

STATUTORY INSTRUMENTS

1987 No. 1973

The Family Credit (General) Regulations 1987

PART II

PRESENCE IN GREAT BRITAIN AND REMUNERATIVE WORK

Circumstances in which a person is treated as being or as not being in Great Britain

3.—(1) A person shall be treated as being in Great Britain if, on the date of claim—

(a) he is present and ordinarily resident in Great Britain; and

[^{F1}(aa) subject to paragraph (1A), [^{F2}he is not a person subject to immigration control (within the meaning of section 115 of the Immigration and Asylum Act 1999)]; and]

(b) his partner, if any, is ordinarily resident in the United Kingdom; and

(c) his earnings or the earnings of his partner, if any, derive at least in part from remunerative work in the United Kingdom; and

(d) his earnings do not wholly derive from remunerative work outside the United Kingdom nor do the earnings of his partner, if any.

(1ZA) [^{F3}A Crown servant posted overseas, or his partner, shall be treated as being in Great Britain for the duration of his posting.]

[^{F4}(1A) For the purposes of paragraph (1)(aa), a [^{F5}person is not subject to immigration control] if—

^{F6}(a)

^{F6}(b)

(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 Great Britain and is a national of a State with which the [^{F7}EU] 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;][^{F8}or

(e) he is a person who—

(i) has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon the undertaking of another person, or persons, pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation, and

- (ii) has been resident in the United Kingdom for a period of at least 5 years beginning with his date of entry into the United Kingdom, or the date on which the undertaking was given in respect of him, whichever is the later, or
- (f) he is a person who—
- (i) has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon the undertaking of another person, or persons, pursuant to the immigration rules mentioned in sub-paragraph (e) above, to be responsible for his maintenance and accommodation, and
- (ii) has been resident in the United Kingdom for less than 5 years beginning with his date of entry into the United Kingdom, or the date on which the undertaking was given in respect of him, whichever is the later, but the person giving the undertaking has died or, where the undertaking was given by more than one person, they have all died.]
- (2) A person shall be treated as not being in Great Britain during any period for which he, or his partner, is entitled to be paid [^{F9}working families' tax credit][^{F10}or [^{F11}disabled person's tax credit]] under the law of Northern Ireland.

Textual Amendments

- F1** Reg. 3(1)(aa) inserted (5.2.1996) by [The Social Security \(Persons From Abroad\) Miscellaneous Amendments Regulations 1996 \(S.I. 1996/30\)](#), regs. 1(1), 6(a)
- F2** Words in reg. 3(1)(aa) substituted (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **3(a)**
- F3** Reg. 3(1ZA) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [Tax Credits \(Miscellaneous Amendments No.4\) Regulations 2002 \(S.I. 2002/1696\)](#), regs. 1(1), **6**
- F4** Reg. 3(1A) inserted (5.2.1996) by [The Social Security \(Persons From Abroad\) Miscellaneous Amendments Regulations 1996 \(S.I. 1996/30\)](#), regs. 1(1), 6(b)
- F5** Words in reg. 3(1A) substituted (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **3(b)(i)**
- F6** Reg. 3(1A)(a)(b) omitted (with effect in accordance with reg. 1(1) of the amending S.I.) by virtue of [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/795\)](#), regs. 1(1), **3(b)(ii)**
- F7** Word in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**
- F8** Reg. 3(1A)(e)(f) and word added (with effect in accordance with reg. 3(3) of the amending S.I.) by [The Tax Credits Schemes \(Miscellaneous Amendments No. 4\) Regulations 2000 \(S.I. 2000/2978\)](#), regs. 1(1), **3(2)**
- F9** Words in reg. 3(2) substituted (5.10.1999) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 1999 \(S.I. 1999/2487\)](#), regs. 1(1), 26(1), **Sch. 1 para. 1(iii)**
- F10** Words in reg. 3(2) added (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **13(3)**
- F11** Words in reg. 3(2) substituted (5.10.1999) by [The Tax Credits Schemes \(Miscellaneous Amendments\) Regulations 1999 \(S.I. 1999/2487\)](#), regs. 1(1), 26(2), **Sch. 2 para. 1(i)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Credit (General) Regulations 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Regs S.49A added by [S.I. 1996/1418 reg.2](#)
- regs.13A(2)21A(2) amended by [S.I. 1997/2793 reg.2\(5\)\(c\)](#)