
STATUTORY INSTRUMENTS

2021 No. 1034

The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021

PART 3

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

Amendment of disability and carers benefit legislation

4.—(1) The provisions specified in paragraph (4) are amended as follows.

(2) For the title substitute “Refugees and certain persons with leave to enter or remain in the United Kingdom”.

(3) In paragraph (1)—

(a) at the end of sub-paragraph (a), omit “or”;

(b) after sub-paragraph (b) insert—

“(c) leave to enter or remain in the United Kingdom granted under the immigration rules by virtue of—

(i) the Afghan Relocations and Assistance Policy; or

(ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

(d) been granted discretionary leave outside the immigration rules as a dependant of a person referred to in sub-paragraph (c); or

(e) leave granted under the Afghan Citizens Resettlement Scheme.”.

(4) Those provisions are—

(a) regulation 9C of the Social Security (Invalid Care Allowance) Regulations 1976⁽¹⁾ (“the CA Regulations”);

(b) regulation 2C of the Social Security (Attendance Allowance) Regulations 1991⁽²⁾ (“the AA Regulations”);

(c) regulation 2C of the Social Security (Disability Living Allowance) Regulations 1991⁽³⁾ (“the DLA Regulations”); and

(d) regulation 23A of the Social Security (Personal Independence Payment) Regulations 2013⁽⁴⁾ (“the PIP Regulations”).

(5) In regulation 9C of the CA Regulations, after paragraph (1) insert—

⁽¹⁾ [S.I. 1976/409](#). Regulation 9C is inserted by [S.I. 2017/1015](#).

⁽²⁾ [S.I. 1991/2740](#). Regulation 2C is inserted by [S.I. 2017/1015](#).

⁽³⁾ [S.I. 1991/2890](#). Regulation 2C is inserted by [S.I. 2017/1015](#).

⁽⁴⁾ [S.I. 2013/377](#). Regulation 23A is inserted by [S.I. 2017/1015](#).

“(1A) Regulation 9(1)(a) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.

(6) In regulation 2C of the AA Regulations, after paragraph (1) insert—

“(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.

(7) In regulation 2C of the DLA Regulations, after paragraph (1) insert—

“(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.

(8) In regulation 23A of the PIP Regulations, after paragraph (1) insert—

“(1A) Regulation 16(c) does not apply in relation to a claim for personal independence payment where paragraph (1)(c), (d) or (e) applies to C.”.