
 STATUTORY INSTRUMENTS

1977 No. 1679

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad)
Amendment Regulations 1977**

<i>Made</i>	- - -	17th October 1977
<i>Laid before Parliament</i>		24th October 1977
<i>Coming into Operation</i>		14th November 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 35(1), 82(5), 114(1) and 131 of the Social Security Act 1975 (a) and section 37A of that Act as added by the Social Security Pensions Act 1975 (b) and of all other powers enabling him in that behalf, and after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefit (Persons Abroad) Amendment Regulations 1977 and shall come into operation on 14th November 1977.

(2) In these regulations, “the Act” means the Social Security Act 1975.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 (c) shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument and the regulations revoked by it were Acts of Parliament and as if the revocations were repeals.

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

2.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975 (d), as amended (e), shall be further amended in accordance with the provisions of this regulation.

(2) Regulation 2 (modifications of Act in relation to sickness benefit, invalidity benefit, non-contributory invalidity pension, unemployability supplement and maternity allowance) shall be amended by the substitution, for sub-paragraph (a) of paragraph (1), of the following, namely—

“(a) the Secretary of State has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of one of the conditions in sub-paragraphs (b) and (c) below, the disqualification under section 82(5)(a) of the Act should not apply, and either”.

(a) 1975 c. 14.

(b) 1975 c. 60.

(c) 1889 c. 63.

(d) S.I. 1975/563 (1975 I, p. 2052).

(e) S.I. 1975/1058 (1975 II, p. 3691).

(3) Regulation 9 (modification of the Act in relation to title to injury benefit and disablement benefit and industrial death benefit) shall be amended by the substitution, for sub-paragraph (a) of paragraph (1), of the following, namely—

“(a) the Secretary of State has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of the condition in sub-paragraph (b) below, the disqualification under section 82(5)(a) of the Act should not apply, and”.

(4) Regulations 2(2) and 9(2) are hereby revoked.

Amendment of the Social Security (Attendance Allowance) (No. 2) Regulations 1975 and the Mobility Allowance Regulations 1975

3. In both the Social Security (Attendance Allowance) (No. 2) Regulations 1975 (a), as amended (b), and the Mobility Allowance Regulations 1975 (c), as amended (b), regulation 2 (entitlement conditions as to residence and presence in Great Britain) shall be amended by omitting from paragraph (2) of each regulation the word “only” and by the substitution, in each case, for the words “during such period as is reasonable in all the circumstances of the case”, where those words appear in paragraph (2)(e) and paragraph (3)(e) respectively, of the words “and the Secretary of State has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of the foregoing condition in this sub-paragraph, he should be treated as though he were present in Great Britain.”

David Ennals,

Secretary of State for Social Services.

17th October 1977.

(a) S.I. 1975/598 (1975 I, p. 2179).

(b) The relevant amending instrument is S.I. 1977/342 (1977 I, p. 1033).

(c) S.I. 1975/1573 (1975 III, p. 5450).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 2 of these regulations amends certain of the provisions of the Social Security Benefit (Persons Abroad) Regulations 1975, which set out the circumstances in which the disqualification for the receipt of benefit during periods of absence from Great Britain may be removed. In the case of certain benefits, the regulation provides for the removal of the disqualification where the Secretary of State has certified that it is consistent with the proper administration of the Social Security Act 1975 that the disqualification should not apply and where certain conditions set out in the regulations of 1975 are satisfied.

Regulation 3 amends certain of the provisions of the Social Security (Attendance Allowance) (No. 2) Regulations 1975 and the Mobility Allowance Regulations 1975 which set out conditions relating to residence or presence in Great Britain on which entitlement to attendance allowance and mobility allowance depends. The regulation provides that one of the conditions shall be that the Secretary of State has certified that it is consistent with the proper administration of the Social Security Act 1975 that where another condition set out in the regulations of 1975 is satisfied the person concerned should be treated as if he were present in Great Britain.

The Report of the National Insurance Advisory Committee dated 22nd July 1977 on the draft of the regulations which was referred to them is contained in Command Paper (Cmnd. 6967) published by Her Majesty's Stationery Office.

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