
STATUTORY INSTRUMENTS

2012 No. 2587

**The Social Security (Habitual Residence)
(Amendment) Regulations 2012**

Amendment of the Employment and Support Allowance Regulations 2008

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

(2) After paragraph (3)(b), insert—

“(bb) regulation 15A(1) of those Regulations, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in regulation 15A(4A) of those Regulations;”.

(3) At the end of paragraph (3)(c), omit “or”.

(4) At the end of paragraph (3)(d), add “; or” and the following sub-paragraph—

“(e) Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen).”.

(1) [S.I. 2008/794](#); to which there are amendments not relevant to these Regulations.