

**2024 No. 936**

**SOCIAL SECURITY**

**The Social Security (Genuine and Sufficient Link to the United Kingdom) (Amendment) Regulations 2024**

<i>Made</i> - - - -	<i>10th September 2024</i>
<i>Laid before Parliament</i>	<i>12th September 2024</i>
<i>Coming into force</i> - -	<i>7th November 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 64(1), 70(4), 71(6) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and sections 77(3) and 94(1) and (2) of the Welfare Reform Act 2012(b).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(c), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Social Security (Genuine and Sufficient Link to the United Kingdom) (Amendment) Regulations 2024 and come into force on 7th November 2024.

(2) These Regulations extend to England and Wales.

**Amendments to the Social Security (Invalid Care Allowance) Regulations 1976**

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(d) are amended as follows.

(2) In regulation 9A (persons residing in Great Britain to whom a relevant EU Regulation applies) in paragraph (1)(c) omit “social security system”.

(3) In regulation 9B (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies) in paragraph (c) omit “social security system”.

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(a) 1992 c. 4. See section 122(1) for the meaning assigned to the word “prescribe”. Section 64(1) was amended by paragraph 41 of Schedule 1 to the Pensions Act 2007 (c. 22) and paragraphs 5(1) and (2) of Schedule 9 to the Welfare Reform Act 2012 (c. 5). Section 175(1) was amended by paragraph 29(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) 2012 c. 5. See section 95 for the meaning assigned to the word “prescribed”.

(c) 1992 c. 5.

(d) S.I. 1976/409; relevant amending instruments are S.I. 2013/389, 2019/128.

### **Amendments to the Social Security (Attendance Allowance) Regulations 1991**

3.—(1) The Social Security (Attendance Allowance) Regulations 1991(a) are amended as follows.

(2) In regulation 2A (persons residing in Great Britain to whom a relevant EU Regulation applies) in paragraph (1)(c) omit “social security system”.

(3) In regulation 2B (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies) in paragraph (c) omit “social security system”.

### **Amendments to the Social Security (Disability Living Allowance) Regulations 1991**

4.—(1) The Social Security (Disability Living Allowance) Regulations 1991(b) are amended as follows.

(2) In regulation 2A (persons residing in Great Britain to whom a relevant EU Regulation applies) in paragraph (1)(c) omit “social security system”.

(3) In regulation 2B (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies) in paragraph (c) omit “social security system”.

### **Amendments to the Social Security (Personal Independence Payment) Regulations 2013**

5.—(1) The Social Security (Personal Independence Payment) Regulations 2013(c) are amended as follows.

(2) In regulation 22 (persons residing in Great Britain to whom a relevant EU Regulation applies) in paragraph (c) omit “social security system”.

(3) In regulation 23 (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies) in paragraph (c) omit “social security system”.

Signed by authority of the Secretary of State

10th September 2024

*Stephen Timms*  
Minister of State  
Department for Work and Pensions

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(a) S.I. 1991/2740; relevant amending instruments are S.I. 2013/389, 2019/128.

(b) S.I. 1991/2890; relevant amending instruments are S.I. 2013/389, 2019/128.

(c) S.I. 2013/377; relevant amending instrument is S.I. 2019/128.

## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740), the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890) and the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377) to reflect that claimants to whom a relevant EU Regulation applies need only show a genuine and sufficient link to the United Kingdom and not the United Kingdom social security system.

These Regulations make the necessary legislative amendments to reflect the judgment in *Kavanagh and another v The Secretary of State for Work and Pensions [2019] EWCA Civ 272* by removing the words “social security system” after “the United Kingdom”.

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

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