
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 11

The Social Security (Persons from Abroad) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Amendment of the Disability Working Allowance (General) Regulations

10. In regulation 5 of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992⁽¹⁾ (circumstances in which a person is treated as being or as not being in Northern Ireland)—

(a) in paragraph (1) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) subject to paragraph (1A), his right to reside or remain in Northern Ireland is not subject to any limitation or condition;”;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) For the purposes of paragraph (1)(aa), a person’s right to reside or remain in Northern Ireland is not to be treated as if it were subject to a limitation or condition if—

(a) he is a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article I(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(b) he is a person who has been granted exceptional leave outside the provisions of the immigration rules within the meaning of the Immigration Act 1971 to remain in the United Kingdom by the Secretary of State;

(c) he is a national, or a member of the family of a national, of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993; or

(d) he is a person who is—

(i) lawfully working in Northern Ireland and is a national of a State with which the European Community has concluded an Agreement under Article 238 of the Treaty establishing the European Community providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families, or

(ii) a member of the family of, and living with, such a person.”.

⁽¹⁾ S.R. 1992 No. 78, to which there are amendments not relevant to these regulations