5) are amended as follows.
- (2) In paragraph (zzb), for “(h)(iv)” substitute “(h)”.
- (3) After sub-paragraph (zzb) insert—
- “(zzc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971⁽¹⁾; or
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act⁽²⁾.”.
- (4) In sub-paragraph (h), omit the words from “where that leave is” to the end of that sub-paragraph.
- (5) Those provisions are—
- (a) regulation 21AA(4) of the Income Support (General) Regulations 1987⁽³⁾;
- (b) regulation 85A(4) of the Jobseeker’s Allowance Regulations 1996⁽⁴⁾;
- (c) regulation 2(4) of the State Pension Credit Regulations 2002⁽⁵⁾;
- (d) regulation 10(3B) of the Housing Benefit Regulations 2006⁽⁶⁾;
- (e) regulation 10(4A) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽⁷⁾; and

(1) 1971 c. 77.

(2) Section 2 is substituted by section 39(2) of the British Nationality Act 1981 (c. 61).

(3) S.I. 1987/1967. Regulation 21AA is inserted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

(4) S.I. 1996/207. Regulation 85A is inserted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

(5) S.I. 2002/1792. Regulation 2 is substituted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

(6) S.I. 2006/213. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

(7) S.I. 2006/214. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

(f) regulation 70(4) of the Employment and Support Allowance Regulations 2008⁽⁸⁾.

Amendment of the Universal Credit Regulations 2013

3.—(1) Regulation 9(4) of the Universal Credit Regulations 2013⁽⁹⁾ is amended as follows.

(2) In paragraph (zb), for “(e)(iv)” substitute “(e)”.

(3) After sub-paragraph (zb) insert—

“(zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971; or

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act;”.

(4) In sub-paragraph (e), omit the words from “where that leave is” to the end of that sub-paragraph.

⁽⁸⁾ S.I. 2008/794. Relevant amendments are made by S.I. 2009/362 and 2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.

⁽⁹⁾ S.I. 2013/376. Relevant amendments are made by S.I. 2013/1508, 2020/683 and 1309 and 2021/1034.