

2018 No. 1084

SOCIAL SECURITY

**The Social Security (Updating of EU References) (Amendment)
Regulations 2018**

<i>Made</i>	- - - -	<i>15th October 2018</i>
<i>Laid before Parliament</i>		<i>17th October 2018</i>
<i>Coming into force</i>	- -	<i>15th November 2018</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to social security.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2, to the European Communities Act 1972, and it appears to the Secretary of State that it is expedient for certain references to provisions of Community instruments to be construed as references to those provisions as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Social Security (Updating of EU References) (Amendment) Regulations 2018 and come into force on 15th November 2018.

Social Security Contributions and Benefits Act 1992

2. In section 122 of the Social Security Contributions and Benefits Act 1992(c), in subsection (1) (interpretation)—

- (a) in the definition of “Regulation (EC) No 1408/71”(d), after “14 June 1971”, insert “, as amended from time to time,”;
- (b) in the definition of “Regulation (EC) No 883/2004(e)”, after “29 April 2004”, insert “, as amended from time to time,”.

(a) See Article 3 of S.I. 2010/2473.
(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(c) 1992 c. 4; section 122 was amended by S.I. 2011/2426; there are other amending Acts and instruments but none is relevant.
(d) OJ No. L 149, 5.7.1971, p.2; Regulation (EC) 1408/71 was repealed by Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ No. L 166, 30.4.2004, p. 1) but saved for certain purposes. Regulation (EC) 1408/71 has been amended by various EU instruments. It was restated in Part 1 of Annex A of Council Regulation (EC) No 118/97 of 2 December 1996 (OJ No. L 28, 30.1.1997, p.1) and has most recently been amended by Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008 (OJ No. L 177, 4.7.2008, p. 1).
(e) OJ No. L 166, 30.4.2004, p.1; this EU Regulation has been amended by various EU instruments, most recently by Commission Regulation (EU) 2017/492 of 21 March 2017 (OJ No. L 76, 22.3.2017, p. 13).

Welfare Reform Act 2012

3. In section 84 (no entitlement to daily living component where UK is not competent state) of the Welfare Reform Act 2012(a)—

- (a) in subsection (2)(a), after “14 June 1971”, insert “, as amended from time to time,”;
- (b) in subsection (2)(b), after “29 April 2004”, insert “, as amended from time to time,”.

Amendments of secondary legislation

4. The Schedule which contains amendments of secondary legislation has effect.

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

15th October 2018

Alok Sharma
Minister of State for Employment
Department for Work and Pensions

SCHEDULE

Regulation 4

Amendments of secondary legislation

Social Security (Maternity Benefit) Regulations 1975

1. In regulation 3B (temporary absences from Great Britain) of the Social Security (Maternity Benefit) Regulations 1975(b), in paragraph (c), after “1408/71/EEC”, insert “, as amended from time to time, or Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems”.

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

2. In regulation 5 (persons in other member States – meaning of “employee”) of the Statutory Sick Pay (Mariners, Airmen and Persons Abroad) Regulations 1982(c), in paragraph (b), after “1408/71”, insert “, as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems”.

Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

3.—(1) In regulation 20 (special provisions for certain persons who have been employed abroad) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(d)—

- (a) in paragraph (2)(b)(ii), at the end add “, as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,”;
- (b) in paragraph (4)(a), after “1408/71/EEC”, insert “, as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time”;
- (c) in paragraph (4)(c), after “Council Regulation”, insert “or Regulation of the European Parliament and of the Council”;

(a) 2012 c. 5.

(b) S.I. 1975/553; there are amending Acts and instruments but none is relevant.

(c) S.I. 1982/1349, to which there are amendments not relevant to these Regulations.

(d) S.I. 1983/1598, amended by S.I. 2011/1043; there are other amendments not relevant to these Regulations.

- (d) in the words after paragraph (4)(c), after “Council Regulation”, insert “or Regulation of the European Parliament and of the Council”.

Social Security (Maternity Allowance) (Work Abroad) Regulations 1987

4.—(1) In regulation 2 (special provision for certain persons who have been employed abroad of the Social Security (Maternity Allowance) (Work Abroad) Regulations 1987(a)—

- (a) in paragraph (2)(b)(ii)—
- (i) after “EEC”, insert “, as amended from time to time,”;
 - (ii) at the end, add “or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems”;
- (b) in paragraph (4)—
- (i) in sub-paragraph (a), after “EEC”, insert “, as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time”;
 - (ii) in sub-paragraph (c), after “Council Regulation”, insert “or Regulation of the European Parliament and of the Council”;
 - (iii) in the words after sub-paragraph (c), after “Council Regulation”, insert “or Regulation of the European Parliament and of the Council”.

Statutory Maternity Pay (Persons Abroad and Mariners) Regulations 1987

5. In regulation 2 (persons in other member States – meaning of “employee”) of the Statutory Maternity Pay (Persons Abroad and Mariners) Regulations 1987(b), in paragraph (b), after “1408/71”, insert “, as amended from time to time, or Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems”.

Income Support (General) Regulations 1987

6. In regulation 21AA (special cases: supplemental – persons from abroad) of the Income Support (General) Regulations 1987(c), in paragraph (3)(d), for “Article 39 of the Treaty establishing the European Community” substitute “Article 45 of the Treaty on the Functioning of the European Union”.

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

7.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(d) are amended in accordance with this paragraph.

- (2) In regulation 8 (duplication and prescribed payments), in paragraph (1)(g)—
- (a) after “1408/71”, insert “as amended from time to time,”;
 - (b) after “the Community,”, insert “or in Article 3(1) of Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,”;
 - (c) for “that Regulation”, substitute “either Regulation, as amended from time to time”.

(a) S.I. 1987/417, amended by S.I. 2000/691.

(b) S.I. 1987/418, amended by S.I. 2011/1043; there are other amendments not relevant to these Regulations.

(c) S.I. 1987/1967, amended by S.I. 2006/1026 and S.I. 2012/2587; there are other amending instruments but none is relevant.

(d) S.I. 1988/664 was revoked in relation to child benefit or guardian’s allowance by S.I. 2003/492; there are other amending instruments but none is relevant.

(3) The amendments made by sub-paragraph (2) also have 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 (transitional provisions) of the Child Benefit and Guardian's Allowance (Administration) Regulations 2003(a).

Social Security and Child Support (Decisions and Appeals) Regulations 1999

8.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(b) are amended in accordance with this paragraph.

(2) In Schedule 2, in paragraph 10 (European Union Regulations) after “1408/71”, insert “, as amended from time to time,”.

(3) The amendments made by sub-paragraph (2) also have effect in relation to paragraph 10 as that paragraph relates to child benefit and guardian's allowance by virtue of the transitional provision in regulation 35 (transitional provisions) of the Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulation 2003(c).

Social Fund Winter Fuel Payment Regulations 2000

9.—(1) In regulation 2(4)(a) (winter fuel payments) of the Social Fund Winter Fuel Payment Regulations 2000(d)—

- (a) after “1408/71”, insert “, as amended from time to time,”;
- (b) after “883/2004”, insert “, as amended from time to time,”.

Housing Benefit Regulations 2006

10.—(1) In regulation 105 (recovery of overpayments from prescribed benefits) of the Housing Benefit Regulations 2006(e)—

- (a) in paragraph (1)(c)—
 - (i) after “1408/71”, insert “, as amended from time to time,”;
 - (ii) after “the Community,”, insert “or in Article 3(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,”;
 - (iii) for “that Regulation”, substitute “either Regulation, as amended from time to time”;
- (b) in paragraph (1A), after “21st June 1999”, insert “,as amended from time to time”.

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

11.—(1) In regulation 86 (recovery of overpayments from prescribed benefits) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(f)—

- (a) in paragraph (1)(c)—
 - (i) after “1408/71”, insert “, as amended from time to time,”;

(a) S.I. 2003/492, to which there are amendments not relevant to these Regulations.
(b) S.I. 1999/991, amended by S.I. 2011/1043. S.I. 1999/991 was revoked in relation to child benefit or guardian's allowance by S.I. 2003/916; there are other amending instruments but none is relevant.
(c) S.I. 2003/916, to which there are amendments not relevant to these Regulations.
(d) S.I. 2000/729, amended by S.I. 2003/1737, 2013/1509, 2014/3270, 2015/67; there are other amending instruments but none is relevant.
(e) S.I. 2006/213, amended by S.I. 2005/2904 (as amended by S.I. 2006/217) and 2008/2824; there are other amending instruments but none is relevant.
(f) S.I. 2006/214, amended by S.I. 2005/2904 (as amended by S.I. 2006/217), 2008/2824; there are other amending instruments but none is relevant.

- (ii) after “the Community,” insert “or in Article 3(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,”;
- (iii) for “that Regulation”, substitute “either Regulation, as amended from time to time”;
- (b) in paragraph (1A), after “21st June 1999”, insert “(as amended from time to time)”.

Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013

12. In Schedule 3 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013(a), in paragraph 17 (European Community Regulations) after “1408/71”, insert “, as amended from time to time”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations update cross-references to EU legislation in social security legislation in advance of exit day. This ensures those cross-references are up to date at exit day and ensure those cross-references will capture any amendments to the EU legislation before exit day and, to the extent that they apply to the United Kingdom, any amendments to EU legislation made after exit day.

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

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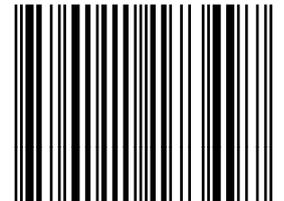
(a) S.I. 2013/381, to which there are amendments not relevant to these Regulations.

£4.90

UK201810161006 10/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/1084>

ISBN 978-0-11-117349-7



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