



# Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

## 2020 CHAPTER 20

### PART 2

#### SOCIAL SECURITY CO-ORDINATION

- 6 Power to modify retained direct EU legislation relating to social security co-ordination**
- (1) An appropriate authority may by regulations modify the retained direct EU legislation mentioned in subsection (2).
- (2) The retained direct EU legislation is—
- (a) Regulation [\(EC\) No 883/2004](#) of the European Parliament and of the Council on the co-ordination of social security systems;
  - (b) Regulation [\(EC\) No 987/2009](#) of the European Parliament and of the Council laying down the procedure for implementing Regulation [\(EC\) No 883/2004](#);
  - (c) Regulation [\(EEC\) No 1408/71](#) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
  - (d) Regulation [\(EEC\) No 574/72](#) fixing the procedure for implementing Regulation [\(EEC\) No 1408/71](#);
  - (e) Regulation [\(EC\) No 859/2003](#) extending Regulation [\(EEC\) No 1408/71](#) to nationals of non-EU Member Countries.
- (3) The power to make regulations under subsection (1) includes power—
- (a) to make different provision for different categories of person to whom they apply (and the categories may be defined by reference to a person's date of arrival in the United Kingdom, their immigration status, their nationality or otherwise);
  - (b) otherwise to make different provision for different purposes;

*Changes to legislation: There are currently no known outstanding effects for the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, PART 2. (See end of Document for details)*

- (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision;
  - (d) to provide for a person to exercise a discretion in dealing with any matter.
- (4) The power to make provision mentioned in subsection (3)(c) includes power to modify—
- (a) any provision made by primary legislation passed before, or in the same Session as, this Act;
  - (b) any provision made under primary legislation before, or in the same Session as, this Act is passed;
  - (c) retained direct EU legislation which is not mentioned in subsection (2).
- <sup>F1</sup>(5) .....
- <sup>F2</sup>(6) .....
- (7) In this section, “appropriate authority” means—
- (a) the Secretary of State or the Treasury,
  - (b) a Northern Ireland department, or
  - (c) a Minister of the Crown acting jointly with a Northern Ireland department.
- (8) Schedule 2 contains further provision about the power to make regulations under this section.
- (9) Schedule 3 contains provision about the making of regulations under this section.

**Textual Amendments**

**F1** S. 6(5) omitted (1.1.2024) by virtue of [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 92(4)**

**F2** S. 6(6) omitted (1.1.2024) by virtue of [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 92(4)**

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**Commencement Information**

**I1** S. 6 in force at 14.11.2020 by [S.I. 2020/1279](#), **reg. 2(b)**

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