
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 184

**The Social Security (Habitual Residence
and Past Presence, and Capital Disregards)
(Amendment) Regulations (Northern Ireland) 2023**

Amendment of the habitual residence test in income-related benefit legislation

2.—(1) In the provisions specified in paragraph (2) after sub-paragraph (zzd)(1) insert—

“(zze) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023, who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—

- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(2);
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(3); or
- (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(4);”.

(2) Those provisions are—

- (a) regulation 21AA(4) of the Income Support (General) Regulations (Northern Ireland) 1987(5) (special cases: supplemental—persons from abroad);
- (b) regulation 85A(4) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(6) (special cases: supplemental—persons from abroad);
- (c) regulation 2(4) of the State Pension Credit Regulations (Northern Ireland) 2003(7) (persons not in Northern Ireland);
- (d) regulation 10(5) of the Housing Benefit Regulations (Northern Ireland) 2006(8) (persons from abroad);
- (e) regulation 10(5) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(9) (persons from abroad);

(1) Sub-paragraph (zzd) was inserted by regulation 2(1) of [S.R. 2023 No. 80](#)

(2) [1971 c. 77](#)

(3) Section 2 was substituted by section 39(2) of the British Nationality Act [1981 \(c. 61\)](#) and amended by regulation 4(2) of [S.I. 2019/745](#)

(4) Section 3ZA was inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act [2020 \(c. 20\)](#)

(5) [S.R. 1987 No. 459](#); regulation 21AA was inserted by regulation 2(3) of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2021 No. 269](#), [S.R. 2022 Nos. 149 and 230](#) and [S.R. 2023 No. 80](#)

(6) [S.R. 1996 No. 198](#); regulation 85A was inserted by regulation 4(3) of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2021 No. 269](#), [S.R. 2022 Nos. 149 and 230](#) and [S.R. 2023 No. 80](#)

(7) [S.R. 2003 No. 28](#); regulation 2 was substituted by regulation 5 of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2021 No. 269](#), [S.R. 2022 Nos. 149 and 230](#) and [S.R. 2023 No. 80](#)

(8) [S.R. 2006 No. 405](#); relevant amending Regulations are [S.R. 2021 No. 269](#), [S.R. 2022 Nos. 149 and 230](#) and [S.R. 2023 No. 80](#)

(9) [S.R. 2006 No. 406](#); relevant amending Regulations are [S.R. 2021 No. 269](#), [S.R. 2022 Nos. 149 and 230](#) and [S.R. 2023 No. 80](#)

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2023, Section 2. (See end of Document for details)*

- (f) regulation 70(4) of the Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹⁰⁾ (special cases: supplemental – persons from abroad).
- (3) In regulation 9(4) of the Universal Credit Regulations (Northern Ireland) 2016⁽¹¹⁾ (persons treated as not being in Northern Ireland), after sub-paragraph (zd)⁽¹²⁾ insert—
- “(ze) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023, who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—
- (i) has been granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,”.

Commencement Information

II Reg. 2 in operation at 28.10.2023, see [reg. 1\(1\)](#)

⁽¹⁰⁾ S.R. 2008 No. 280; relevant amending Regulations are S.R. 2021 No. 269, S.R. 2022 Nos. 149 and 230 and S.R. 2023 No. 80
⁽¹¹⁾ S.R. 2016 No. 216; relevant amending Regulations are S.R. 2021 No. 269, S.R. 2022 Nos. 149 and 230 and S.R. 2023 No. 80
⁽¹²⁾ Sub-paragraph (zd) was inserted by regulation 3 of S.R. 2023 No. 80

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2023, Section 2.